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ON INDIAN CONSTITUTIONAL REFORM
[SESSION 1933–34]

VOLUME II

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RECORD A.1.

[20TH DECEMBER, 1933.]

I.—Notes by the Secretary of State for India on the Points of Difference between the Proposals for Constitutional Reform in Burma and in India.

The matters in respect of which the Constitutional proposals for Burma, if separated from India, differ otherwise than verbally from those contained in the Indian White Paper have been indicated by the use of italics in the Constitutional memorandum on Burma already circulated—(Joint Committee on Indian Constitutional Reform [Session 1932-33] Volume III p. 535).

The following commentary explains these italicised points of difference, and also one or two matters in which, though the form of the proposal corresponds to that of the analogous proposal in the Indian White Paper, the underlying conditions in which the proposal is to be applied are substantially different.

Proposal 1.

Like the corresponding proposal in the Indian White Paper, this proposal deals with two categories of jurisdiction, that exercisable in territory belonging to the King—that is, that part of Burma which is British Indian territory—and that exercisable in those parts which, though embraced in the geographical limits of Burma as generally understood, are part of India, but not of British India. The Province of Burma, including the Shan States and the Chin and Kachin and other tribal territory, some of it almost unexplored and hitherto not brought under regular administration, which lies on the Burma side of the Indo-China and Indo-Siamese frontier, or of the provincial frontier (partly undefined) between Burma and Assam, is part of British India, and is British territory (" belonging " to the King). But the Indo-Siamese frontier leaves also on the Burma side the territory known as the Karenni States, the independence of which was guaranteed by a treaty with the former Burmese kingdom in 1875, and which, though not part of British India or the Province of Burma, are part of " India ", since that term includes the " territory of any native Chief under the suzerainty of His Majesty exercised through the Governor-General (of India)." Actually, these tracts are " in the political control of the Government of Burma ", and the jurisdiction exercised in them is exercised by the Governor (and his subordinate officers) on behalf of the Governor-General by virtue of notifications, etc., issued by the Foreign and Political Department of the Government of India under the Indian (Foreign Jurisdiction) Order in Council, 1902. Though the Karenni States are extremely backward and of little economic or political importance, their position seems constitutionally to be precisely that of the States in India, and it seems necessary therefore to vest in His Majesty in Burma authority in relation to them equivalent to and expressed in terms identical with those used to express the position of the Crown in relation to the Indian States.

For practical reasons it is evidently necessary that the jurisdiction exercised heretofore, in this regard, by the Crown through the Governor-General of India and, on the latter's behalf, through the Governor of Burma, shall be exercised in future by the Crown through the Governor of Burma direct, without the intervention of the Governor-General of India. For this purpose, it will be necessary to issue a new Foreign Jurisdiction Order in Council authorising the Governor of Burma to act for the Crown under the Foreign Jurisdiction Act.

Proposal 2.

It seems necessary to define the territories to which the new Constitution Act is to apply. But it does not seem necessary to include in the Act a categorical statement that these territories have been separated from India. If the fact of separation is to be recorded in some formal manner, this could be done by other means, e.g., in the Proclamation bringing the Constitution Act into effect.

Proposal 3.

The reasons underlying this proposal are explained shortly in paragraph 9 of the Introduction to the Burma Constitutional Memorandum.

There are a number of Imperial Acts which at present extend to Burma as part of British India; on the other hand, Acts extending to "the Colonies" as such, do not apply to British India, or consequently to Burma.

Imperial Acts extend to British India either because they are so extended in terms or else because they are declared to extend "throughout His Majesty's Dominions" or "to all British Possessions" or in some other phrase which includes British India.

Acts which are applied to British India *eo nomine* would (unless specially saved in the Constitution, as Proposal 4 suggests should be done) automatically cease to apply to Burma when she ceases to be part of British India, but she would still remain a "British Possession" and part of "His Majesty's Dominions," so that Acts, the extent of which is declared by such formula, will continue to apply to Burma.

On the other hand, the moment Burma ceased to be part of British India all Acts which are declared to extend to "Colonies" would, having regard to the definition of "Colony" in the Interpretation Act, 1889, as "any part of His Majesty's Dominions exclusive of the British Islands and of British India", automatically apply to Burma (or, at any rate, such of them as were passed after the Interpretation Act). Of such Acts the most important is probably the Colonial Laws Validity Act, 1865. Some of the provisions of this Act, and notably those which confer extensive powers of Constitutional Amendment and of establishing, abolishing, and reconstituting Courts of Judicature, are, however, not appropriate to the Constitution of Burma outlined in the Constitutional Memorandum, and it is necessary for this reason (as well as to avoid the implication that Burma is reduced to the status of a "Colony", which might be interpreted as meaning "Crown Colony") to prevent its application. Should it on further examination be found desirable in the interests of Burma to apply to her any Acts at present expressly applied to "Colonies", this could be done by means of an appropriate provision in the Constitution Act. It is doubtful whether there are more than one or two Acts of this kind, e.g., Colonial Boundaries Act, 1895, Colonial Naval Defence Act, 1931.

Put shortly, the objects to be achieved are (i) to ensure that Acts which previously applied to Burma because she was part of British India should continue to do so, and (ii) to rule out the possibility of Burma's change of status bringing her within the ambit of any Acts (possibly with certain specified exceptions) which previously did not apply to her. As the definition of "Colony" in the Interpretation Act, 1889, applied only to Acts passed after that Act, and in view of the extremely vague language employed with reference to "colonies", "colonial possessions," etc., in earlier Acts, and also for the removal of doubts, it seems advisable to draft the necessary clause in the Burma Constitution in the widest and most comprehensive terms.

Proposal 4.

It will be necessary to make provision for the continued application to Burma of laws of the British Parliament applying to British India and of existing Indian laws and the rules, regulations, notifications, etc., made thereunder by means of which the laws are interpreted and administered. This can perhaps best be done by means of a general clause empowering His Majesty by Order in Council to adapt the form of Indian laws, etc., to meet the situation, though Indian laws in which it is desired to make more than formal amendments (e.g., the Indian Railways Act and the Indian Tariff Act) will require to be specially dealt with.

Proposal 5.

See footnote to proposal 5 of the Burma Constitutional Memorandum. [Joint Committee on Indian Constitutional Reform (Session 1932-33) Volume III page 67.]

Proposal 6.

See footnote to proposal 6 of the Burma Constitutional Memorandum. [Joint Committee on Indian Constitutional Reform (Session 1932-33) Volume III page 68.]

Proposal 10.

As regards the reservation to the Governor of the control of monetary policy, currency and coinage, the proposal is that as laid down in the Prime Minister's statement at the end of the Burma Conference, this side of finance, of which Burma has no experience, should be reserved to the Governor as a department in his sole charge (assisted by a Financial Adviser).

Proposal 11.—(*The Financial Adviser.*)

The Prime Minister, in his announcement at the conclusion of the Burma Round Table Conference, made the following statement on this subject:—

> "In view of the wider range of finance which would devolve on the Government of Burma as the result of separation, His Majesty's Government are of opinion that the Statute should provide for the appointment by the Secretary of State of a Financial Adviser to the Government. In respect of matters reserved to the personal administration of the Governor, the Financial Adviser would be the Governor's Adviser. Outside this field, all proposals having an important financial significance should be referred to him, and provision should be made to ensure that any objections that he may have to measures proposed should be made known to the Ministry and the Governor."

As the Burma Memorandum [Joint Committee on Indian Constitutional Reform (Session 1932-33) Volume III page 53] now stands, it is proposed, in conformity with the Indian White Paper, that the Financial Adviser shall be appointed by the Governor in his discretion after consultation with Ministers (proposal 16), in exactly the same way as the Financial Adviser in India. It is further provided (proposal 11) that one of the Governor's Counsellors may be appointed Financial Adviser. This provision is not found in the Indian White Paper.

The position of the Financial Adviser is further dealt with in proposals 15 and 47 (ii). Proposal 15 authorises the Governor to make rules for the transmission of information to the Financial Adviser, and proposal 47 (ii) makes the salary and allowances of the Financial Adviser and his staff non-votable charges on the revenue.

It will be noted that proposal 16 in the Burma Memorandum, drafted to follow proposal 17 of the Indian White Paper, diverges from the lines of the Prime Minister's statement inasmuch as it proposes that the Financial Adviser should be appointed by the Governor in his discretion after consultation with Ministers instead of by a Secretary of State.

This is consequential upon the proposal in the Indian White Paper that in India the Financial Adviser should be appointed by the Governor-General in his discretion after consultation with Ministers. There would seem to be no grounds for differentiating in this respect in the case of Burma. Appointment by the Governor instead of by the Crown or a Secretary of State should not render it any more difficult to obtain an expert from outside Burma.

The provision that the Financial Adviser should be consulted by Ministers on matters in respect of which *they may ask for his advice*, might on account of its permissive nature appear to conflict with the last sentence of the passage quoted from the Prime Minister's statement. This provision, however, refers to matters on the transferred side of Government in which the Governor's special responsibility for the financial stability and credit of Burma is not involved. It is not intended to prevent the Governor in making rules of executive business under the provision in proposal 15, from requiring Ministers and Departments to submit to him through the Financial Adviser adequate advance information upon specified categories of proposals (e.g., borrowing and taxation) originating in the transferred side of Government, which might affect the reserved departments or involve the exercise of his special responsibilities.

In addition to advising the Governor in connection with the reserved subject of Currency and Coinage, the Financial Adviser would (*a*) advise the Governor in respect of the financial aspect of his reserved departments; (*b*) advise him upon any matters on the transferred side of Government upon which he desired to be kept informed; and (*c*) be available to advise Ministers upon any matters on the transferred side on which they chose to seek his advice. It is difficult to determine at present whether it will be found possible in the case of an officer entrusted with these varying responsibilities to take advantage of the permission afforded by proposal 11 to double the appointment of Financial Adviser with that of Counsellor. The intention of this proposal, should it be found practicable, is to avoid saddling Burma with the expense of both a Financial Adviser and a Financial Counsellor, who will be required in an executive capacity on the reserved side of Government, and for the purpose of expounding the Governor's policy in the Legislature.

It will be remembered that no provision is made in the Indian White Paper for the appointment of Financial Advisers in the Provinces. The Financial Adviser to the Government of Burma may therefore be required to advise the Governor on matters that in India would be Provincial as well as on those that would be Federal in India, and the field in which his counsel may be required will be more comprehensive than that of the Financial Adviser to the Federal Government of India.

Proposal 17.

Except that there is no provision making it a special responsibility of the Governor to safeguard the rights of the States (which, with the unimportant exception of the Karenni States, are non-existent in the Burma case), this list of special responsibilities corresponds to that in the Indian White Paper.

Proposals 21-29.

See Memorandum on page 9 of this Volume on the composition of the Legislature and the franchise, and also the footnote to proposal 21 of Burma Constitutional Memorandum. [Joint Committee on Indian Constitutional Reform (Session 1932-33) Volume III page 71.]

Proposal 37.

This proposal merely states that Bills may be introduced in either Chamber of the Legislature. But in the footnote on page 18 of the Memorandum it is stated that it is proposed in the case of Burma to differ from the proposals for the Indian Federal Legislature to the extent of enabling Money Bills to be initiated in the Upper Chamber as well as in the Lower, instead of in the Lower Chamber alone, and it is also pointed out that the Burma Memorandum makes no provision similar to proposal 48 of the Indian White Paper, which allows a power to the Upper Chamber, if a motion to that effect is moved on behalf of Government, of requiring a Joint Session to be called if it disapproves of a reduction or rejection of any Demand by the Lower Chamber.

The reason for proposing, save in the case of Supply, equal powers for the two Chambers in Burma, is the desirability of imposing the check of a senatorial body upon an inexperienced Lower Chamber entrusted with a range of responsibilities wider than that to be accorded to any single Lower Chamber, Federal or Provincial, in India.

The same argument is not, of course, applicable to the question of Supply, which should normally vest in the Lower Chamber.

Proposal 38.

Erratum.—The reference to proposal 40 should be to proposal 41.

Proposals 54 *and* 55.

These taken together follow generally proposals 110-118 of the Indian White Paper so far as they are applicable to the case of Burma, where the complications attending the relative powers of Federal and Provincial Legislatures do not arise.

There are, however, certain points of divergence:—

(1) Sub-clause (*d*) of proposal 54 and the second sentence of proposal 55, differ somewhat from the corresponding Indian provisions owing to the mixed nature of the forces likely to be maintained in Burma at the outset. The "Burma Defence Force" will, it is contemplated, comprise the frontier battalions of the Burma Military Police, put on a definitely military basis, and internal security battalions of indigenous troops. For these troops a Burma Army Act will need to be passed by the Burma Legislature. In addition to these units there will be serving in Burma, at any rate for some years to come, one or two British and Indian Army battalions. The position of the former will be secured by the restriction on the Burma Legislature against legislation conflicting with the Army Act; a similar restriction will be required in respect of Indian units for the Indian Army Act. Similarly, just as the Air Force must be safeguarded, as in the present Act, so the Indian Air Force Act should be safeguarded against the event of any personnel of the Indian Air Force being lent for service in Burma.

Corresponding provision needs also to be made in respect of naval personnel or of Indian personnel of the Marine Service serving in

Burma. At present, personnel of the Royal Indian Marine are amenable to the Indian Marine Service Act; but it is not unlikely that this may be replaced (as has already been attempted) by an "Indian Navy (or Naval Discipline) Act".

The separation of Burma from India and her suggested position in the British Commonwealth as something not in terms a "Colony" would necessitate amendments of a verbal nature in the sections of the Army Act referring to His Majesty's Forces in India and His Majesty's Indian Forces, and, no doubt, corresponding amendments of the Air Force Act.

(2) The power of the new Burma Legislature not only to make new laws, but also to repeal and amend existing laws made by the pre-separation Indian or Local Legislatures, which otherwise would continue with unabated force in the new regime, should presumably be given in the Act, whether in the place shown (end of proposal 54) or elsewhere. The intention is to perpetuate *mutatis mutandis* the power accorded by section 80A (2) of the present Government of India Act.

(3) The object of the italicised third sentence of Proposal 55 is to ensure co-operation between the civil power in Burma and the military authorities responsible for personnel subject to the Indian Army Act.

Proposals 58-62.

A separate Memorandum on Discrimination will be submitted. [RECORD A2, page 103 of this Volume.]

Proposal 64.

The Constitution Act will need to contain a provision giving statutory effect to the award of the Arbitral Body which it is proposed to set up to determine the shares to be borne by Burma and India respectively of assets and liabilities existing at the time of separation. Of the latter the most important are the debt and pension charges.

As regards the second sub-paragraph of this proposal, it may be anticipated that difficulties will arise in defining the partition between India and Burma of liability in respect of rights now existing against the Secretary of State in Council. How such partition should be effected in any particular case may depend very much on the terms of the financial settlement to be made between India and Burma. It seems not unlikely that, in addition to questions of the respective liabilities of the two Governments in respect of matters done before separation, there will be many other matters arising out of the settlement and requiring adjustment between the two Governments. It may prove desirable, in order to meet such cases, to provide for a body somewhat like the Joint Exchequer Board set up by section 32 of the Government of Ireland Act, 1920. It does not seem possible at this stage to make definite provision for the establishment of such a body; but assuming that such a body if set up should have statutory authority for its actions, it might be as well to include in the Constitution Act a permissive sub-clause under which it might be set up hereafter if the need arises. It is possible, however, that the same end could be achieved, if and when the need arises, by simultaneous legislation in India and Burma.

Proposal 65.

A provision of this nature is obviously necessary to enable the Executive charged with the responsibilities of the Crown in Burma to perform its functions.

Proposal 66.

Erratum.—The reference to proposal 64 should be to proposals 64 and 65.

Proposal 68.

A separate Memorandum on a Statutory Railway Board in Burma will be submitted.

Proposals 69 *and* 70.

These proposals closely follow Proposals 146 and 147 in the Indian White Paper, and therefore have not been printed in italics; the following remarks are, however, offered as the conditions of the two cases are not the same.

At present the Government of Burma, like all other Provincial Governments, may raise loans on the security of provincial revenues in accordance with the Local Government (Borrowing) Rules, which derive their authority from Section 30 (1A) of the present Act. Under these Rules a Local Government requires the prior sanction of the Governor-General in Council for raising a loan in India and of the Secretary of State in Council for raising one outside India, and in either case, under the governing section of the Act, the loan is raised " on behalf of and in the name of the Secretary of State in Council ".

Future borrowing operations will be subject to the special responsibility of the Governor, who will have available the expert advice of the Financial Adviser.

The Treasury have agreed that arrangements should be made to secure that Burma sterling loans shall be eligible for Trustee status on appropriate conditions.

Proposal 79.

In the absence from Burma of a Federal or Supreme Court to which appeals could be carried, it seems clearly necessary to preserve all existing rights of appeal to the Privy Council and, in addition, to secure access to the Privy Council in cases involving the interpretation of the Constitution.

Proposals 80 *and* 83.

The question of the future of the Council of India, in relation to Burma, was not touched upon at the Burma Round Table Conference. The Burma Constitutional Memorandum follows the Indian White Paper in proposing that the Council as at present constituted should be replaced by a small body of advisers. These advisers would not retain the power over finance possessed by the existing Council, and the only matters in respect of which it would be obligatory for the Secretary of State to seek and follow their advice, would be rules made by the Secretary of State regulating conditions of service of those members of the Public Services who are under his control, and the passing of orders upon appeals from members of the Services.

The advantage of providing an additional safeguard of this kind for the Services, and of enabling the Secretary of State to have at hand advisers with expert and recent knowledge of local conditions, is as obvious in the case of Burma as of India. The difficulty to be met in the case of Burma is that, while it would be unwarrantable to appoint a larger number than one or two Advisers, such a body would be too small to hold in its hands a

final power of decision in important Service matters. Proposal 83 seeks to overcome this difficulty by providing that in the decision of Service questions the Advisers for Burma shall be augmented by the Advisers for India. If the portfolio for Burma is held in the hands of the Secretary of State responsible for India, whether separate secretaryships are created or not, this arrangement should work conveniently in practice.

Proposals 84-99.

The principal effects of the proposed constitutional changes upon the Public Services are set out in paragraphs 19-25 of the Introduction to the Constitutional Memorandum [Joint Committee on Indian Constitutional Reform (Session 1932-33) Volume III pages 64 to 66]. Put shortly, the intention is to duplicate the position contemplated in India under the White Paper proposals, i.e., while preserving existing rights of all the Services, to confine recruitment by the Secretary of State in future to the Services which will replace the Indian Civil Service and Indian Police in Burma, and possibly to the Medical and Railway Services. At the same time it is obvious that the separation of Burma from India must involve the severance of a large number of All-India and Central Service Officers from the main bodies of their Services, and a diminution of some of the existing rights of such officers, e.g., eligibility for certain high appointments under the Government of India. Such diminution is, however, believed to be more theoretical than real; and in practice is likely to be offset by the future exclusive eligibility of Burma officers for new posts in Burma and for posts to which appointments are now frequently made from among officers serving in other Provinces or under the Government of India.

RECORD A.1 (*continued*).

II.—Memorandum by the Secretary of State for India on the Franchise, Composition of the Legislature, and Representation of Minorities and Special Interests in Burma.

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BURMA.

Franchise, Composition of the Legislature and Representation of Minorities and Special Interests.

INTRODUCTORY.

1. The Statutory Commission, after recommending in Volume II, Part 6, paragraph 225, that Burma should be separated from India, assumed that the framing of the details of the Constitution to be adopted in that event would be preceded by further enquiry into local conditions and opinions. Such a further enquiry, if it had taken place, would, no doubt, have investigated and made recommendations on the subjects of composition of the Legislature, franchise, representation of minorities and so forth. For a variety of reasons, however, among which the principal one perhaps was the extremely disturbed state of Burma during the period in which a commission of enquiry might conceivably have visited the country, no further investigation of the kind did take place, and, for reasons into which it is not necessary to go now, the Indian Franchise Committee, under the Marquess of Lothian, did not include Burma within the field of its enquiries. The resulting position is that the questions of franchise and cognate matters in Burma have not been the object of investigation and recommendation by any outside authority as has been the case in respect of the other Provinces of British India.

2. At the Burma Round Table Conference in December 1931 and January 1932 these questions were discussed, and the fruits of the discussion in the Conference itself are to be found in the Report of the Committee of the Conference, Cmd. 4004/1932. A perusal of the relevant paragraphs (6–43) of the Report will show that whereas there was a general consensus of opinion that in the event of separation a Second Chamber would be essential, no very great measure of agreement was reached at the Conference on the questions of extending the present franchise for the Lower House, the nature of the franchise for the Upper House, the qualification for membership of either House of the Legislature, or in regard to the representation of minority communities and special interests in the Legislature. The question of such representation in the Lower House was discussed informally in a sub-Committee over which Lord Lothian presided, but no means was found of reconciling the conflicting views of the various parties and special interests represented on the Committee.

3. The Statement delivered by the Prime Minister at the conclusion of the Burma Conference gave an outline of the

features of the Constitution which His Majesty's Government would recommend to Parliament for Burma in the event of that country being separated from India. The Statement recommended the establishment of two Houses, of which the Lower would contain about 120 or 130 members directly elected, and the Upper would be about one-third the size of the Lower and would consist partly of members elected and partly of members nominated. It was pointed out that two such Houses together would contain almost double the number of non-official members in the existing Legislature. The Statement insisted on the necessity of making provision to ensure adequate representation of minority communities and special interests in the Lower House, and, after expressing regret that the Conference had not been able itself to reach agreement on the question of the representation of minority communities and special interests in the future Legislature, intimated that should such agreement still fail to be achieved as a result of further efforts, His Majesty's Government would regard it as necessary to include in any constitutional scheme that they put forward provision for meeting the claims of minorities and special interests for representation by separate electorates. As regards any extension of the present franchise for the Lower House the Prime Minister's Statement remarked that His Majesty's Government were not satisfied that the practical administrative difficulties involved in considerable extension of the franchise could, in the present conditions, be overcome.

4. During the period succeeding the Burma Conference public attention was riveted on the controversy between the advocates and opponents of separation from India, and no suitable opportunity presented itself to pursue, in concert with leaders of public opinion in Burma, the examination of the questions of the composition of the Legislature, franchise, &c. which would be suitable in the event either of Burma being separated or of being included in the Indian Federation as a Province of British India. But when, last summer, it became evident that a clear decision on this dominant issue could no longer be expected of the Burma Legislative Council and that a decision of the issue between separation and federation must await the recommendations of the Joint Select Committee and the verdict of Parliament on them, the Government of Burma proceeded to formulate and to sound local political opinion on proposals to be incorporated in a revised Constitution for Burma, whether separated or not, in respect of franchise and the connected matters. The suggestions of the Government of Burma will be found in the Memorandum printed as Appendix II, which was circulated to leading members of the political parties in Burma and representatives of special interests, such as the various Chambers of Commerce; and in Appendix III will be found the comments on and criticisms of these proposals by the parties and the special interests consulted. A perusal of

this Appendix will show to what extent agreement between the representatives of the various communities and interests in Burma is likely to be found possible in respect of these questions and it will reveal in what respects they are divergent one from the other.

Put in tabular form the position in respect of communal representation is :—

Community	Present Elected Seats (in House of 103)	Future Elected Seats in House of 132	
		Proposed by Government of Burma (App. II)	Demanded by the Community concerned (App. III)
Karens - -	5	12	12
Indians - -	9	10 + 2 for Labour	15 or 16 excluding Labour *plus* increase in Commerce Seats
Anglo-Indians -	1	2	3
Europeans -	4	7	12 or 13
Chinese - -	1	1	2

5. Most careful consideration has been given to the opinions expressed by the party leaders and representatives of communities and special interests ; and in Appendix I will be found set out for consideration, suggestions for the composition of both Houses of the Legislature and the allocation of seats to the various communities and special interests that seem to require special representation. For facility of reference, statements of the composition of and allocation of seats in the present Legislative Council are included alongside these suggestions. The basis of the suggestions in Appendix I is afforded by the following prefatory and explanatory observations.

PART I.

Franchise for the Lower House.

(See footnote on page 19 of Joint Select Committee [Session 1932–33] Records, No. 4.)

6. *Literacy.*—Literacy, in the sense used in Census reports (i.e. ability to read or write a letter in any one language) is very much more widely diffused in Burma than in any other Province or indeed any State in India. Taking only the areas of Burma out of which it is proposed to constitute the elective area, there are 600 per thousand males and 182 per thousand females, affording, with children, a total figure of over 390 per thousand, who satisfy the Census test of literacy. These remarkably high figures are due to the fact that the great bulk of the population are Buddhists, which secures that practically every boy passes through at least a monastic school and receives the elements of education. But the test is merely that of ability to write and read a letter in any one language. When more exacting tests, such as that of "literate in English," are applied, it is found that Burma takes a much lower place in the list of Provinces. From this and other facts the Census reporters infer that, were the standard of literacy made a little more severe than the present elementary test, Burma would not maintain her high position.

7. The foregoing remarks are designed simply as a caution against the inference which is sometimes drawn that the wide dissemination in Burma of literacy in the sense used for Census purposes, indicates a high degree of education in the population generally.

8. *The existing Franchise.*—The qualifications for electors to the present Legislative Council are shown in detail in the extract from the Burma Electoral Rules annexed to Appendix II. Apart from the qualification of community in the case of certain seats, the qualification on which in the main the present franchise is based (apart from such minor qualifications as past military service) is essentially property (assessment to income-tax, *thathameda*, capitation tax, payment of land revenue occupation of or possession of immovable property). In addition separate representation is provided for special interests such as Rangoon University and Chambers of Commerce, the qualification in these cases being, generally, membership of the organisation represented.

9. This franchise for the Legislative Council produces a present electorate (substantially larger than in any other Province of India) of 2·08 million persons, including 124,000 women, in a total population in the elective area of 12·3 millions.

10. The percentage of—

Electors to population is - - -	16·9
Male electors to adult male population -	57·4
Female electors to adult female population	4·0

and the proportion of female electors to male electors is 1 : 14·3.

11. This franchise, regarded as a whole, may appear to be already sufficiently wide; but it produces certain inequalities and contains certain defects (explained below) which it is desirable to take this opportunity to correct. The modifications necessary for this purpose, and also for the purpose of improving the ratio of women electors to men, will inevitably extend the existing franchise, relatively wide though it is. But at the same time it is proposed to take measures which will in effect meet the Burmans' demand for a period of residence as a qualification for the vote. This proposal will to some extent counteract the too wide extension which would otherwise result from the proposed lowering of the property qualification which is entailed by the modification of existing defects.

12. The defects in the present system to which particular attention was drawn at the Burma Round Table Conference result in an extensive disfranchisement, in Lower Burma, of bachelors and widowers. The most general form of qualification, particularly in the rural areas, is assessment in Upper Burma to *thathameda** or in Lower Burma to capitation tax† of not less than Rs. 5 per annum. This latter qualification is derived from the recommendation of the Burma Reforms Committee, 1921 (Whyte Committee). That Committee recommended adoption of the married rate of capitation tax (which is generally Rs. 5) rather than the unmarried rate (which is generally Rs. 2 as. 8) on the ground that it would enfranchise in Lower Burma much the same class of man as would be enfranchised in Upper Burma by the qualification of assessment to *thathameda*. But the rate of Rs. 5 is not the universal married rate, though mentioned as such by the Whyte Committee, and as a result some 90,000 married males who are assessed to capitation tax at a lower rate than Rs. 5, have been excluded from the franchise, contrary to the intention of the Whyte Committee.

13. The second reason why the Whyte Committee recommended adoption of the married instead of the unmarried rate for qualifi-

* A household tax levied in Upper Burma by which the average rate per household is fixed for each village at a periodical settlement, and the actual incidence in each year is fixed by village assessors for each household. It is payable by the head of the household, whether male or female, and the individual householder becomes liable to the tax at the age of 18.

† Virtually a poll tax levied in Lower Burma on all males between the ages of 18 and 60.

cation by assessment to capitation tax was to exclude the least responsible classes in the community, including the migratory coolie class. But, while it has to some extent achieved this object, the qualification has in fact also resulted in the exclusion from the franchise in Lower Burma of the bulk of unmarried men and widowers.

14. *Correction of these Defects.*—It is proposed now (vide paragraph 34 of Appendix II), for the correction of these defects, to abandon the *married* rate of capitation tax and to substitute assessment to *any* rate of capitation tax, thus bringing on to the franchise the adult bachelors and widowers, and also the 90,000 married men mentioned above. An additional minor change is proposed in paragraph 34 of Appendix II to ensure that a man qualified by assessment to capitation tax does not cease to be eligible on attaining the age of 60, when he ceases to be liable to assessment to that tax.

15. These modifications by themselves would produce a widening of the franchise which might prove excessive. But it is proposed now (vide paragraph 33 of Appendix II) that voters qualifying by assessment to capitation tax and similar low grades of property qualification should qualify not simply by inclusion in the applicable tax-assessment roll but by inclusion for three years previous to the exercise of the vote. This provision will (*a*) in the case of the great majority of indigenous voters who qualify under assessment to such taxes at the age of 18 at present, have the effect of putting up the age for the franchise to 21 years and thus excluding the youngest and presumably the least responsible categories; (*b*) ensure also that the great majority of the non-indigenous population will not have the vote till they have resided in Burma for at least three years, so that when the time comes for them to exercise the vote they will have had the opportunity afforded by three years' residence to acquire an interest in local affairs and exercise their vote intelligently.

16. *Women Voters.*—It is proposed also to increase the female electorate. It is generally recognised that the women of Burma occupy a position of freedom and independence not attained in other Provinces. Socially there is practical equality between the sexes; purdah is unknown; women take their full share with men in the economic life of the country, and, as mentioned above, the percentage of literates among women is far higher than elsewhere. Adopting the literacy test recommended in paragraph 215 of its Report by the Indian Franchise Committee, and combining with it an *age qualification* for women of 21, it is proposed (paragraph 37 of Appendix II) to raise the number of women voters from 124,000 to about 700,000, including those who, apart from the literacy test, would be enfranchised by property

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qualifications. The resulting ratio of women to men voters will be approximately 1 to 3·5. It seems unnecessary therefore to adopt in Burma the wifehood qualification which was recommended by the Indian Franchise Committee in paragraph 215 of their Report as an additional means for adoption in India of bringing the ratio up to 1 : 4.

17. All the women who qualify for the vote on a property test will be registered as such; and as recommended by the Indian Franchise Committee (paragraph 215), all women whose names are included in authoritative educational rolls will be registered by this means. For the remainder, who are not already registered by one of these means and qualify by literacy alone, it will, as proposed by the Indian Franchise Committee, be necessary to apply for registration for the vote, and to prove their literacy.

18. *The Electorate resulting from these Proposals.*—The total electorate—male and female—will thus, on these proposals, rise from about 2·08 millions (1,956,000 male and 124,000 female voters) in a population of 12·3 millions to about 3 millions (2·3 million males and 700,000 females) in a population of 12·9 million, i.e. 23·26 per cent.

19. Under these proposals the percentage of—

male electors to adult male population would rise from 57·4 per cent. to about 70 per cent.;

female electors to adult female population would rise from 4 per cent. to about 21 per cent.; and

the proportion of female to male voters would rise from 1 : 14·3 to about 1 : 3·5.

Further, the present franchise, which favours rural constituencies as against urban in respect of proportion of electors to total population, will be corrected. In urban constituencies the percentage will increase, it is estimated, from 12·7 per cent. to 23·7 cent. and will be brought into closer agreement with the percentage in rural constituencies. For the whole of the elective area the future percentage is, as stated above, estimated at 23·26.

20. The Government of Burma anticipate no insuperable difficulty in arranging (by means, for example, of increasing voting stations and, if necessary, allotting more than one day for the poll and holding the poll on succeeding days in neighbouring constituencies) to deal with the additional numbers of potential voters brought on to the franchise. They assume that not more than 60 per cent. of the total new electorate will exercise the vote. This assumption seems to be a safe one, for, at previous elections, in 1922 of the registered voters 6·9 per cent. voted, in 1925 16·2 per cent., in 1928 15 per cent. and in 1932 38·8 per cent. The remarkable increase in 1932 is ascribable to the fact that the

main issue at this election was whether Burma should be separated from India, and that, with so important an issue at stake, great numbers of the electorate who under the influence of their political associations had hitherto boycotted the elections were on this occasion urged to vote. In some urban constituencies over 70 per cent. of the registered voters exercised the vote; but in no rural constituency was the percentage of 60 approached.

21. *Summary.*—In Appendix I–C, the revised qualifications resulting from the adoption of the suggestions described above are set out in general terms. They produce an electorate of reasonable size, with a substantial proportion of female voters; they remove certain admitted anomalies in the existing qualifications; they are fair as between urban and rural interests; and they are administratively practicable.

PART II.

REPRESENTATION OF MINORITY COMMUNITIES, SPECIAL INTERESTS AND WOMEN.

(a) *Communities.*

22. In its comments on the Local Government's proposals the People's Party (Appendix III (III)) strongly deprecate the perpetuation of separate communal electorates; the representatives of this Party argued this point of view at length in the Burma Round Table Conference; and the Hlaing-Myat-Paw Party (Appendix III (II)) develop a similar line in respect of separate electorates for the Karens.

23. It is stated that the communal question is less acute in Burma than in India. That may be so, though there have been occasions, some quite recent, when the animosity displayed between different communities in Burma has been no less marked than in India; but certainly the basis of communal division is different in the two countries. In India the division rests, in the main, on religious rather than racial differences; in Burma, where there is far greater uniformity of religion, the division is almost entirely racial. Religious differences seem to be an unimportant factor, for both among the Burmese and among Karens one finds an impartial acceptance of the individual, whether Buddhist or Christian, to represent their interests, and similarly acceptance by the Indian community of Hindu, Parsee or Muslim to represent it. Whatever the case may be for or against the continuance of the present arrangements there will be general agreement that it is highly undesirable either to extend the system of communal division or to introduce a second, the religious, line of cleavage which would cut across the racial divisions and create small and scattered sub-divisions of existing divisions. It is accordingly recommended that claims for separate representation which have been presented by Burma Muslims and Burmese Christians should be rejected, and also that made by the Southern Chins, some 98,000 of whom are scattered through a dozen or more separate districts. It would be administratively difficult, if not impossible, to arrange for separate representation of this small and scattered community, and unnecessary, since its needs and interests do not seem to differ materially from those of the other inhabitants of the areas in which these former hillmen are settled. For different reasons, it is also proposed not to accede to the request which was made at the Burma Round Table Conference for the separate representation of landowners and landlords. Burma is essentially a land of small peasant cultivators, and though there are a number, possibly a growing number, of landowners other than peasant proprietors, there is in Burma no class corresponding to the great landholders

of India. In actual fact such landowning interests as there are have, since 1922, succeeded in obtaining representation in the Legislative Council in adequate numbers by election in the ordinary way, and no case for a special form of representation in future has been made out.

24. Extension of the system of separate electorates may therefore be excluded from consideration. As regards the maintenance of the existing separate electorates, it has been the experience in Burma, as in India, that, however undesirable in theory the system may be, in fact it cannot be denied to substantial minorities who already have it and demand the continuance of it as a means of protecting their particular interests. These communities regard separate representation as the foremost of the means available of making public their point of view and of influencing the opinion of the majority. A great step forward is to be taken whether Burma becomes simply an autonomous Province in the Indian Federation or a separate political entity, and the feelings of uncertainty and anxiety as to their future which inevitably excite the minority communities would be intolerably increased if at this moment their power to secure their own representation in the popularly elected Chamber of the Legislature were taken from them. Moreover, the minorities in Burma can reinforce their claim to separate representation by reference to the measures proposed in the other Provinces of India for the separate communities to be found there.

25. In present circumstances, therefore, it appears essential to preserve the existing separate representation for certain minorities in Burma. But in order to provide a means of preventing the permanent stereotyping of communal divisions, it might be thought desirable to amend the electoral rule requiring that in the case of a Karen, Indian, European or Anglo-Indian general constituency the candidate must himself be a Karen, Indian, European or Anglo-Indian respectively. It would then become permissible for persons not members of the community concerned to stand as candidates for communal constituencies; this suggestion is evidently preferable to the alternative suggestion that an individual belonging to a minority community should no longer be eligible, as now, to stand as a candidate in a general constituency. Reciprocity in this regard, though it might not have much practical effect at first, is sound in principle in that it would tend to eliminate in course of time the need for strictly communal representation.

26. But whether this suggestion is adopted or not, it is assumed, as the basis of consideration, that for the present the existing system of representation through separate electorates should be preserved to the Karen, Indian, Anglo-Indian and European

communities. The question whether, after a certain period, revision of this arrangement should be made possible by the Constitution, and, if so, by what method and under what conditions, must depend on the consideration of the constituent powers to be accorded to the Legislature.

27. As to the communities now afforded separate communal representation, (i) the interests of the *Karens* settled in the plains are mainly agricultural like those of their Burmese neighbours, and do not by themselves constitute a cause for political differentiation; and in practice Karen members tend not to form a solid bloc but to vote in the lobbies with varying groups according to the matter in debate. But the Karens, though belonging to the same main branch of the human family, are a different race from the Burmese proper, speaking a different language, and holding aloof from the Burmese in many ways, both socially and politically. In the present Legislative Council of 103 the Karens have five seats out of 80 *elected*. Their population in the area made into constituencies amounted to 1,100,200 at the 1931 Census, and having regard to all the factors relevant to their case it is proposed to allot to them not less representation than could be accorded on the population ratio, i.e. 9 per cent. or 12 seats in a House of 133.

(ii) The *Indians* in Burma are largely temporary residents, remaining in the country as a rule for two or three years, though many stay for four or five; there are also considerable numbers who cross from India for harvest work only and return at the end of the season.

The Census for 1931 showed a total Indian population of 1,018,000 for all Burma (an increase in the decade of 15½ per cent.) and for the area made into constituencies a total of 955,300 out of 12,358,000 or 7·7 per cent. The sex-ratio among the Indians is very low, 39 women for 100 males in all Burma and in the urban areas only 25 to 100, as against the general ratio of 96 for the whole population and 103 for the indigenous races. This is a clear indication that the Indian residents generally, and particularly in the large towns where the bulk of them is to be found, comprise a large proportion of temporary sojourners, i.e. the migrant labourers. It is computed that more than one-third and probably as much as a half are temporary residents.

Another characteristic of the Indian community as a whole, tending also to prove the temporary residence of its members, is that the percentage of adults of over 20 years of age in the community is high, 63 per cent. as against 52 per cent. for the whole population.

Having regard to the conflicting considerations to be taken into account in regard to the Indian community, it is proposed to allot to it a general representation proportionate to its population ratio

of 7·7 per cent., i.e. 10 seats, these to include the two constituencies to be created for Indian Labour. This may be regarded as ample representation for a community of which at least half consists of migratory labour.

(iii) The *Anglo-Indian* community in Burma includes Anglo-Burmans as well as Anglo-Indian families, some of which are long established in the country. It is stated that recently there has been a growing tendency among some Anglo-Burmans to adopt Burmese dress and modes of life and to merge their interests in those of the indigenous races. However this may be the Anglo-Indian community as a whole numbering 18,600 claims a continuance of the protection of its separate identity which is afforded by communal representation; and it is proposed to grant two seats to this community.

(iv) The *European* community amounted at the 1931 Census to 11,650, of whom 9,860 were of the "non-official" class. They are distributed through Upper and Lower Burma, though naturally tending to be congregated in the larger towns. At present the community has one seat out of 80 elected members. Having regard to the special position of the European community which is pointed out in paragraphs 81 and 82 of Volume II of the Statutory Commission's Report and to the disappearance of the nominated non-officials (who in the Burma Legislative Council have hitherto included almost invariably since 1922 three European members) it is proposed to allot three general seats to the European community. This is a higher proportion in general seats than is accorded in any other Province in India except Bengal; but the position and importance of the European non-official community in Burma is more nearly comparable to that in Bengal (or, Bombay where there is nearly as high a proportion of general seats allotted) than to that in any other Province.

(v) The *Chinese* community has not hitherto had a communal electorate. Its members are widely dispersed through the different districts and it is difficult to ascertain what proportion of the total number of 121,750 are British subjects. It would be administratively no less difficult to create a separate electorate for a community so scattered through the villages as the Chinese are. It is proposed, therefore, that such separate representation of its particular interests as it is necessary to secure to it should be provided not by the creation of a new communal general electorate, but by representation through the Chinese Chamber of Commerce. It may be remarked, however, that though the Chinese community is scattered through the length and breadth of Burma, so considerable a number are congregated in one part of Rangoon as to have been able since 1922 consistently to return a Chinese candidate for one of the seats of the West Rangoon general constituency.

(b) *Special Interests.*

28. It is the case that, as is pointed out by the People's Party, the special interests in Burma which require separate representation are largely identifiable with the minority communities—though not exclusively so. Burma is predominantly an agricultural country, and Commerce, Industry, Banking and organised trade are largely in the hands of non-indigenous minority communities; industrial labour in the rice mills and in the oil-fields and in urban centres generally is at least as much Indian as Burman. Representation through special interests therefore tends to supplement the representation accorded to minority communities as such.

29. The special interests to which it is proposed to accord separate representation in the new Lower House as in the existing Council are Commerce and Industry, Labour, and Rangoon University.

(i) As regards the *University* it is proposed, adopting the principle applied in India, to preserve the allocation of one seat to the Rangoon University. Regarded from the communal point of view, this seat would ordinarily be an addition to the strength of the "majority" or Burmese community.

(ii) For *Commerce and Industry* there are in the present Legislative Council six special seats. Of these one is held by the Burmese Chamber of Commerce and must therefore be reckoned as an addition to the strength of the "majority" community. Of the remaining five, the Burma Indian Chamber of Commerce has one, the Chinese Chamber one, the Burma (European) Chamber of Commerce two, and the Rangoon Trades Association one. The last-named is the retail traders' organisation, which since 1916 has had an elected representation in the Legislative Council; it has hitherto always returned a European representative.

In a country which, like Burma, is predominantly agricultural, and the overwhelming majority of whose indigenous inhabitants are peasant proprietors and cultivators, but in which, nevertheless, a considerable proportion of the wealth of the country is derived from the enterprises of a comparatively few, but highly important, commercial and industrial organisations, it is evidently important that these interests should be given adequate representation. It is not enough that they should merely be able to give expert advice to the majority on matters in which their constituents at least will have little or no experience and no conscious concern; the representatives of commerce and industry in such conditions need to be given sufficient voting strength to ensure that their advice is, at any rate, listened to with attention. Otherwise there is a risk that measures may in ignorance be adopted by the majority representing agricultural interests and themselves largely

agriculturists, which would seriously damage the commercial and industrial enterprises on which the prosperity of the country so largely depends.

An increase in the number of Commerce and Industry seats seems to be required. If they were increased to nine, one of the additional seats might be allotted to the Burma Indian Chamber of Commerce and two to the Burma (European) Chamber, the present allocation of the remainder being left unchanged.

If this suggestion were adopted, the total number of the Lower Chamber would be 133 instead of 132, the number recommended in the proposals of the Burma Government (Appendix II).

(iii) *Labour.*—Industrial labour in Burma is to be found, broadly speaking, in the rice-mills (of which the very great majority are in Rangoon and the neighbourhood), in the oil-fields, and in the docks of Rangoon. Much of the labour employed is of a shifting type. The greater part of it consists of Indians temporarily resident in the country; this is the case in Rangoon (population 400,415, of which 212,929 is Indian and 30,626 Chinese), and Indians probably supply most of the industrial labour also in the "up-country" towns of Lower Burma in which rice-milling is carried on or in which, as at Akyab, there is shipping to be dealt with; but in these centres the actual numbers of industrial labour are relatively small. The labour supplied by the Indian temporary resident has of late years tended to be supplemented by that of Burmans, who are mainly of the agricultural worker class, driven from the land by a combination of economic causes as the supply of fresh cultivable land becomes more restricted. With the exception perhaps of the oil-fields this Burman labour is largely seasonal and casual.

The labour so composed is little organised; in most places the greater part of it consists of gangs, holding together only for short periods, which are recruited and paid, not by the employers, but by "maistries" or labour contractors. Trades Unions are non-existent; there is, indeed, reported this year to be one registered Union—but it has a membership of no more than 56. Such unregistered Unions as are formed from time to time are ephemeral, and as a rule are associations not of labour in the strict sense, but of such persons as bus-owners, who are actual or potential employers.

In these circumstances the means of securing representation for Labour is a difficult problem.

In the past, recourse has been had to nomination, but it has not proved a satisfactory device in Burma, and in any case is, for the reasons given in paragraph 243 of the Indian Franchise Report, not recommended.

The formation of Trades Union constituencies of a character even remotely resembling that described in paragraph 247 of the

Indian Franchise Report, is not at present a practical suggestion; the only practicable course in the circumstances is the creation of special industrial Labour constituencies in selected areas.

It is proposed to create four such constituencies, two in the oil-fields and two in Rangoon or in Rangoon combined with Syriam (an industrial area on the opposite side of the Rangoon River). In these areas both Indian and Burman labour is employed; but there is so much risk of racial friction between Indian and Burman labour where the two are in close contact that it is proposed that of the two constituencies in either area one should be Indian and one Burman.

Four Labour constituencies only may appear short measure. A certain weightage would, however, be given to Labour in that it is proposed that the voter in each of these four special constituencies would be permitted also to vote in any general constituency for which he may be qualified.

In Burma the wide measure of enfranchisement now proposed, falling as it does little short of adult male suffrage, will bring on the electoral roll all but the most temporary sojourners in urban no less than in rural areas. In the Labour constituencies the temporarily resident Indian labourer also, and the labourer of under 21, whether male or female, Indian, Burman or Chinese, will, under these proposals, be given an opportunity to send their representative to the Legislature.

30. *Summary of Proposals for Representation of Communities and Special Interests.*—The arrangements suggested for consideration in regard to communal representation and special interests are shown in the tables set out in Appendix I. The broad result is that the Burmese parties (without the Karen members) might expect to command 98 seats (or 73·7 per cent. in a House of 133), against 35 (or 26·3 per cent.) held by the minority communities (including Karens) and non-indigenous special interests.

(c) *Representation of Women.*

31. Pursuant to the recommendations of the Statutory Commission and the Minorities Committee of the Indian Round Table Conference, and following the general lines of the allocation of seats in the Indian Legislatures, the Government of Burma have suggested that in three of the plural member general urban constituencies a seat should be reserved for women, and that, if that Karen community so desires, one of the seats allotted to the community might similarly be reserved for a woman member. A reservation of three or four seats in a House of 133 would correspond to the proportion proposed to be reserved for women in the Indian Provincial Legislatures.

32. The People's Party are opposed to the reservation of seats for women and cite the opinion expressed by the women's delegate

at the Burma Round Table Conference, who disclaimed any requirement by the women of Burma for special means of representation as a "special interest" or a "minority community." But she was postulating adult suffrage for both sexes, or failing that the same qualifications for the franchise for women as for men. Neither of these is practicable, and in the absence of equal franchise for the sexes it may be that women would wish for reservation of seats. If they do not, however, it is not proposed to press the suggestion. But if it is adopted the three reserved seats which it is proposed to create for that purpose should be three new urban seats and should be open to the candidature of a woman of any race or community, as are the rest of general constituencies.

PART III.

COMPOSITION OF THE LOWER HOUSE.

(a) *General Non-Communal Constituencies.*

33. Appendix II contains the Burma Government's proposals for the formation of constituencies which would be suitable on the franchise suggested to return members to a House so composed. The final definition of the constituencies will need further enquiry locally; but, broadly, the Burma Government's proposals, subject to such further detailed local enquiry as may be necessary, appear appropriate to the purpose in view. In particular, they will have the effect of materially reducing the present disparity between rural and urban constituencies in respect of the ratio of representation to electors.

34. It is evident from the statistics given in paragraphs 20 and 21 of Appendix II that rural interests are at present much under-represented so far as *seats* in the Legislative Council are concerned, although, as has been remarked in paragraph 19 *supra*, the proportion of *electors* to total population is much greater in rural than in urban areas. At present there are 14 general urban constituencies and 44 general rural, representing respectively an average population of 35,300 and 246,100 persons.

35. It is now proposed that the new Lower House of 133 should contain 94 general seats, an increase of 36; and the Local Government has recommended, in order to correct the disparity between rural and urban representation, that after allowing for the creation of three additional general urban seats to be reserved for women the whole of the remaining 33 seats should be divided among rural constituencies.

36. This proposed allocation of 33 additional seats to rural constituencies will have the effect of reducing the ratio of member to rural population represented from 246,100 to 140,600.

37. The number of new voters which will be added by the lowering of the franchise in rural districts and by the creation of three new rural constituencies in Upper Burma (Appendix II, paragraph 24) cannot yet be estimated with any accuracy; but it is probable that the ratio of member to rural electorate will be reduced, correspondingly, from the present average of 42,220.

38. In urban areas the lowering of the franchise qualifications will add materially to the number of voters except, for the reasons stated in paragraph 36 of Appendix II, in Rangoon. The estimated number of future electors in general urban constituencies is 185,600 (as against 99,900 now); this would give, for 17 seats (14 plus three newly created, to be reserved to

women) an average of 10,900 electors per member, as against 7,130 now.

39. In addition the new Labour constituencies will bring a number of the urban population on to the franchise.

(b) *Karen General Constituencies.*

40. A further improvement of the present under-representation of rural interests will also be effected by the increase of the Karen rural seats from 5 to 12, reducing the ratio of member to Karen population represented from the present figure of 149,940 in the five districts in which Karen seats now exist to about 74,700 in the seven districts in which it is proposed that they should be established.

41. It is not possible to arrange that these seats shall cover every district where a considerable number of Karens is to be found without giving under-representation in the districts where the greatest number of Karens is to be found. It is preferable to give additional representation to separate communities in the districts where the communal preponderance is great rather than to expand the area in which communal electorates are formed. The course suggested is therefore to give two seats in each of the five districts in which a Karen communal electorate now exists, and to create two new Karen constituencies in areas in both of which there is a Karen population of over 60,000.

(c) *Indian General Constituencies.*

42. For the reasons stated in paragraph 16 of Appendix II, it is proposed that there should be no change in the allotment of eight general seats proposed for the Indian community, that they should be, as now, all urban, and that the boundaries of the present Indian urban constituencies should remain unchanged.

43. Indians in rural areas, including such Indian labour as is employed in agriculture, will vote in the general non-communal rural constituencies.

(d) *Special Constituencies.*

44.—(i) *Labour.*—The four seats proposed for Labour, two Indian and two Burman, will have the effect of increasing the urban representation.

(ii) *Commerce and Industry, and University.*—The Local Government do not suggest any variation of the franchise for these special constituencies; but a final decision in this respect will also be a matter for further enquiry.

PART IV.

THE UPPER HOUSE.

(*Cf. Proposals* 25–28 *in Joint Committee on Indian Constitutional Reform* [*Session* 1932–33], *Volume III, p.* 53.

45. There was general agreement at the Burma Round Table Conference that in the event of Burma being separated it would be necessary, in view of the very much widened field of legislation and administration, to have an Upper House vested with power to revise and delay the proceedings of the Lower House, so as to ensure deliberation in the measures proposed.

46. There was general agreement also that the Upper House should be in size about one-third or one-quarter of the Lower House, that it should be styled the Senate and that its composition should be such that its opinions and judgments should carry weight.

47. *Size.*—It is proposed that the Upper House should consist of 36 members, i.e. between one-quarter and one-third of the Lower House of 133.

48. *Qualifications of Members.*—(1) Senators must be British subjects (see proposal 26 of the Burma Constitutional Scheme [Joint Committee on Indian Constitutional Reform (Session 1932–33), Volume III, p. 72]).

(2) There was general agreement at the Burma Round Table Conference that the minimum age for a Senator should be 35. The Indian White Paper proposes 30 as the low age limit for members of the Federal and Provincial Upper Houses and the point has been left open in the Burma Constitutional Scheme (proposal 26 [Joint Committee on Indian Constitutional Reform (Session 1932–33), Volume III, p. 72]). For the purpose of securing experience and sobriety of judgment in a small house the higher age is preferable.

(3) The questions what qualifications should be prescribed for candidates for election and whether any should be prescribed as conditions of nomination will require further examination. But the alternatives of a high property qualification *or* service in distinguished public appointments have been proposed as means of securing that the persons elected to the Senate are persons of sober judgment and experience.

The specific suggestion has been made to adopt the property qualifications of the present electorate for the Council of State, somewhat modified in a restrictive sense. The qualifications of the electorate to the Council of State are in Burma much lower than elsewhere, affording an electorate of some 15,000, and the field of selection so afforded seems too wide. The Government of Burma made certain suggestions, recorded in Appendix II, paragraph 46, both for property qualifications and for qualification by tenure of certain public offices, but the property

qualifications are considered to be too high by the People's Party and others, who also wish to increase the list of qualifying offices.

49. *Method of Composition.*—The proposal 25 in the Burma Constitutional Scheme [Joint Committee on Indian Constitutional Reform (Session 1932–33), Volume III, p. 73] is that one-half the members of the Senate should be indirectly elected by the Lower House and one-half nominated by the Governor in his discretion.

50. The People's Party recommend that at least one-third should be directly elected by an electorate formed on the basis of either that for the present Council of State or that for the Legislative Assembly. The existing method of election to the Council of State and Legislative Assembly has, in point of fact, not worked well in Burma, and as the Burma Government's Memorandum points out (Appendix II, paragraph 44), if half the proposed Upper House were elected directly by the Council of State electorate the average constituency would be of nearly 7,000 square miles with only 830 electors. If one-third were so elected the average constituency would contain 1,250 voters, but would average 10,250 square miles. Some of the constituencies would naturally be considerably larger, for a considerable proportion of the electorate would be concentrated in the large towns, particularly Rangoon. If the electorate for the Legislative Assembly were adopted, the number of electors in each constituency would, of course, be greater, but the constituencies would still be of the same unmanageable size.

51. Direct election therefore, whether of one-half or of one-third, appears impracticable.

52. Indirect election by the Lower House corresponds to the method proposed for election to the Indian Federal Upper Chamber.

53. If half the proposed Upper House (i.e. 18 seats) were filled by indirect election by a Lower House of 133 by the single transferable vote, the quota required to secure a seat would be seven votes—on which basis it would be possible for each of the minority communities (except the Anglo-Indians and Chinese) to return at least one member to the Upper House.

54. But if, as is proposed, the Upper House is to have a continuous life (subject to dissolution only in emergency), and the rotational system of retirement is adopted (proposal 28) [Joint Committee on Indian Constitutional Reform (Session 1932–33), Volume III, p. 74] this low quota would only apply at the first election (and any election following the dissolution of the House—a rare contingency). At the elections following the four-yearly retirement of half the elected members the quota of votes required to secure the return of a candidate would be 13,

a figure barely within the compass of either the Karen or the Indian bloc in the Lower House, and quite beyond the scope of the other minorities and special interests. (This difficulty would of course be enhanced if only one-third of the Upper House were elected indirectly.)

55. In the circumstances it is necessary to leave ample room for the redress of deficiencies in representation by election; and nomination by the Governor in his discretion of one-half of the Upper House is proposed for this purpose and also for the purpose of securing the service of individuals particularly qualified for membership of a revisory Upper House.

56. *Rotational Retirement.*—The system of rotational retirements proposed in Proposal 28 [Joint Committee on Indian Constitutional Reform (Session 1932–33), Volume III, p. 73] was advocated by the Federal Structure Committee, but the proposal has not been adopted in the Indian White Paper, and instead a fixed life of seven years has been proposed to provide for the necessary new blood in the Federal Second Chamber. The communal difficulties which have been held to render the rotational system undesirable in India hardly exist in Burma, and the system was generally supported at the Burma Conference.

57. It has been suggested that nominated members should be exempt from the rotational retirement rule, on the ground that they would, as a rule, be nominated for a further term. But a term of eight years seems a long enough period for any member to serve without the question of his continued suitability coming under review; and it appears best that nominated members should retire in rotation, but be eligible for re-nomination.

APPENDIX I.

A.—Composition of Burma Legislative Council (Lower House).

	Present Legislative Council (103 members)		*Proposed Lower House*
Elected:			
General Constituencies:			
Non-Communal	Urban 14, Rural 44	58	17* + 77 = 94
Karen	Rural	5	12
Indian	Urban	8	8
Anglo-Indian	(All-Burma)	1	2
European	(All-Burma)	1	3
Special Constituencies:			
University of Rangoon		1	1
Burmese Chamber of Commerce		1	1
Burma Indian Chamber of Commerce		1	2
Burma Chamber of Commerce (European)		2	4
Chinese Chamber of Commerce		1	1
Rangoon Trades Association (European)		1	1
Labour		†	Indian 2, Burman 2 = 4
		— 80	
Nominated:			
Officials		14	—
Non-Officials‡		7	—
Ex-officio Members of Executive Council		2	—
		— 23§	
		103	133

* Including three seats reserved for women.

† Labour representative in present Council included in nominated non-officials.

‡ Including Government advocate, representative of Rangoon Port Trust and representative of Labour interests.

§ The Burma Electoral Rules lay down that the Legislative Council of the Governor of Burma shall consist of ". . . (3) such number of members nominated by the Governor as, with the addition of the Members of the Executive Council, shall amount to twenty-three . . ."

ian - -	—	—	—	8	—	1 (c)	2 (d)	11	10·7		—	—	—	8	—	2 (c) 2 (b)	12	9·0
opean -	—	—	—	—	1	2 (e) 1 (f)	3	7†	6·8		—	—	—	—	3	4 (e) 1 (f)	8	6·0

C.—Summary of Proposed Qualifications for the Franchise for the Lower House.

Note.—It should be emphasised that pending preparation of a new electoral roll the qualifications stated below are to some extent provisional, and modifications of detail may be found necessary when the preparation of the roll is taken in hand.

General Qualifications.

Voters must be British subjects.

(A)—*Qualifications of Electors in General Constituencies.*

Residence in the constituency.

No person shall be qualified as an elector—

(*a*) for a Karen constituency unless he is a Karen;
(*b*) for a European constituency unless he is a European;
(*c*) for an Anglo-Indian constituency unless he is an Anglo-Indian;
(*d*) for an Indian constituency unless he is an Indian.

(1) *Urban Constituencies.*

(*a*) Possession of immovable property in the constituency of the value of not less than Rs. 100; *or*
(*b*) Payment for the three previous years of municipal or cantonment taxes; *or*
(*c*)—(i) Payment for the three previous years of house rent at a rate of not less than Rs. 48 per annum; *or*
(ii) Occupation rent free during the three previous years in a house or part of a house owned or hired by his employer of which the rental value is not less than Rs. 48 per annum; *or*
(*d*) Possession of any of the qualifications of an elector in a rural constituency.

(2) *Rural Constituencies.*

(*a*) Persons included in the capitation tax assessment roll or in the *thathameda* assessment roll for the three previous years who have not been exempted from payment of such tax on the ground of poverty or of being an immigrant from outside Burma, provided that an elector of over 60 years of age who, during the year preceding that in which he attained the age of 60, has either paid capitation tax or been assessed thereto and exempted on grounds other than that of poverty shall continue to be eligible as a voter though no longer liable to the tax; *or*
(*b*) Payment for the three previous years, of tax to a District Council; *or*

(*c*) Payment for the three previous years, of land revenue of not less than Rs. 5 ; *or*

(*d*) Assessment in the previous year to income-tax ; *or*

(*e*) For residents within the municipalities of Toungoo, Kyaukpyu or Thayetmyo, possession of qualifications (*a*), (*b*) or (*c*) for urban constituencies ; *or*

(*f*) Being a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular forces.

(3) *Women electors in urban and rural constituencies not qualified under either* (1) *or* (2).

Proof of attainment of 21 years of age *and* of literacy as required by the Census test.

(B)—*Qualifications for Special Constituencies* (subject to further enquiry).

Residence in Burma ; and in the case of—

(*a*) the University constituency, a voter must be a Fellow or Honorary Fellow or registered graduate of the University.

(*b*) the Commerce constituencies :—

Burma Chamber of Commerce, a voter must be a Chamber member or a member.

Burma Indian Chamber of Commerce
Burmese Chamber of Commerce
Chinese Chamber of Commerce
Rangoon Trades Association
} a voter must be a member.

(*c*) The question of the franchise for Labour constituencies is still under consideration.

D.—Upper House.

N.B.—It should be emphasised that the following proposals are to some extent tentative and provisional.

Number of members.—36.

Composition.—18 elected by the Lower House ; 18 nominated by the Governor in his discretion to secure the senatorial quality of the House and to provide for the due representation of minorities or special interests that may not achieve it by election.

Qualification for membership.—The proposed qualifications for candidates for election have not been finally formulated, but,

generally, will include an age qualification, which it is suggested should be 35, and a high property qualification or distinguished public service. Members of the Lower House would be eligible for election, but membership would not itself be a qualification.

No restriction on the Governor's selection of persons for nomination is contemplated, but serving officials would not be eligible for nomination.

Tenure of seat (as proposed in Proposal 28 of the Memorandum of Proposals for a Constitution for Burma) for eight years, in normal conditions, terminable by a process of rotational retirement.

APPENDIX II.

MEMORANDUM BY THE GOVERNMENT OF BURMA ON THE REPRESENTATION OF MINORITIES AND ON THE CONSTITUENCIES AND FRANCHISE FOR THE LOWER HOUSE, AND PROPOSALS FOR THE UPPER HOUSE.

Minorities.

1. The proposals under this head are based in large measure on the communal award for India. Although the communal question is less acute in Burma than in India, it appears sound that similar methods of treatment should be adopted in both cases.

2. *Population and Size of Lower House.*—The racial composition of the population varies somewhat according to the area taken. The figures which might be regarded as relevant to this enquiry are as follows:—

Race	Population in			Percentage of Population in		
	Whole Burma	Elective Area	Area made into Constituencies	Whole Burma	Elective Area	Area made into Constituencies
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Burma group -	12,037,554	10,474,295	10,151,028	82·21	80·12	82·14
Karens - -	1,367,673	1,146,282	1,106,226	9·32	8·99	8·90
Indians - -	1,017,825	978,705	955,338	6·94	7·67	7·73
Chinese - -	193,594	126,218	121,752	1·32	·99	·99
Anglo-Indians -	19,200	18,583	18,447	·13	·14	·15
Europeans - -	11,651	11,069	10,858	·08	·09	·09
Total - -	14,647,497	12,755,152	12,357,649	100·00	100·00	100·00

The choice of figures does not materially affect any calculations based on population. The minorities form about 17·86 per cent. of the total population.

In the announcement made by the Prime Minister at the close of the Burma Conference, it was stated that the number of the Lower House should be between 120 and 130. The calculations made by this Government suggest that 132 would be an appropriate number. A comparison of this figure with the figures for Provincial Legislatures given in Appendix III (Part I) of the Indian White Paper will show that this is a generous allowance for Burma. The Province whose population is nearest to that of Burma is the Central Provinces (with Berar) with a population of 15,500,000. The total number of members assigned to this Province is 112. Apart from other considerations a great increase of the total number of members would involve Burma in the expense of building a new Council Chamber, and such expense could hardly be justified at the present time.

3. *Separate Electorates already accepted in principle.*—Subject to agreement between the communities themselves, the maintenance of separate electorates as at present must be considered as *res judicata*.

On this point it is only necessary to quote two extracts from the Prime Minister's speech at the close of the Burma Conference:—

> "The Lower House should be composed of members directly elected, and provision should be made to ensure adequate representation of minority communities and special interests, e.g. Commerce (European, Chinese and Indian as well as Burman)."
>
> "His Majesty's Government regret that the Conference has not been able to reach agreement on the question of the representation of minority communities and special interests in the Legislature. They hope that agreement may still be achieved, for settlement by consent must be far more satisfactory than a decision imposed by any outside authority. Failing agreement, His Majesty's Government would find it very difficult to enforce any scheme which did not recognise the claims of minorities aud special interests to representation by separate electorates."

4. *Minorities and Interests which should have Separate Electorates.*—The minorities and special interests which have separate representation at present are:—

> *Minorities.*—European community; Anglo-Indian community; Karen community; Indian community.
>
> *Special Interests.*—Rangoon University; Burma Chamber of Commerce; Burmese Chamber of Commerce; Burma Indian Chamber of Commerce; Chinese Chamber of Commerce; Rangoon Trades Association.

Except in the case of the last named, to which reference will be made later, it is proposed that special representation should continue to be given to these minorities and special interests. It is not considered necessary to give special representation to any other minorities. It is undesirable to extend the system of giving separate electorates to minorities beyond what is absolutely necessary, and the fact that other minorities do not at present enjoy this privilege is a strong argument against any further extension. The minorities which are not at present represented are widely scattered and it would be impossible to constitute representative constituencies. As regards special interests, the only others which appear to require special representation are women and labour.

5. *Amount of Representation to be given to Minorities.*—(1) *Karens.*—On a population basis the Karens are entitled to about 9 per cent. of the total representation. It is proposed to give them 12 seats, which is approximately 9 per cent. of the total number of seats (132).

(2) *Anglo-Indians.*—As the Anglo-Indians have one seat in the present Council, there is a case for giving them more than one seat in an enlarged Legislature. Having regard to this consideration and to the number of general seats allotted to the community under the communal award, it is proposed to allot two seats to the Anglo-Indian community under the new constitution.

(3) *Europeans.*—It is proposed to allot three seats to this community. The argument in favour of adopting this figure runs as follows:—

> The population of Europeans in the whole of British India, excluding Burma, has remained steady at about 142,000 between 1921 and 1931. If from this total be deducted the number of

Europeans for the sub-class "Public Force," the balance of the Europeans in British India in 1921 amounted to 85,253. This total is still probably much the same. To the Europeans in India 24 general constituency seats have been awarded, i.e. one seat has been allotted to every 3,552 of the European population other than the "Public Force." In the whole of Burma the European population at the 1931 census amounted to 11,651. If from this be deducted the 1,793 in the "Public Force" the balance amounts to 9,858. On the basis of one seat to every 3,552 of this population, three general constituency seats would be allotted to the European community in Burma.

(4) *Indians.*—From the figures given in paragraph 2 it will be seen that Indians number 7·73 of the total population in the area made into constituencies. There are arguments for and against the basing of representation of Indians on the population figure. On the one hand, many of them are only temporarily resident in Burma, and that might be regarded as justifying a representation ratio less than the population ratio. On the other hand, there is a marked disparity between the numbers of males and females; whereas to the population of Burma as a whole *males and females contribute in very nearly equal proportions*, among the Indian population 72 per cent. are males and 28 per cent. are females. Again, of the Indians in Burma 63 per cent. are 20 years of age and over, while for the population as a whole the proportion is 52 per cent. The higher proportion of males and adults in the Indian population of Burma might be urged in support of the grant of representation in excess of the population ratio. The appropriate representation ratio for Indians, therefore, cannot be determined precisely, but no great error would, it is thought, be made if they were given general representation in accordance with the population ratio (7·73). This ratio would give Indians just over 10 general seats in a house of 132. It is proposed that the two Indian Labour seats for which provision is made below should be included in this total.

6. *Representation for Special Interests.*—(1) *Rangoon University.*—The communal settlement for India provides for the existing number of University seats, and it is accordingly suggested that one seat in the Lower House should be allotted to the University of Rangoon.

(2) *Chinese Representation.*—The Chinese population in the area made into constituencies at the last census amounted to 121,752, of whom 82,979 were males and 38,773 females. About 13 out of every 30 classified themselves as temporarily resident in Burma, and about 51 per cent. were born outside Burma. No information is available as to the number of Chinese who are British subjects. It is not possible to compute accurately what the Chinese representation in general constituencies should be, but it could hardly amount to 1 per cent. Further, the distribution of the Chinese is so scattered that it would be difficult to constitute a constituency for them, and if representation on the usual lines were proposed it would probably be necessary to confine representation to a small area such as Rangoon. It is, therefore, proposed to continue the present arrangement and give representation to the Chinese community by allotting one seat to the Chinese Chamber of Commerce.

(3) *Representation for Women.*—In making the communal settlement His Majesty's Government stated that they attached great importance to securing that the new Legislatures should contain at least a small number of women members, and that they felt that this object could not be achieved at the outset without creating a certain number of seats specially allotted to women. They proceeded to state that it is essential that women members should not be drawn disproportionately from one community, and that for this reason communal electorates are necessary for the election of women.

In the provinces of India, 37 seats are to be reserved for women out of a total of 1,463 seats, i.e. about 2·5 per cent. If this percentage be adopted for Burma, the number of seats to be reserved in a House of 132 would be either three or four. At present it is suggested that one seat be reserved for women in each of the following constituencies :—

Rangoon East. Rangoon West. Mandalay Town.

If seats are reserved for women of any community other than the majority community, that community should probably be the Karen community. Government is, however, prepared to leave the matter to the Karens themselves, and if the Karens wish to have a seat so reserved would be prepared to support such a proposal on the understanding that this seat would count against the Karen quota.

(4) *Representation for Labour.*—It is proposed to allocate four seats to Labour, one for Burman and one for Indian Labour in Rangoon or Rangoon *cum* Syriam, and one for Burman and one for Indian Labour in the oilfields. The qualifications for the franchise present some difficulty and are still under investigation, and considerations as to the numbers who can be brought on to the rolls may affect the exact extent of the constituencies. Trade unions in Burma are almost non-existent, and it is not considered practicable to constitute a trade union constituency at present. It is intended that the two seats for Indian Labour should count against the quota allotted to the Indian community.

(5) *Representation for Commerce and Industry.*—At present the Burma Chamber of Commerce has two members, while the Burmese Chamber of Commerce, the Burma Indian Chamber of Commerce, the Chinese Chamber of Commerce and the Rangoon Trades Association have one each. Commerce and Industry have, therefore, six seats in a House of 103, and in order to give them equivalent representation in a House of 132 it will be necessary to increase the number of seats allotted to this special interest to eight. It is no longer considered necessary to grant separate representation to the Rangoon Trades Association as their interests can be looked after by the representatives of the Burma Chamber of Commerce, and it is proposed to allot the eight seats as follows :—

Burmese Chamber of Commerce - - -	1
Chinese Chamber of Commerce - - -	1
Burma Indian Chamber of Commerce - -	2
Burma Chamber of Commerce - - -	4

It will be observed that the two additional seats are allotted to European and Indian Commerce. This follows the proposals in respect of India, where such increased representation as is allotted to Commerce is allotted to European Commerce, that is, to a minority interest.

7. *Summary.*—The above proposals may now be summarised as follows :—

Community (1)	Number of Seats		
	General (2)	Special (3)	Total (4)
Burmese - - -	94	4*	98
Karens - - -	12	—	12
Indians - - -	8	4†	12
Europeans - - -	3	4‡	7
Anglo-Indians - -	2	—	2
Chinese - - -	—	1	1
Total - - -	119	13	132

* Rangoon University - - 1
Burmese Chamber of Commerce 1
Burman Labour - - 2

† Burma Indian Chamber of Commerce 2
Labour - - - - - 2

‡ Burma Chamber of Commerce - 4

In a House of 132—

Total minority representation -	- 34
Percentage of minority representation -	- 26
Number of Burmese - - -	- 98
Preponderance of Burmese - -	- 64

Constituencies.

8. *Anglo-Indian Constituencies.*—It is proposed that there should be one constituency, with two members, covering the whole of Burma. If two constituencies were created the natural areas would be Upper and Lower Burma respectively. But the Anglo-Indian population of Lower Burma is 15,179, whereas that of Upper Burma is 3,268. This disparity in numbers alone is sufficient to determine the issue in favour of a single constituency covering the whole of Burma. It is proposed that election should be by postal ballot.

9. *European Constituencies.*—As in the case of Anglo-Indians, Europeans are concentrated in Lower Burma, for 7,700 reside there, compared with 3,100 in Upper Burma. It is proposed to have one constituency covering the whole of Burma with three members. In this case also postal ballot would be a suitable method of election.

10. *Karen Constituencies.*—The Karens now have five rural seats covering the following districts :—

Amherst
Bassein
Maubin
Myaungmya
Thatôn.

It is proposed above that they should be allotted 12 seats.

The distribution of the Karen population by districts is as follows:—

Division	District	Karens			Order in population
		Males	Females	Total	
(1)	(2)	(3)	(4)	(5)	(6)
Pegu	Rangoon Town	1,600	1,600	3,200	17
	Pegu	18,600	18,700	37,300	10
	Tharrawaddy	13,000	13,700	26,700	12
	Hanthawaddy	14,600	15,200	29,800	11
	Insein	18,600	19,100	37,700	9
	Prome	2,200	2,400	4,600	16
Irrawaddy	Bassein	63,100	66,000	129,100	2
	Henzada	29,000	31,200	60,200	7
	Myaungmya	59,100	59,400	118,500	3
	Maubin	56,000	57,800	113,800	4
	Pyapôn	10,700	11,000	21,700	14
Tenasserim	Salween	23,500	22,300	45,800	8
	Thatôn	141,300	140,000	281,300	1
	Amherst	54,500	52,500	107,000	5
	Tavoy	6,800	6,600	13,400	15
	Mergui	11,200	10,800	22,000	13
	Toungoo	44,700	43,400	88,100	6
	Total	568,500	571,700	1,140,200	—

In India, paragraph 6 of the communal award prescribes that the electorates for Muhammadans, Europeans and Sikhs shall cover between them the whole area of the Province. This would not be in order for the Karens, for there are very few of them in Upper Burma. Thus in Magwe Division there are 300 only, in Mandalay Division 5,600, and in Sagaing Division 700. There are also less than 100 Karens in the Arakan Division.

11. The main question which arises in connection with the determination of Karen constituencies is whether the representation should be spread over a large area or concentrated over a comparatively small area.

It seems preferable to give additional representation to existing communal electorates where the figures warrant it and to restrict the area in which separate electorates are conceded. There are two good reasons for this :—

(*a*) It is sound not to expand more than is necessary the areas in which communal electorates exist.

(*b*) Within limits it is sound to endeavour to equalise the population in the various constituencies.

12. A suggestion was put forward at the Burma Conference that, in order to obviate the need for separate electorates for the Karens, certain areas which would contain a majority of Karens should be carved out as constituencies. It was asserted that in this way the Karens would be enabled to elect Karens if they desired to do so. The prospects of

manipulating areas so as to get the desired result seem remote, as the following figures of population show :—

District	Karens	Burmans	District	Karens	Burmans
Thatôn - -	281,300	136,500	Toungoo - -	88,000	283,700
Bassein - -	129,100	405,400	Henzada - -	60,200	531,000
Myaungmya -	118,500	289,600	Insein - - -	37,700	232,900
Maubin - -	113,800	238,700	Pegu - - -	37,300	366,800
Amherst - -	107,000	74,200	Hanthawaddy - -	29,800	297,200

It is quite clear that it would not be possible so to arrange general constituencies containing both Burmese and Karens as to guarantee to the Karens the amount of representation to which they are fairly entitled, although it might be possible in Thatôn and Amherst.

13. In the light of all these considerations it seems best that the 12 seats recommended for this community should be distributed as follows :—

Thatôn District - -	2	Amherst District - -	2
Bassein District - -	2	Toungoo District - -	1
Myaungmya District -	2	Henzada District - -	1
Maubin District - -	2		

In districts to which two seats are allotted, it is suggested that the question of dividing the district into two single member constituencies should be considered, and that, following Burma Electoral Rule 4, the electoral rules should authorise such action. But it may not be possible to complete these arrangements before the first elections under the new constitution are held.

14. In an earlier paragraph reference has been made to the possibility that seats should be reserved to Karen women. It is suggested that the following conditions should apply to any representation given to them :—

(*a*) Not more than one seat should be reserved for Karen women.
(*b*) The seat should count against the Karen quota.
(*c*) The seat should be located in Thatôn District, which should then become a three-seat Karen constituency, of which one would be reserved for Karen women.
(*d*) The number of seats allotted to Amherst District should be reduced to one, so as to retain unaltered the total amount of Karen representation.

15. *Indian.*—The Indian community now have eight representatives in the Legislative Council. The constituencies, which are entirely urban, and the number of members are as follows :—

Akyab Indian Urban -	1	Moulmein Indian Urban -	1
Bassein Indian Urban -	1	West Rangoon Indian Urban -	2
Mandalay Indian Urban -	1	East Rangoon Indian Urban -	2

It has been recommended above that the Indians should be given 10 General seats in a Lower House of 132 members. But this total representation should, in order not to disturb the communal balance, also cover any representation of Labour. As it is proposed that two seats should be allotted to Labour, the number of General seats which should be allotted to the Indians is eight. It is now for consideration through what constituencies this representation should be secured.

16. A general question arises at the outset. The present Indian constituencies are entirely urban, and it is for consideration whether this arrangement should continue or whether the constituencies should be expanded so as to cover rural areas as well. Any extension of the areas of Indian constituencies would add appreciably to the difficulties of conducting elections. With the extension of the general franchise, those difficulties are bound to be considerable. But the trouble will be disproportionately great in the case of the Indian community as special polling booths may be required for Indian women. Special arrangements of this kind could be made much easier in towns than rural areas. The difficulty of concerting suitable electoral arrangements will be particularly felt in areas in which separate electorates are being provided for both Indians and Karens, for it is precisely in these areas that the additions to the general electorate are likely to be greatest. The expansion of the Indian constituencies would also add to the difficulty of drawing up the electoral rolls. The primary object is to see that the Indian community is adequately represented and the precise areas of constituencies is less important. Further, it is wise not to expand more than is necessary the areas in which the system of communal electorates operates. Again, the maintenance of the extent of Indian representation at its present figure suggests that no change should be made in existing constituencies. In these circumstances the proper course seems to be to confine Indian representation to towns as at present.

17. The distribution of the Indian population by districts is as follows :—

Division	District	Indians (in thousands)			Order
		Males	Females	Total	
(1)	(2)	(3)	(4)	(5)	(6)
Arakan	Akyab	124	87	211	2
	Kyaukpyu	3	1	4	21
	Sandoway	2	—	2	22
Pegu	Rangoon	172	41	213	1
	Pegu	35	16	51	4
	Tharrawaddy	11	3	14	15
	Hanthawaddy	46	20	66	3
	Insein	31	13	44	5
	Prome	9	3	12	17
Irrawaddy	Bassein	20	4	24	12
	Henzada	9	3	12	18
	Myaungmya	24	4	28	11
	Maubin	11	2	13	16
	Pyapôn	26	8	34	8
Tenasserim	Salween	1	—	1	—
	Thatôn	23	11	34	9
	Amherst	29	11	40	6
	Tavoy	5	1	6	20
	Mergui	7	2	9	19
	Toungoo	20	10	30	10
Magwe	Magwe	14	3	17	13
	Rest of division	9	3	12	—
Mândalay	Mandalay	27	11	38	7
	Rest of division	17	7	24	—
Sagaing	Myitkyina	11	6	17	14
	Rest of division	20	7	27	—
	Total	706	277	983	—

Having regard to these figures, this Government considers that, if Indian constituencies are to be expanded so as to embrace both urban and rural areas, the eight General seats for the Indian community should be apportioned as follows :—

Rangoon Town District	4	Hanthawaddy District	1
Akyab District	2	Pegu District	1

Any expansion of Indian constituencies would therefore necessitate the withdrawal of representation from Bassein, Amherst and Mandalay, which have separate (Indian urban) representation at present. This is an additional reason for making no change in the existing arrangements.

18. The towns in which the Indian population is heavy are as follows :—

Town	Indians (in thousands)				Order
	Hindu	Muslim	Other Indians	Total	
(1)	(2)	(3)	4)	(5)	(6)
Akyab	11	10	—	21	3
Rangoon	140	58	15	213	1
Insein	7	2	1	10	6
Bassein	11	4	—	15	5
Moulmein	16	6	1	23	2
Mandalay	10	5	2	17	4
Pegu	4	1	—	5	10
Syriam	6	2	—	8	8
Toungoo	4	2	1	7	9
Maymyo	6	2	2	10	7
Pyinmana	3	1	—	4	11

In the light of these figures, the eight seats recommended for this community might suitably be allotted as follows :—

Rangoon Town	4	Akyab Town	1
Moulmein Town	1	Bassein Town	1
Mandalay Town	1		

It will be observed that this allotment is in accordance with the existing representation, and this is a strong point in its favour.

19. It would now be convenient to summarise the proposals regarding the representation of the Indian community. They are as follows :—

(*a*) There should be eight Indian General constituency seats.
(*b*) There should be two Labour seats allocated to Indians.
(*c*) All the general Indian representation should be urban.
(*d*) The present Indian urban constituencies should be maintained unaltered.

20. *General Constituencies.*—There are at present the following General non-communal constituencies :—

Urban	14	Rural	44

Particulars of these are as follows:—

General Urban Constituencies.

Town	Population	Voters
Akyab Town	16,793	4,921
Bassein Town	30,239	2,575
Henzada	28,542	2,166
Mandalay (3)	130,828	17,733
Moulmein (2)	42,634	6,631
Prome	28,295	4,259
Rangoon Town East (2) and Rangoon Town West (2)	187,486	8,950 and 14,499
Tavoy	29,018	4,423
14 Seats	493,835	66,157

General Rural Constituencies.

Constituency (1)	Population (2)	Voters (3)	Constituency (1)	Population (2)	Voters (3)
Amherst	344,769	51,100	Mergui	161,987	16,538
Akyab District East	231,852	69,358	Minbu	277,876	60,071
Akyab District West	367,634	49,965	Myaungmya	326,359	37,902
South Arakan	349,537	23,023	Myingyan North	277,599	61,998
Bassein District	398,352	73,313	Myingyan South	194,958	37,608
Hanthawaddy East	223,980	27,191	Pakôkku East	313,459	62,957
Hanthawaddy West	184,851	23,962	Pakôkku West	185,722	35,864
Henzada District North	288,067	51,314	Pegu North	199,830	29,621
Henzada District South	296,671	42,967	Pegu South	290,139	43,092
Insein	331,452	39,489	Prome District	382,356	57,036
Katha	253,311	40,262	Pyapôn	334,158	37,361
Kyauksè	151,320	30,766	Sagaing East	155,192	32,453
Lower Chindwin East	203,884	38,145	Sagaing West	180,773	36,929
Lower Chindwin West	179,550	43,217	Shwebo East	201,107	46,265
Magwe East	243,227	55,840	Shwebo West	245,683	56,345
Magwe West	256,346	65,017	Tavoy District	150,946	28,019
Mandalay District	223,704	44,804	Tharrawaddy North	250,210	40,491
Maubin	257,751	37,699	Tharrawaddy South	258,109	32,670
Meiktila East	138,058	26,930	Thatôn	251,396	42,984
Meiktila West	171,941	36,160	Thayetmyo	274,177	44,330
			Toungoo North	204,641	34,090
			Toungoo South	224,029	36,223
			Yamèthin North	206,502	41,640
			Yamèthin South	184,318	34,656
			Total	10,827,783	1,857,665

21. The statistics concerning these general constituencies can be summarised as follows:—

Population in general urban constituencies	493,835
Voters in general urban constituencies	66,157
Population per general urban constituency	35,272
Voters per general urban constituency	4,725
Population in general rural constituencies	10,827,783
Voters in general rural constituencies	1,857,665
Population per general rural constituency	246,086
Voters per general rural constituency	42,220

It is clear from these figures that urban interests are at present over-represented and that, if additional seats are available, they should be given to rural areas.

22. It will be observed from paragraph 7 above that, in future, the number of general seats is to be 94. As stated in paragraph 20 the present number is 58. There will thus be an increase of 36 seats. But for the reasons given in paragraph 21 none of these additional seats (other than the three seats to be reserved for women, *vide* paragraph 25) should be allotted to urban areas.

23. At present Kyaukpyu and Sandoway districts are combined together in the South Arakan constituency. The district is usually taken as the unit. It is therefore proposed that this constituency should be dissolved and two constituencies created. On a population basis Kyaukpyu will in future be entitled to two members. This change will therefore account for two of the available seats.

24. It is further proposed that portions of the—

Upper Chindwin,
Myitkyina,
Bhamo

districts which are included in the elective area, but which have not yet been included in constituencies, should now be made into constituencies and given one representative each.

25. If these changes are accepted 31 seats will still be available for general constituencies. But it is proposed to reserve one seat for women in each of the following general urban constituencies :—

Rangoon East,
Rangoon West,
Mandalay.

26. There are still 28 seats available for allotment to general rural constituencies. These seats could be distributed according to—

(*a*) population ; or
(*b*) voters.

This Government favours a population basis. Under the proposals now put forward Upper and Lower Burma will compare as follows :—

Class of Seat	Present		Future	
	Upper	Lower	Upper	Lower
(1)	(2)	(3)	(4)	(5)
Indian Urban - - -	1	7	1	7
Burman Labour - - -	—	—	1	1
Indian Labour - - -	—	—	1	1
General Urban - - -	3	11	3	11
Seats reserved for women -	—	—	1	2
Karen General -	—	5	—	12
General - -	20	24	32	45
Total -	24	47	39	79

27. *General Rural Constituencies.*—On a population basis the general seats should be allocated as shown below:—

Constituency (1)	Population (2)	Seats Proposed (3)
Amherst	344,769	2
Akyab District East	231,852	2
Akyab District West	367,634	2
Bhamo	66,531	1
Bassein District	398,352	2
Hanthawaddy East	223,980	2
Hanthawaddy West	184,851	1
Henzada District North	288,067	2
Henzada District South	296,671	2
Insein	331,452	2
Katha	253,311	2
Kyauksè	151,320	1
Kyaukpyu	220,292	2
Lower Chindwin East	203,884	1
Lower Chindwin West	179,550	1
Magwe East	243,227	2
Magwe West	256,346	2
Mandalay District	223,704	2
Maubin	257,751	2
Meiktila East	138,058	1
Meiktila West	171,941	1
Mergui	161,987	1
Minbu	277,876	2
Myaungmya	326,359	2
Myingyan North	277,599	2
Myingyan South	194,958	1
Myitkyina	89,298	1
Pakôkku East	313,459	2
Pakôkku West	185,722	1
Pegu North	199,830	1
Pegu South	290,139	2
Prome District	382,356	2
Pyapôn	334,158	2
Sagaing East	155,192	1
Sagaing West	180,773	1
Sandoway	129,245	1
Shwebo East	201,107	1
Shwebo West	245,683	2
Tavoy District	150,946	1
Tharrawaddy North	250,210	2
Tharrawaddy South	258,109	2
Thatôn	251,396	2
Thayetmyo	274,177	2
Toungoo North	204,641	2
Toungoo South	224,029	2
Upper Chindwin	187,605	1
Yamèthin North	206,502	2
Yamèthin South	184,318	1
Total	11,171,217	77

Power should be taken, as is conferred by Burma Electoral Rule 4, to subdivide areas to which it is proposed to allot two members into two single-member constituencies. But it is doubtful whether this task can be undertaken in time for the new constituencies to be delimited for the first election under the new constitution.

28. *Special Constituencies.*—As stated above, it is proposed that the representation now enjoyed by the Rangoon Trades Association be withdrawn. No change is suggested in the constituencies to which it is proposed to continue to give representation.

Franchise for the Lower House.

29. *Franchise for the Lower House.*—The subject of the franchise was discussed at the Burma Conference, and proposals for the franchise in India have recently been made by the Indian Franchise Committee. The views of the Burma Conference are recorded in paragraphs 35 to 37 and in paragraph 43 of the Report of the Committee of the whole Conference. The opinion was widely held that a case existed for the extension of the franchise. It was also pointed out that the position of women and unmarried men under the present system is illogical and requires examination. In India a very wide extension of the franchise to males has been proposed, while women have been recommended for enfranchisement roughly in the ratio of one woman to four men. The Government of Burma has kept in view the recommendations of the Burma Conference and the proposals of the Indian Franchise Committee

in formulating the proposals which follow. Its object is to make such an extension of the male electorate as is reasonably practicable, and to effect a very considerable increase in the ratio of female to male voters.

30. *Present Electorate.*—The population of the portion of Burma now made into constituencies is 12·3 millions. The number of electors, male and female, is 2·08 millions. The number of female voters is about 124,000. The percentages of electors to population, of male electors to the adult male population and of female electors to the adult female population are 16·9, 57·4 and 4·0 respectively.

31. *Present Qualifications.*—The basis of the present franchise in general constituencies is defined in Burma Electoral Rule 8 (1), which reads as follows :—

"8.—(1) The qualifications of an elector for a general constituency shall be such qualifications based on—

Qualifications of Electors

(i) community;
(ii) residence; and
(iii).—(*a*) occupation of a building, or
(*b*) payment of municipal or cantonment taxes or capitation-tax or land-rate in lieu of capitation-tax, or
(*c*) payment of land revenue, or of a tax on circumstances and property under the Burma Rural Self-Government Act, 1921, or
(*d*) entry in the capitation-tax or the *thathameda*-tax assessment-roll, or
(*e*) assessment to income-tax, or
(*f*) military service, or
(*g*) the possession of immovable property, as are specified in Schedule II in the case of that constituency."

The qualifications which, under these powers, have been prescribed in respect of community, residence and property are defined in clauses 2, 3 and 4 of Schedule II to the Burma Electoral Rules, which are reproduced in the Annexure to this Memorandum.

32. *Qualification based on Community.*—Separate representation is proposed above for the Karen, Indian, Anglo-Indian and European communities. For so long as separate electorates are maintained it will be necessary to base a qualification on community. The existing qualifications based on community are specified in the Annexure to this Memorandum, and no modification seems necessary.

33. *Residential and Age Qualification.*—At the Burma Round Table Conference stress was laid on the point that a period of residence in Burma should be an essential qualification for the vote. In the Indian White Paper an age qualification of 21 is prescribed for the franchise for the Lower Houses of both the Provincial and the Federal Legislatures. It is possible and convenient to combine these qualifications in the case of Burma by requiring proof of payment of, or assessment to, the qualifying tax for a period of three years, and it is proposed to amend the qualifications based on payment of or assessment to taxes accordingly, except in the case of income-tax. In the case of the latter tax the nature of the qualification required involves residence for a minimum

period of 12 to 18 months and this seems adequate in the case of a person of some standing and education. The three years' period would be applied also to the qualification based on payment of rent or the supply of rent-free quarters of a certain annual rental value, but it is not considered necessary to apply it to the qualification based on the possession of property (Rule 3 (*a*) of the Annexure to this Memorandum) which will in any case take some time to acquire. The names of persons on the present electoral rolls would, however, be allowed to remain and such persons would not be disfranchised.

34. *Qualification based on Capitation-tax.*—At present the qualification based on capitation-tax requires that the voter should be entered in the assessment roll as liable to pay capitation-tax of not less than Rs. 5. The present qualification therefore excludes all married males who are assessed to capitation-tax of less than Rs. 5 and these number some 90,000. It excludes also males over the age of 60 and all unmarried men. The latter defect is probably the most serious. It is proposed to prescribe simply assessment to capitation-tax as the qualification subject to the limitations at present imposed as regards exemption from payment on certain grounds; and to provide also that a person above 60 years of age who during the financial year preceding that in which he attained the age of 60 years has either paid capitation-tax or has been assessed to capitation-tax and exempted from payment otherwise than on the ground of poverty shall continue to be so eligible although capitation-tax is no longer payable by him.

35. *Other Qualifications in Rural Areas.*—It is proposed to modify Rule 4 (*b*) by prescribing merely payment of tax to a District Council without specifying any particular tax or any amount of tax. It is not proposed to make any change in the qualifications specified in items (*c*), (*d*), (*e*) and (*f*) of Rule 4.

36. *Qualifications in Urban Areas.*—Most of the voters in towns obtain the vote under one or other of the following qualifications :—

(1) The occupation of a building.
(2) The payment of municipal or cantonment taxes.
(3) The possession of immovable property.

The percentage of the population enfranchised in urban areas is less than that in rural areas in Lower Burma and substantially less than that in rural areas in Upper Burma. The most recent electoral rolls show that these percentages are 12·7, 14·6 and 20·5 respectively. It is considered necessary to bring these percentages more into agreement with each other. The proposals which follow regarding the enfranchisement of women will tend in that direction, but that will not be enough and it is therefore proposed to revise the qualifications based on property as follows :—

(*a*) The value of immovable property which will entitle the possessor to a vote should be reduced from Rs. 200 to Rs. 100.

(*b*) Any person who pays any amount of municipal taxes or cantonment taxes should be enfranchised.

(*c*) In the existing house rent qualifications Rs. 48 should be substituted for Rs. 60.

In the circumstances in which this Memorandum has been written it is impossible to estimate exactly the effect of the changes we propose. But it is anticipated that, if these proposals are adopted, the electorates in the various urban constituencies will be approximately as follows :—

Urban Constituency	Population	Voters	Percentage of Voters to Population	Estimated future No. of Voters with Property Qualification	Number of Literate Women	Estimated future Total Number of Voters	Percentage of Voters to Population
(1)	(2)	(3)	(4)	(5)	(6)	(9)	(8)
Akyab (General)	16,793	4,921	29·3	5,221	2,413	12,398	32·5
Akyab (Indian)	21,301	3,164	14·9	4,764			
Bassein (General)	30,239	2,575	8·5	3,865	4,357	9,490	20·8
Bassein (Indian)	15,423	1,020	6·7	1,268			
Henzada (General)	28,542	2,166	7·6	3,809	3,100	6,909	24·2
Mandalay (General)	130,828	17,733	13·6	26,733	15,524	42,257	32·3
Mandalay (Indian)	17,104	5,014	29·3	6,294	1,505	7,799	45·6
Moulmein (General)	42,634	6,631	15·6	6,969	5,861	15,330	23·4
Moulmein (Indian)	22,872	2,070	9·1	2,500			
Prome (General)	28,295	4,259	15·1	5,359	2,908	8,267	29·2
Rangoon East (General)	187,486	8,950	12·5	8,950	24,000	47,449	25·3
Rangoon West (General)		14,499		14,499			
Rangoon East (Indian)	212,929	12,625	10·5	12,826	4,815	27,467	12·9
Rangoon West (Indian)		9,826		9,826			
Tavoy (General)	29,018	4,423	15·2	5,423	2,767	8,190	28·2
Total	783,464	99,882	12·7	118,306	67,250	185,556	23·7

The table indicates that the proportions of the populations in the urban constituencies which will be enfranchised by the qualifications proposed will not be uniform. In particular, the modifications proposed in the property qualifications will not effect any appreciable increase in the electorate in Rangoon. The qualification based on the possession of immovable property is practically inoperative in Rangoon, and in any case almost all the houses in that area are worth not less than Rs. 200 each. Further, the minimum amount of municipal taxes assessed is considerably in advance of the sum of Rs. 4 which now appears in Schedule II to the Burma Electoral Rules. Finally, house rents are generally in excess of the Rs. 5 which is the sum which now entitles a person to a vote. In the result it seems inevitable that the electorate in Rangoon should remain practically unaltered to the extent that the number of voters depends on the possession of a property qualification. But the forming of Labour constituencies will add very considerably to the electorate and so redress the balance.

The above proposals will very largely reduce, if they do not altogether eliminate, the disparity between the proportions of the urban and rural populations which obtain the vote.

37. *Enfranchisement of Women.*—In his letter of instructions to the Indian Franchise Committee the Prime Minister stated that "His Majesty's Government attach special importance to the question of securing a more adequate enfranchisement of women than the existing system, which applies to women the same qualifications as to men, and has

produced a women's electorate numbering less than one-twentieth of the total male electorate." One of the qualifications recommended by the Indian Franchise Committee for women was literacy as defined for census purposes, viz. ability to read and write a letter in any language. It is proposed to adopt this qualification in Burma, and to couple with it an age qualification of 21. The number of literate women over 20 in the future elective area in Burma is 628,000, of whom 474,000 are resident in Lower Burma and 154,000 in Upper Burma. If allowance is made for the reduction in the numbers arising from the raising of the age to 21 and for the women who already possess the franchise through the property qualification, the number of women which will be added to the electorate will be in the neighbourhood of 600,000 and the total number of women voters over 700,000.

The Indian Franchise Committee found that the literacy qualification would not in India go very far to remove the disparity in voting strength between men and women, and they recommended other qualifications. The net result of all their recommendations is to make the ratio of men voters to women voters roughly 4 : 1. In Burma, however, the adoption of the literacy qualification alone will produce one woman voter for every 3·3 male voters, a higher proportion than that secured in India, and no additional qualification is considered necessary. The Indian Franchise Committee recommended that the vote should be given to the wives of all men who possess the property qualifications at present prescribed for the Provincial Councils. The present electorate in Burma numbers about 2·08 millions, of whom only 124,000 are women. Owing to the large proportion of the adult male population which is now enfranchised in Burma, the effect of applying to women in Burma the additional qualification recommended for women in India would almost double the electorate and would bring the number of women voters into practical equality with the number of male voters. At present this course is not practicable.

38. *Special Constituencies:* (1) *The University.*—Any person is now qualified as an elector for this constituency if he has a place of residence in Burma and if he is a Fellow or an Honorary Fellow or a registered graduate of the University. This is in accordance with the views of the majority of the Indian Franchise Committee as expressed in paragraph 335 of their Report. In the communal settlement for India this point has been reserved for further consideration. No change is proposed for the present in the qualifications for this constituency, but there would appear to be no objection to accepting whatever is decided for India.

(2) *Chambers of Commerce.*—No change is suggested in the present qualifications.

(3) *Labour.*—The qualifications to be prescribed for Labour constituencies, which must necessarily differ from those in other constituencies, are at present under consideration. A lengthy investigation will be necessary and it is not possible to include Government's proposals in this Memorandum.

39. *General Results of the Proposals.*—The results of these proposals can be only approximately gauged, but it is estimated that they will enfranchise 3,000,000 or over in the future elective area of Burma out of a total population in that area of 12·9 millions. Of these 3,000,000, about 2·3 millions will be males and about 700,000 women.

Proposals for an Upper House.

40. *Need for an Upper House.*—The great majority of the democracies of the world, even those which have come recently into being, have been established on a bicameral basis. The Burma Conference was unanimously in favour of the establishment of a Second Chamber, and the Burman representatives were generally anxious that it should be called the Senate. Further, the Indian White Paper proposes a Second Chamber in those Provinces which desire one.

41. *Functions and Character of an Upper House.*—A big advance in self-government in Burma is contemplated and the future Legislature will have to deal with legislation relating to a much wider field of subjects than hitherto. The main power of the Upper House will be to revise and delay and thus to ensure that legislative measures are adequately considered and are supported by public opinion. These considerations have to be borne in mind in examining the proposals set forth below.

42. *Size of the Upper House.*—In his speech at the close of the Burma Round Table Conference, the Prime Minister said that in size the Upper House should be about one-third of the Lower House. In paragraph 380 of its Report the Indian Franchise Committee stated that the prevailing opinion was that the size of the Provincial Second Chambers should be between a quarter and a third of the size of the Lower House. It is proposed that the membership of the Senate in Burma should be 36, which is between a quarter and a third of the membership of the Lower House, viz. 132.

43. *Composition of Upper House.*—It is necessary that a proportion of the members should be nominated in order to secure representation for minorities and special interests which may not secure representation through elected members, and also to secure in the Senate that element which is indispensable in a senatorial body and which may not be secured merely by the qualifications prescribed for candidates. It is proposed that half of the members of Senate should be elected and half nominated by the Governor.

44. *Method of Election.*—The elective area in Burma covers 123,000 square miles. The number of electors in Burma to the Council of State is about 15,000. If the existing franchise and method of election were maintained, there would thus be on the average one member to each 833 electors, and those electors would be spread over an average area of 6,833 square miles. Several of the constituencies would be considerably in excess of this average area, for a substantial proportion of the voters would be concentrated in Rangoon. The difficulty of maintaining contact between the members and constituents would be enhanced by the fact that the population in Burma is predominantly rural and communications are not highly developed. There would also be great difficulty in making suitable polling arrangements for even such a limited electorate spread over so large an area. It is, therefore, impracticable to subdivide Burma into territorial constituencies for the purpose of electing members to the Upper House. It would also be very difficult, under a system of direct election, to give effect to the principle of continuity which should be adopted for the Upper House. In view of these

considerations the most suitable method is indirect election of members of the Upper House by members of the Lower House voting in accordance with the principle of the single transferable vote.

45. *Term of Office.*—It is proposed that both elected and nominated members should normally hold office for eight years, and, in order to secure continuity, that one quarter should retire every two years, one half of the elected and nominated members retiring alternately. In the first senate after its creation and in the first senate after a dissolution it will not be possible for all the members to serve for their full term. In these cases provision should be made for the retirement of the nominated members at the end of the second and sixth years, and for the retirement of the elected members at the close of the fourth and eighth years.

46. *Qualifications for Members.*—The qualifications proposed are as follows:—

(1) To be a British subject of not less than 35 years of age, and
(2)—(*a*) Payment of not less than Rs. 1,000 land revenue or of income tax assessed on a minimum income of Rs. 12,000, or
(*b*) a qualification based on service in certain distinguished public offices, viz. as a Member of the Governor's Executive Council, or as a Minister, or as a Judge of the High Court, or as a permanent Deputy Commissioner or as a permanent District and Sessions Judge.

47. *Representation of Minorities and Special Interests.*—Representation for these may be secured to a very limited extent through the system of the single transferable vote, but this will have to be supplemented by the Governor's power to nominate.

General.

48. Non-official opinion is being consulted on these proposals, but it must be understood that any recommendations resulting from such consultation will have to be open for further discussion with the Joint Select Committee. Conclusions therefore reached as a result of discussion of the proposals with non-officials cannot be regarded as being in any sense final.

ANNEXURE (paragraph 31 of the Memorandum).

Extract from Schedule II to the Burma Electoral Rules.

"2.—(1) No person shall be qualified as an elector—

Qualifications based upon community.

"(*a*) for a Karen constituency unless he is a Karen;
"(*b*) for a European constituency unless he is a European;
"(*c*) for an Anglo-Indian constituency unless he is an Anglo-Indian;
"(*d*) for an Indian constituency unless he is an Indian;
"(*e*) for any other general constituency if he is a European or an Anglo-Indian.

"(2) No Karen shall be qualified as an elector for any of the following constituencies, namely, the Amherst, Bassein District, Maubin, Myaungmya and Thatôn general rural constituencies.

"(3) No Indian shall be qualified as an elector for any of the following general urban constituencies, namely, Akyab, Bassein, Mandalay, Moulmein and Rangoon.

"3. Subject to the provisions of paragraph 2 of this Schedule a person shall be qualified as an elector for an urban constituency who has a place of residence in the constituency and who—

Urban Constituencies.

"(*a*) possesses immovable property in the constituency of the value of not less than Rs. 200, or

"(*b*) has paid during and in respect of the previous financial year, municipal taxes or cantonment taxes, which, together with any capitation tax or land rate in lieu of capitation tax paid by him in respect of the previous agricultural year, amount to not less than Rs. 4, or

"(*c*)—(i) has paid during and in respect of the previous financial year rent at a rate of not less than Rs. 60 per annum for a house or part of a house which he has occupied in the constituency, or

"(ii) has lived rent free during the previous financial year in a house or part of a house in the constituency owned by his employer or hired by his employer on his behalf, of which the rental value is not less than Rs. 60 per annum, or

"(*d*) possesses any of the qualifications hereinafter prescribed for an elector of a rural constituency.

"4. Subject to the provisions of paragraph 2 of this Schedule, a person shall be qualified as an elector for a rural constituency who has a place of residence in the constituency and—

Rural Constituencies.

"(*a*) has been entered in the capitation tax assessment roll as liable to pay capitation tax of not less than Rs. 5 or in the thathameda tax assessment roll of the previous agricultural year as head of the household and liable to pay thathameda tax, and has not been exempted from payment of capitation tax or thathameda tax, as the case may be, on the ground of poverty or of being an immigrant from a country outside Burma, or

"(*b*) has paid during and in respect of the previous agricultural or financial year a tax on circumstances and property under section 26 of the Burma Rural Self-Government Act, 1921, or

"(*c*) has paid during and in respect of the previous agricultural year land revenue of not less than Rs. 5, or

"(*d*) was in the previous financial year assessed to income tax, or

"(*e*) in the case of a person possessing a place of residence within the municipalities of Toungoo, Kyaukpyu or Thayetmyo, possesses qualifications prescribed in subclauses (*a*), (*b*) or (*c*) of clause (1) of paragraph 3 of this Schedule, or

"(*f*) is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular forces."

APPENDIX III.

VIEWS OF PARTIES, MINORITIES AND SPECIAL INTERESTS IN BURMA ON THE GOVERNMENT OF BURMA MEMORANDUM* ON REPRESENTATION OF MINORITIES, FRANCHISE, &c.

I.—Independent Party.

1. Under paragraph 5 (2) of the Memorandum, it is proposed to allot two seats to the Anglo-Indian community. We do not consider that a sufficient case has been made out to justify this allotment. We are inclined to the view that they should have one seat as at present.

2. Under 5 (3) dealing with Europeans, in our view the total number of seats allotted to the European community are far too many, and out of proportion to the size of the European population in Burma. We suggest that 3 general seats should be reduced to 2, and 4 special seats representing the Burma Chamber of Commerce to 3.

3. Under 5 (4), it does not seem wise to accede to the Indians the same number of seats as the Karens, since percentage of Karen population in whole of Burma is 9·32 to 6·94 of the Indians. It is our considered opinion that the number of general representations should be restricted to 8, and Labour 1, and Chamber of Commerce 1, total representations 10.

4. In view of the fact that the Chinese have in Burma considerable vested interests in property and the amount and value of trade they carry on in Burma, and further no communal representation is allowed to them, we consider that their representation on the Chamber of Commerce should be increased to 2.

5. Under 6 (3) we recommend that women representation should be restricted to the Burmese only, and we strongly oppose should women of other nationalities be permitted.

According to our above proposal, seats should be allotted as follows :—

Anglo-Indians	1	Europeans	5
Karens	12	Chinese	2
Indians	10	Burmans	102

TUN PE,
Whip and Delegate of the Independent Party

II.—Hlaing-Myat-Paw Anti-Separation Party.

1. After a very careful study and analysis of the Memorandum of the Government of Burma relating to minority representation, &c., my Party is forced to conclude that the Memorandum is based chiefly on the discussions of the Burma Round Table Conference and consequently on the basis of a separate constitution for Burma. Moreover, my Party finds it extremely difficult to give an expression of opinion on the Memorandum, as the matter, as it stands, can only be dealt with on a hypothetical basis and on the basis of two alternatives, namely, Separation or Federation, and this is to be done before we know what

* Appendix II.

the actual constitutional position of Burma is at present, that is, before the vital issue of Separation or Federation is finally determined.

2. As a matter of fact my Party not only considers the Memorandum too premature, but also views it with considerable apprehension on the ground that it foreshadows separation of Burma from India, though the ultimate decision yet rests with the Parliamentary Joint Select Committee, who, it is hoped, will not arrive at this momentous decision without considering the views of the accredited Burman representatives on it, and more particularly without taking into account the wishes of the people of Burma and the various events and circumstances relating to the future association of Burma with India.

3. My Party feels confident that the Joint Select Committee would find no difficulty in deciding the issue in favour of Federation, if they took a fair and equitable view of the matter in the light of the views expressed by the people of Burma from time to time both inside and outside the Burma Legislative Council, and all the circumstantial evidence that go to support the case for Federation.

4. Though ordinarily my Party would refrain from making any comment on the Local Government's Memorandum relating to the question of the constitution of the Legislature, the formation of constituencies and on the question of franchise and minority representation at this stage, yet from a deep sense of respect towards the request made by His Excellency the Governor of Burma for a comment on the Memorandum, my Party is willing to give an expression of opinion on the matter, but wishes to do so from the Federationist point of view and also to submit a few of the salient facts and circumstances to indicate to His Excellency the Governor of Burma and the Joint Select Committee why my Party is compelled to oppose Separation and why they cannot view the Memorandum from the Separationist point of view.

5. It is common knowledge that the separationists and their claim for separation were hopelessly defeated on several occasions in the past and it is hardly necessary for me to recapitulate them herein. But at the same time it may not be out of place to recount a few of the outstanding occasions on which the separationists met with their defeats. They are as follows:—

(*a*) On the 20th October 1929, long before the Premier's announcement about the Indian Round Table Conference, a big mass meeting was convened at the Jubilee Hall, Rangoon, by the Separation League headed by U Maung Gyee, M.A., Barrister-at-Law, after a great deal of propaganda in the country by the Separation League, and one of the resolutions before the meeting was to send a delegation to England for the purpose of advocating separation of Burma from India, but when the resolution was put to the meeting it was defeated by a large majority of votes.

(*b*) At the last General Election when the separation issue was before the electorate the separationists were defeated by an overwhelming majority, the proportion being over 5 lakhs to about 2 lakhs and 70,000 votes.

(*c*) At the Burma Legislative Council the separation motion moved by U Ba Pe, the leader of the People's Party during the December session (1932), also met with a clear defeat.

6. In the face of such consensus of opinion and such clear verdict on the part of the Burmese people against Separation, it seems to us that it would be a political blunder of the worst kind to act in defiance of the wishes of the Burmese people and to thrust Separation upon Burma. Such a false step is likely to create a grave political situation and is apt to lead to serious consequences.

7. In this connection the authorities concerned cannot overlook or disregard the views expressed by the General Councils of Burmese Associations in Burma, whose following constitute by far the greater bulk of the Burmese population and the many resolutions passed by them at their conferences and mass meetings, at which the question of Separation or Federation was discussed and determined upon. In this respect I would like to emphasise upon the resolutions passed at a very important and gigantic Convention of All-Burma General Councils of Burmese Associations and anti-separationists held on the 2nd July 1932 at the Jubilee Hall, Rangoon. This Convention explicitly rejected the proposed constitution offered by the Prime Minister and also rejected separation of Burma on the basis of the said constitution. This Convention also urged upon the people of Burma to vote for anti-separationists at the General Election. It ought, therefore, to be more than clear that this Convention was entirely opposed to separation and was absolutely in favour of Federation—a line of action which was consistent with their previous attitude and former resolutions passed by them.

8. The separationists and their sympathisers have viciously tried to deliberately misconstrue and misrepresent the proceedings of the Convention by endeavouring to make out that this Convention was prepared to accept the proposed constitution for Burma with some modifications and that it was in favour of Federation on a temporary basis. This is far from being true. For, the Convention realised to the fullest extent that the British Government would not make any radical changes in the fundamental principles of the proposed constitution for Burma and therefore rejected the proposed constitution, and with a view to removing any doubt or misgiving that might be created in the minds of the people by any counter-propaganda, the Convention felt it necessary to indicate to the people of Burma that if at any time after the alternative of Federation had been accepted the British Government was prepared to grant them a constitution acceptable to them, they would cease to oppose Separation of Burma. Hence we find that the Convention appealed to the people of Burma to continue to oppose Separation so long as the British Government did not grant a constitution acceptable to them. Again, as a matter of constitutional principle, the Convention passed a resolution deprecating the principle of permanent federation which was being put forward in some quarters as a substantial argument against Federation, pretending to rely on the announcement made by the Premier, though we find that the Prime Minister's remarks on the matter could only be interpreted as meaning that Burma could not separate as and when she liked, but that she could do so by mutual consent and when the parties concerned deemed it fit and proper. In this connection it might safely be stated that the feeling of the Convention against permanent Federation with India was on a par with their feelings against permanent association of Burma with Great Britain, which, however, was irrelevant to the matter under discussion and had no real bearing

on the separation issue. It is of vital importance to remember that the resolutions passed by this Convention were meant to serve partly as replies to the Premier's announcement and partly as an appeal to the Burmese people and that they were never meant to be propositions or resolutions for the Burma Legislative Council, which would come into existence after the General Election. For, at that time, the Convention did not have the slightest idea that the issue of Separation or Federation would be reviewed by the Burma Legislative Council or that the Council would be competent to do so, especially after the matter of deciding the issue was expressly and explicitly left to the electorate by the Premier's announcement. It was always understood that the British Government would accept the decision of the electorate as final and act accordingly.

9. It is also necessary to scrutinise and see how the separation issue has been confused and complicated from time to time. The confusion and complications are primarily due to—

(*a*) the acceptance of the principle of Separation by the four separationists picked out from an unrepresentative Burma Council by a partisan Executive to represent Burma on the First Indian Round Table Conference, and who did so without considering the wishes of the people as a whole and without giving heed to the opposition of some of the recognised and most important political organisations outside the Council, who had by far the largest following among the masses;

(*b*) the British Government not accepting the clear verdict of the electorate, though the issue was expressly left to them for decision at the last General Election;

(*c*) Government referring the matter to the Burma Legislative Council for a review of the result in spite of the country's verdict;

(*d*) not granting an extension of time to the April—May session of the Burma Legislative Council to determine the issue by voting upon it;

(*e*) not giving Burma an opportunity to have representation on the Indian Federal Structure Committee and on the Second Indian Round Table Conference, where the pros and cons of the Federal Constitution and the basic principles of Federation were discussed;

(*f*) Burma not having an opportunity to discuss the special rights and privileges, which Burma claims, with the representatives of the various Indian Provinces;

(*g*) the authorities being unduly swayed by the false and vicious accusations made by the separationists against the anti-separationists and by being misled by the separationist propaganda through their newspapers, both vernacular and English;

(*h*) Government not giving due weight to the statements and utterances made by the anti-separationists and the various organisations supporting them, from time to time.

10. Hence it is our fervent appeal to the authorities concerned that it would be just and proper to give some credit to those who are

opposed to Separation that they, too, have the interests of their countrymen at heart and not discredit them because of some wild and sweeping accusations that they have all been bought up by Indian money or that they have been influenced by Indians. It is well-nigh impossible on the face of it; inasmuch as, to secure 5 lakhs of votes, it would be necessary to at least appeal to more than 10 lakhs of voters, and to conceive the idea that all those voters could be bought up would be a most preposterous conception. Then, such an accusation could hardly be made against all the General Councils of Burmese Associations who expressly demonstrated their attitude and opposition to Separation long before the Premier made his announcement to convene a Round Table Conference for India or Burma. In fact it would be a herculean task for anyone or for any body of men to approach and influence thousands of people who constitute the General Councils of Burmese Associations of Burma, unlike the separationist parties who have a scanty following in the rural areas. It is hardly necessary to mention herein that the accusations made against the *phongyis* (Buddhist monks) as to their exercise of undue influence and coercion over the electorate during the last election are most baseless and unwarranted. Unwarranted accusations have also been levelled against the anti-separationists with regard to the contents of leaflets and manifestoes issued by the anti-separationists during the last election. In this connection it may be sufficient to say that allegations with greater force and certainty could also be made against the separationists. I feel confident in submitting that the anti separationist candidates have fought the election on healthy propaganda and against most pernicious tactics on the part of the separationists. The last General Election has demonstrated beyond all reasonable doubt that Burma is opposed to Separation and that she accepts Federation as an alternative.

11. My Party, like the rest of the anti-separationists, feels convinced that even from the economic point of view it would be far more advantageous for Burma to make common cause with India at this juncture and to remain a part of India under the Federal Constitution. For, the Indian connection would go a long way in developing Burma's resources, at least partially to the advantage of the Burmese people. In order to develop Burma's commercial industrial and agricultural resources for the benefit of the Burmese people, Burma needs foreign capital and foreign co-operation, and her only prospect in this direction lies in her alliance with India. Partnership between Burmans and Indians for their mutual benefit has been usual in the past and is not only feasible but also practicable in the future, and more so under the Federal Constitution, whereby the destinies of the two countries would be thrown together and their more effective contact would bring about better relations and better understanding. Whereas separated Burma would be left helpless, and exploitation by foreigners of all kinds would continue and her present precarious position would be rendered far more worse by such exploitation. She would also lose any protection for her cottage and large-scale industries which under the Federation would be safeguarded by the Indian Protective Policy which must play a very important and effective part in promoting and preserving the industries of India. By being federated with India, Burma can hope to promote her textile, sugar, and paper pulp industries, which would bring substantial pecuniary advantage and

prosperity to the people of Burma. Moreover, Burma would not be isolated from India and would continue to have the largest market for her export of silver, petroleum, timber and rice. At this period of world-wide depression, when the different countries in the world are endeavouring their utmost to find markets for their exported goods, Burma can ill afford to lose the Indian market or to create any barrier between India and herself. Burma could also influence the Federal Legislature to adopt protective measures if foreign rice threatened competition with Burma rice, to the detriment of Burma's rice trade, for example, by the recent Japanese competition in the rice market of India. There are many other commercial and industrial advantages that may be derived from Burma's connection with India.

12. Even if Burma were separated, my Party realises that she would still be under the Indian control to a considerable extent so far as her financial, military and foreign policy are concerned, and she would only be a small circle of India so far as the Reserve Bank of India goes. Moreover, Burma's isolation from India would provide opportunities for India to create a tariff wall against Burma whenever she deemed it expedient and also for other manner of retaliation whenever Burma acted in a way that might be considered detrimental to Indian interests. Hence the many economic advantages which are likely to accrue to Burma far outweigh the probable and possible gain in the annual revenues of Burma of a few lakhs of rupees as against the exaggerated figure of three crores adumbrated in the Howard-Nixon Report.

13. Under these circumstances I am to submit my comments on the Local Government's memorandum only from the Federation point of view, and in doing so I would make the following observations :—

(1) Paragraph 1 of the Memorandum needs no comment on our part except that the communal question is not so complicated nor so acute in Burma as it is in India. Therefore, it is hardly necessary to apply the same principle in regard to communal representation in Burma.

(2) In regard to the population and size of the Lower House mentioned in paragraph 2 of the Memorandum, my Party is strongly of opinion that the Lower House should be made more fully and effectively representative to voice the interests of the Burmese people. Moreover, as we deem it unnecessary to have an Upper House in case of Federation, the argument in favour of more extensive representation in the Lower House becomes greater and more forceful. The commercial and political importance of Burma also render it necessary to make it as representative as possible. Hence we feel that the Lower House should be composed of at least 150 members and not 132 as it is now proposed by the Government of Burma. The contention that a further increase in the total number of members would involve considerable expense for the building of a new Council Chamber can hardly outweigh the consideration of adequate representation on behalf of the people of Burma.

(3) Paragraph 3 needs no comment on our part inasmuch as we accept the principle under the present circumstances.

(4) Regarding paragraph 4, I must emphatically protest against counting the Karens as a minority community. For, the Karens are an indigenous race and their interests are identical with those of the Burmans. Therefore, they should not be regarded as a distinct minority community, nor should they have separate representation or constitute a separate electorate. As to the special interests, my Party is definitely opposed to granting special representation to women. They enjoy the same rights and privileges as men in Burma and cannot be regarded as a special body under any circumstance.

(5) *Re* paragraph 5 of the Memorandum, i.e. regarding the amount of representation to be given to minorities, my Party's views are based on the assumption of a House of 150 members and in the light of this number I would make the following comment :—

(i) *Karens.*—In view of what I have already stated no separate representation is necessary for them and, therefore, no seats need be reserved for them.

(ii) *Anglo-Indians.*—In the present Council, where the total number is approximately 100, they have one seat. But as we propose to increase the number to 150 members, we would give them two seats as proposed by the Local Government provided Anglo-Burmans come under the same category.

(iii) *Europeans :*—The Europeans, who, like the Anglo-Indians, have only one general constituency seat in the present House, and applying the same principle to them, we would allot them two seats and not three as recommended by the Local Government. In this connection it must be remembered that the Europeans are going to be adequately represented in so far as their special interests are concerned ; so that they do not require any special consideration in respect of their general constituency.

(iv) *Indians.*—In the present House of about 100 members the Indians have eight representatives, and as we propose to increase the total number to 150, we consider it fair and equitable to give them a proportionate increase in the number of their representatives. We would, therefore, recommend that they be given 12 seats including labour and excluding special interests. In this respect it may be mentioned that the Indians include a large number of men of the labour class and, therefore, it is necessary to make labour a component part of Indian representation.

(6) Regarding paragraph 6, namely, representation for special interests, all that I need submit is that we are against separate representation for women, and that, therefore, no seats need be reserved for them. In other words, we are not prepared to accept the recommendation of the Local Government in regard to separate representation for women. As to the other special interests we are prepared to accept the recommendations, but we would do so only on the basis of the total increased number of 150 members which I have already suggested.

(7) The summary under paragraph 7 would stand as follows according to the proposals I have made in my aforesaid remarks :—

Community (1)	Number of Seats		
	General (2)	Special (3)	Total (4)
Burmans, including Karens	123	4	127
Indians	10	4*	14
Europeans	2	4	6
Anglo-Indians	2	Nil	2
Chinese	Nil	1	1
Total	137	13	150

* Includes two members allocated to Labour.

CONSTITUENCIES.

(8) As to paragraphs 8 and 9 of the Memorandum, I do not think that they call for any remarks on my part.

(9) As to paragraph 10, my Party is of opinion that it was a mistake to have given separate constituencies to Karens for the reasons I have already given, and it is high time that we rectified the mistake. It is, moreover, imperative in the interests of the Burmese nation as a whole to keep it intact and not disintegrate it by dividing it into small communities. I may, therefore, merely reiterate that no separate seats should be allotted to the Karens.

(10) As to paragraphs 11, 12, 13 and 14, regarding the Karens no further comment is necessary in this connection, in view of what I have already stated in the previous paragraphs.

(11) As to paragraphs 15, 16, 17, 18 and 19 relating to Indians, it is not necessary for me to make any observation. I would rather leave this matter for the consideration of the Indians themselves. They are in the best position to consider and adjust the matter for themselves.

(12) As to paragraph 20 relating to General Constituencies existing at present and particulars relating to them, it is not necessary for me to make any observation.

(13) As to paragraph 21, I regret I am not prepared to accept the view that urban interests are over-represented at present, and that the additional seats available should go to rural areas. Considering the fact that the educated class of Burmans inhabit the urban areas and that property interests are of considerable magnitude in towns, they deserve more adequate representation than at present, and the additional seats should be allocated not only to the rural areas but also to the urban areas in accordance with the importance and the extent of their population.

(14) In regard to paragraph 22 of the Memorandum, our proposal is entirely different from that contained therein. We propose that the Lower House should be composed of a total number of 150 members, and according to the summary I have already given the number of

General Constituency seats would be 123, so that there would be an increase of 65 seats. Out of these additional seats available, we would allot eight more seats to the urban areas as detailed herein, proceeding on the basis of a population of 15,000 people per seat as far as practicable. The remaining 57 available seats should be allocated to the Rural General Constituencies on a population basis, and we regard that one seat for a population approximately numbering 100,000 people should be a fair estimate and should constitute an adequate constituency; and we propose to allocate accordingly when we come to deal with paragraph 27 of the Local Government's Memorandum.

General Urban Constituencies.

Town	Existing Seats	Seats proposed
Abyab - - -	1	1
Bassein - - -	1	2
Henzada - - -	1	2
Mandalay - - -	3	4
Moulmein - - -	2	3
Prome - - -	1	2
Rangoon Town East -	2	3
Rangoon Town West -	2	3
Tavoy - - -	1	2
Total - -	14	22

(15) With regard to paragraph 23 of the Memorandum, it is necessary to take Kyaukpyu and Sandoway Districts separately, and on the basis of population I have already mentioned in the previous paragraph, Kyaukpyu should be divided into two single constituencies and Sandoway should have a separate seat by itself.

(16) As to paragraph 24 of the Memorandum, we would accept the proposal of the Local Government with one exception, and that is, we would divide Upper Chindwin into two constituencies and allot two seats according to the strength of its population.

(17) Regarding paragraphs 25 and 26 of the Memorandum, it is hardly necessary for me to repeat that after giving the urban areas eight additional seats available according to our proposal, the remaining seats should go to the General Rural Constituencies including the Districts mentioned in paragraphs 23 and 24 of the Memorandum; so that there should be no seats reserved for women as outlined in paragraph 25 of the Local Government's Memorandum. I have already stated that in our opinion the case of women does not warrant special and separate consideration. I do not think it is necessary for me to give a comparative table for Upper and Lower Burma to indicate the extent of representation in those two parts according to our proposal, inasmuch as the detailed statement relating to our proposal for the urban areas and for General Rural Constituencies together with the minority and special representation would give a clear view of the position so far as we are concerned.

(18) Regarding paragraph 27, General Rural Constituencies, we do not agree with the proposals made by the Local Government as to the allocation and increase of seats. In the first place we would include

the Karens in the General Rural Constituencies and would allot seats as enumerated below on the basis of population, giving one seat for a population of 100,000 people or thereabout. The proposal would therefore stand as follows :—

Constituency	Seats proposed	Constituency	Seats proposed
Amherst	3	Myingyan North	3
Akyab District East	2	Myingyan South	2
Akyab District West	3	Myitkyina	1
Bhamo	1	Pakokku East	3
Bassein District	4	Pakokku West	2
Hanthawaddy East	2	Pegu North	2
Hanthawaddy West	2	Pegu South	3
Henzada District North	3	Prome District	4
Henzada District South	3	Pyapon	3
Insein	3	Sagaing East	1
Katha	2	Sagaing West	1
Kyaukse	1	Sandoway	1
Kyaukpyu	2	Shwebo East	2
Lower Chindwin East	2	Shwebo West	2
Lower Chindwin West	2	Tavoy District	1
Magwe East	2	Tharrawaddy North	2
Magwe West	2	Tharrawaddy South	2
Mandalay District	2	Thaton	2
Maubin	2	Thayetmyo	2
Meiktila East	1	Toungoo North	2
Meiktila West	1	Toungoo South	2
Mergui	1	Upper Chindwin	2
Minbu	3	Yamethin North	2
Myaungmya	3	Yamethin South	2
		Total	101

Power should be taken, as is conferred by Burma Electoral Rule 4, to subdivide areas into a number of single member constituencies in accordance with the number of seats proposed above.

(19) Paragraph 28 of the Memorandum calls for no comment.

FRANCHISE FOR LOWER HOUSE.

(20) As to paragraph 29, no remarks on our part are necessary.

(21) In regard to paragraph 30 of the Memorandum, all that we need say is that experience in the past has shown that electoral rolls which have existed so far are seriously defective, and that a large number of electors who are qualified are not brought on the rolls. It is hoped that in future the Government of Burma will take special pains to make the rolls as complete as possible, and thereby give the people of Burma the full benefit of the franchise that may be extended to them.

(22) Paragraph 31 of the Memorandum needs no comment.

(23) As to paragraph 32, it would be necessary to delete clause (*a*) of Schedule II of the Burma Electoral Rules, which are reproduced in the Annexure to the Local Government's Memorandum; by this I mean that the clause relating to the Karens should be omitted.

(24) As regards paragraphs 33 to 39, I have no special observations to make in view of what I have already stated above.

Proposal for an Upper House.

(25) Regarding the proposal for an Upper House made by the Government of Burma in paragraphs 40 to 47, my Party is of the opinion that in case of Federation of Burma with India there is no necessity whatever for an Upper House, particularly in view of the fact that the minority and special interests would be adequately represented in the Lower House as suggested by us, and that the qualifications proposed would necessarily preclude Burmans to a very undesirable extent from becoming members in the Upper House, thereby giving the representatives of special and minority interests and the Government nominees a very strong weapon to undo what the Lower House proposes to execute in the interests of the Burmese people as a whole. My Party is also of the opinion that it is not necessary at all to have an Upper House to revise and counteract legislative measures which are passed after due consideration by a fully representative House.

General.

(26) I heartily welcome the statement made by the Local Government in paragraph 48 of the Memorandum, and would certainly like to keep an open door for further discussion on the various tropics contained in the Memorandum in the light of what the Joint Select Committee may have to say and in the light of future developments in the political situation of Burma.

Paw Tun,
Vice-President, Hlaing-Myat-Pau Anti-Separation Party.

7th October 1933.

III.—People's Party.

Provisional Views.

1. We are unable to subscribe to the view that, although the communal question is less acute in Burma, similar methods of treatment should be adopted here as in India. In India the minorities such as the Mahommedans and the Depressed Classes are backward when compared with the more advanced Brahmins and other Hindus. The reverse is the case in Burma. The minority communities, namely, Europeans, Indians and Chinese, hold a superior position in regard to commerce, trade and industry and in the professions and services they are better represented than the indigenous races of Burma. The capitalists nearly all belong to the minority communities and in the field of labour, excepting agricultural, the people of the country are finding it extremely difficult to get a foothold. Some allowance should be made for the goodwill shown by the people of Burma towards other communities which has enabled the latter in the past to achieve the impregnable position which they now hold. Again, proportion of minorities to the majority community in India is large, probably not less than one-third of the total population; whereas in Burma, even including temporary residents, the percentage is only 17·86 and

this includes the Karens, an indigenous race, who, by themselves, form a group representing 9 per cent. of the population or more than half of the minorities.

2. On the facts and figures placed before the Party, we consider that the size of the Lower House should be determined not only on the population basis, but also by taking into consideration the area of the constituencies and the inaccessibility of various parts of the country through defective communications. The feeling of the Party is that the number of members for the Lower House should be 150. It realises that in view of the present finances of the country the construction of a new Council Chamber may not be justified at the present time and for that reason would agree to fix 150 members as a maximum—any excess of seats beyond 132, the figure suggested in the Memorandum, should be allotted to rural areas. It is desirable to note here that the present accommodation does not provide facilities for private discussion among leaders of parties or quiet reading or study even for the present Council, and greater facilities for such purposes are essential for the creation of an atmosphere in which conventions and traditions may grow. At present the members are restricted to one congested library for all purposes unless, as sometimes happened, the lobbies are utilised to the inconvenience of members in the House.

3. It cannot be admitted that the maintenance of separate electorates as at present must be considered as *res judicata*. The proposals contained in the Secretary of State for India's Memorandum [Joint Committee on Indian Constitutional Reform (Session 1932–33), Volume III, p. 53] were stated to be provisional, and inasmuch as the Joint Select Committee alone can put up definite recommendations to Parliament, which is the final authority to decide, nothing at this stage can be said to be *res judicata*. The Party desires to make it perfectly clear that it is anxious to satisfy all minority communities and special interests as to the safety of their legitimate interests. Communal representation has been universally condemned as a pernicious and evil system, and its introduction without justification in the Lower House, which should be an assembly of popular representatives working together for the general welfare of the whole country regardless of race, colour or creed, must as a matter of principle be opposed. The Governor will have powers to protect the legitimate interests of minorities, and in the event of there being an Upper House constituted *not* as proposed in the Memorandum under discussion but on an acceptable basis, minorities can be adequately represented in that Chamber. In view of the important part that such a Chamber, when established, will play, it is not known why minority interests should require any further and special safeguard by representation in the Lower House. Ceylon has succeeded in ridding itself of this undesirable feature. The Burma Reforms ("Whyte") Committee considered proposals for the constitution of the provincial Legislative Council (Dyarchy) and made the following observations in chapter 4:—

> "19. The Committee set out on its enquiry in the hope that a general electorate unadulterated by any device for the special representation of minorities might satisfy the needs of Burma. We were and still are unanimously of opinion that communal electorates are an undesirable feature in any representative system,

but theory in this case, as in India, has had to give way to fact; and, in the face of the evidence presented, we have no course but to recommend certain special measures for minority representation."

The Committee went on further to recommend "communal representation for the European and the Anglo-Indian communities, and the reservation of special seats in certain plural member constituencies for the Indian and Karen communities. We propose to create separate communal electorates for Europeans and Anglo-Indians respectively because we see little or no possibility of securing their representation in any other way. The Indian and Karen minorities are more closely linked with the fortunes of the Province as a whole, and, when the present ferment of political nationalism subsides, may be expected to take a normal place in Burmese politics. It is therefore undesirable to segregate them completely from the general electorate. We therefore place them on the ordinary electoral roll; but we do not feel justified in depriving them altogether of some guarantee of representation. Hence our proposal to give them certain reserved seats."

These observations made more than 10 years ago are of great interest and should receive careful consideration before we decide to extend and perpetuate the system of communal representation which has been so strongly condemned everywhere. Although separate electorates for the Indian and Karen communities were not recommended, the British Government provided for them in the reformed Constitution for Burma. The principle is now sought to be extended. The merit of any constitution must be judged by the extent to which it will help to promote the welfare of the people of the country without unduly interfering with the legitimate interests of minorities. If the proposals in the Memorandum are adopted, it will certainly mean that a strong popular Ministry will be entirely out of the question, and the representatives of the majority community will be so hedged and hemmed in on all sides that it is difficult to see how any measure could be brought forward to improve the unenviable lot of the Burmans. As has been stated before, the Party is in favour of providing safeguards for minorities by empowering the Governor with authority to protect their legitimate interests, and also by giving them adequate representation in the Second Chamber. It is not, however, prepared to agree to safeguarding the interests of minority communities to the extent of sacrificing the interests of the majority. Further observations on this point will be made in connection with paragraph 7 of the Memorandum.

4. Without waiving our strong objection to special electorates for minority communities in the Lower House, the following tentative comments are offered :—

The Party recognises the existence of the special interests and the necessity for the presence of representatives in the Lower House to state the case from the point of view of such special interests. Necessarily these cannot be confined to any particular community, minority or otherwise. It agrees with the statement in the Memorandum that the special interests which should be represented in the Lower House are (1) Burmese Chamber of Commerce, (2) Chinese Chamber of Commerce, (3) Burma Indian Chamber of Commerce, (4) Burma Chamber of Commerce, (5) Indian Labour, (6) Burmese Labour, and (7) University. So far as the question of number of seats

proposed to be allotted to the various interests is concerned, it would appear that in view of the checks and safeguards that have been proposed, the representation proposed for the Burma Chamber of Commerce, namely, four, appears to be one too many. The Party, however, keeps an open mind on this point.

5. Coming to the proposed allocation of seats among minority communities :—

(1) Karens : It is not known to what extent the Buddhist Karens desire a separate electorate. They form the majority of the Karen community. So far as our experience goes Buddhist Karens have always identified themselves with the Burmese and have never asked to be classified as a separate race. However, on the assumption that all desire separate electorates it is to be observed that the proposal to increase the representation of Karens to 12 appears to be out of proportion. The allocation is made on a population basis. No allowance appears to have been made for the number of Karens who will have the right of participating in electing members for general constituencies. Strictly speaking, to be logical, no Karens should be allowed to vote except for a Karen candidate in a Karen constituency. To award 12 seats to this community really means an additional strength for the minority bloc. No case has been made out that Karen interests have suffered because of their inadequate representation in the dyarchy councils for the last 10 years.

(2) No remarks except that the point as to whether plumping of votes should be allowed or not has not been settled.

(3) It is understood that the 24 general constituency seats referred to in this sub-paragraph are provincial seats as proposed some time ago. The position of the European in Burma cannot be said to be as difficult as that in India, and while it may be of primary importance in India to secure full weightage for the community there does not appear to be the same justification in Burma ; perhaps two seats would be ample.

(4) Full allowance must be made for the temporarily resident Indians in Burma and it is estimated that about one-third of the Indian population in Burma are temporary residents. It may be that when the franchise has been decided upon and the electoral roll has been prepared due allowance will be made for those who are only temporary residents. But the number of seats will have already been determined. It appears to be out of proportion to allot eight reserved seats *plus* two labour seats and two to Indian commerce.

The foregoing comments with reference to representation of minorities in the Lower House have been made without prejudice to the strong objection taken by this Party against communal representation. In the opinion of the Party no case has been made out for its introduction in the Lower House. But if this evil system is to be forced on the Burmese people, then the Party would be inclined to oppose the establishment of a Second Chamber.

6. No comments, except that the Party opposes the idea of reserving seats for women. Burmese women claim equality of status with men

and they would refuse to be treated either as a minority or as a special interest. The Burmese lady delegate at the last Burma Round Table Conference made that perfectly clear. The position of women in India is admittedly quite different from that of women in Burma.

Another point that calls for comment is in regard to representation of Burmese labour. The representatives should be Burmans. This has not been specified in the Memorandum. It is inconceivable that either Europeans or Indians should represent Burmese labour. If there is no special representation for minority or special interests, then there would be no justification for special representation for Burmese labour. But in view of the fact that capitalists are mostly non-Burmans and the Burmese labour movement is in its infancy, it seems highly desirable that Burmese labour representatives should be Burmans for some time.

There is a feeling amongst members of the Party that if the minority communities consider it essential for them to have communal representatives to protect their interests, the members of such communities which are given special representation should not be allowed to stand as candidates in general constituencies.

7. In this summary it has been assumed that the Rangoon University will always return a Burman, and Burmese labour representatives would be also Burmans. So far as the University is concerned, it is estimated that the majority of electors, on the present roll at any rate, are non-Burmans and there could, therefore, be no guarantee that a Burman would always be returned.

It is also to be observed that although the percentage of minority population is given as 17·86 the percentage of representation is 26·6. This is out of proportion and the minority bloc must be looked upon as a very likely obstacle to the formation of a strong and popular Ministry which is highly desirable in the early stages of the life of the new Legislature. A minority of Burmese members combined with the communal groups could easily obstruct the efforts of the others. Moreover, the existence of a Second Chamber will certainly strengthen the hand of the minorities especially as it is proposed to be constituted.

26. The Party is of opinion seats should be distributed not only on a population basis but the number of voters and the area should be taken into account. While a member for a constituency would naturally work for the welfare of the whole population in his constituency it is essential for him particularly to get in touch with his voters. The figures given in paragraph 20 show that Bassein District has a population of nearly 400,000 and an electorate of over 73,000, while South Arracan has very nearly the same population, but only 23,000 voters. It is now proposed to split up the South Arracan constituency into two, namely, Kyaukpyu and Sandoway, and to allot two seats to Kyaukpyu and one to Sandoway. We are of opinion that the distribution of seats should be on a basis of population, number of voters and the area of the constituency.

27. We do not see why the task of subdividing areas to which it is proposed to allot two members into two single-member constituencies should not be capable of completion before the first election under the new constitution.

28. We agree that there is no justification for retaining the representation now given to the Rangoon Trades Association. The Burma

Reforms Committee (Whyte Committee) recommended the representation of the Rangoon Trades Association, "but the Chairman, U Myin and Mr. Smyth would have preferred to withhold representation on the ground that if the comparatively restricted interests of the retail trade in Rangoon are entitled to representation there are many similar interests such as co-operative societies who ought to receive at least equal, if not prior, treatment."

40. On the assumption that a Second Chamber is necessary (though the Party is not yet convinced that it is) the following observations are offered :—

The Party considers that a proportion of the members should be elected directly. It supports the view put forward by the Burmese delegates at the Burma Round Table Conference, that one-third of the members should be directly elected, another one-third should be indirectly elected by the Lower House, and the remaining one-third nominated by the Governor in consultation with the Ministry.

41. The Burmese delegates at the Burma Round Table Conference discussed the establishment of a Second Chamber on the basis that Burma would be given a constitution analogous to that of a self-governing dominion. Further, the transfer of powers to the new Legislature is conditioned by so many restrictions and reservations that it is difficult to see why a revising body should be necessary at all. On the other hand, composed as it is proposed to be, it is bound to be a reactionary body which could safely ignore public opinion. Moreover, in conjunction with the minority bloc it could easily obstruct measures intended to benefit the indigenous people. The Party is, however, open to conviction and if the transfer of power to the people is in any sense real and if the danger of the Second Chamber becoming obstructive or reactionary is removed then the question could be reconsidered.

42. The proposal to restrict the size of the Upper House to between a quarter and a third of the membership of the Lower House appears reasonable.

43. It is agreed that a certain section of the Upper House should consist of nominated members. Such nomination should, however, as suggested previously, not exceed one-third of the total number and should be made by the Governor in consultation with the Ministry. In addition to securing representation for minorities and special interests it may be necessary for the Ministry to have its spokesman in the Upper Chamber to explain measures introduced by the Ministry or to state Government's position and attitude in regard to other questions.

44. The Party is unable to accept the remarks in this paragraph. It does not see why if members can be returned to the Indian Legislative Assembly and the Council of State by direct election the same method cannot be adopted for the proposed Upper House. As stated previously, it favours one-third of the members to be elected directly and another one-third to be elected indirectly by the Lower House.

46. The Party is strongly opposed to the proposal regarding qualifications for the members. It has no objection to the age limit, but considers that very few of the indigenous population would be

qualified under sub-paragraph 2 (*a*) and therefore the Second Chamber would consist almost entirely of capitalist elements, minority and special interests. The Party feels that even in its years of prosperity Burma was not placed in the same economic level as India. Qualifications for Burma candidates to the Assembly and to the Council of State were placed on a much lower level than those for Indians in India. In view of the very serious position of the Burma rice trade, the Party feels that qualifications for members of the Upper House should be the same as those for members of the Indian Legislative Assembly.

2 (*b*).—Fellows of the Rangoon University, Barristers of ten years' standing, Presidents and ex-Presidents of Municipalities and others distinguished in public life should be considered for inclusion in this list.

47. This ensures some representation of minority and special interests and if inadequate may have to be supplemented by nomination.

GENERAL.

The above views are provisional and are subject to modification. Within the short time allowed for consideration it has not been found possible to consult all the district members of the Party.

M. OHN GHINE.

13th September 1933.

IV.—Karen Community.

A.—DEMI-OFFICIAL LETTER FROM S'RA SHWE BA, T.P.S., M.L.C., TO R. G. MCDOWALL, ESQ., I.C.S., REFORMS SECRETARY TO THE GOVERNMENT OF BURMA, DATED THE 21ST SEPTEMBER 1933.

I am more than sorry to say that your demi-official letter No. 37 Reforms-33, dated 8th September 1933, did not find me until I returned home last night. I have been busy of late in discussing with other leading Karens the proposals contained in the Memorandum. I was in Rangoon from 6th to 11th instant and at Maubin from 12th to 18th instant. During those days I was eagerly expecting your letter, but unfortunately the letter was mislaid in my house. Consequently, I missed both your appointment with me and the meeting on the 14th instant. I have but to tender you my sincere regret and apology for this unfortunate incident.

I enclose herewith my views on the proposals in the Memorandum and also the view expressed at a representative Karen meeting held in Rangoon on the 9th September 1933.

MINORITIES.

1. Numerous reports and many eminent persons have admitted that Burma is not India and that Burma stands quite distinct in the matter of communal question. The Government of Burma has adopted a wise measure on the weighty subject of communal question and communal award.

POPULATION OF KARENS.

2. Figures tell and convincingly do so in most cases, but the case of minorities stands on a different category. The figures for Indians, Chinese, Anglo-Indians and Europeans, whose languages, races and physical features are unmistakably distinct and who are to be found mostly in urban areas, may be considered so exact and correct, but many of the Karens, especially in the delta districts, do not differ much from their neighbours, the Burmans in dress, physical features and mode of living, and unless the enumerators take pains, time and care, I am afraid they will be classified as Burmans, hence the number of Karens, as the figures show, appears to us to be below the actual number.

SEPARATE ELECTORATES.

3. It is with deep regret that no agreement has been arrived at between the communities regarding the question of the representation of minority communities and special interests in the Legislature. It is emphatically asserted that the Karens' only chance to have their voice heard through the mouths of their own people is separate electorates. The Karens are true sons of the soil and but for their number have stood up shoulder to shoulder with their countrymen, the Burmans, in all matters embracing the administration, education and welfare of Burma.

MINORITIES—KARENS.

4. The Karens do not form a floating population nor are sojourners in Burma, but they are the indigenous race, the second largest in Burma, and thus have every claim to be adequately represented in the Legislature. The only means to achieve this end is by reservation of special seats for them, as it has been amply proved that they could not and will never get a seat in the Legislature by contest in the general election.

AMOUNT OF REPRESENTATION TO BE GIVEN TO KARENS.

5. The proposal is that the Karens will be given 12 seats in the Legislature. At the present juncture, in the Legislature of 132 seats, the Karens will have to accept the 12 seats allotted them on the basis of population.

REPRESENTATION FOR WOMEN.

6. The proposal that one seat be reserved for Karen women is unanimously approved and greatly appreciated, but the said seat should be termed "Special Seat" like "Labour" and should not be taken out of the Karen quota, as the said quota is so limited that it will not be possible to re-allocate the seats among the different Karen constituencies.

SUMMARY.

7. This summary clearly indicates the majority of the Burmans in the Council and there appears to be no fear when the percentage of the minority representation is only 26. The Burmans and Karens, being true sons of the soil, can easily hold the reins in their hands.

KAREN CONSTITUENCIES.

10-14.—(*a*) The Karens have cause to complain that the distribution of the seats for them does not appear to be a representative one, e.g. Pegu Division, with a local Karen population of 149,300, is not given a single Karen seat although it occupies a central position and is the most outstanding and conveniently situated division. The only drawback is the wide and almost even distribution of the Karen population in the four districts—Insein, Pegu, Hanthawaddy and Tharrawaddy. Consideration on the basis of population should be waived and the only ground left to maintain in the favour of allotting a seat to this division is to educate the Karen population in political affairs.

(*b*) Assuming that one seat is allotted to Pegu Division the Karen quota of 12 seats may thus be distributed :—

Irrawaddy Division - - - -	7
Tenasserim Division - - - -	4
Pegu Division - - - - -	1
	12

The said distribution might be thus further subdivided :—

Irrawaddy—Bassein - - - -	2
Myaungmya - - - -	2
Maubin - - - -	2
Henzada - - - -	1
Tenasserim—Thatôn - - - -	2
Amherst - - - -	1
Toungoo - - - -	1
Pegu—(—) - - - -	1

The density of population, the easy means of communication, the facilities for education and physical features of the districts as well as the distribution of the Karens in the districts call for the above unequal distribution.

(*c*) The two reasons given in paragraph 11 of the Memorandum neatly answer all arguments in favour of spreading the Karen constituencies all over Burma. The 12 seats allotted are rather a very potent factor, if the 12 Karen members will solidly adhere and firmly stand together. But such solidity and adherence among them seem remote as hardly no two are alike in matters pertaining to political affairs.

(*d*) The reason set forth in paragraph 12 of the Memorandum is unanimously approved by the Karens.

FRANCHISE FOR THE LOWER HOUSE.

Qualifications of Electors.

Paragraph 33.—The existing qualifications based on community are entirely satisfactory.

Paragraph 33.—Residential and age qualifications laid down in the Memorandum are what the Karens expect to safeguard the interests of Burma, where a floating population will jeopardise the stability of the way to responsible government.

Paragraphs 34 *to* 36.—Other qualifications laid down in these paragraphs will ensure a better class of voters.

PROPOSALS FOR AN UPPER HOUSE.

Paragraphs 40 *to* 45.—There is nothing to be added to these proposals.

Paragraph 46.—The qualification proposed is too high and cannot, therefore, be accepted. One of the qualifications for the Council of the State is payment of not less than Rs. 300 land revenue or of income-tax assessed on a minimum income of Rs. 3,000 and this should be substituted in paragraph 46 (2) (*a*).

B.—REPRESENTATIVE KAREN MEETING.

A representative Karen meeting was held on 9th September 1933 at 10.30 a.m. at No. 7, U Loo-Nee Street, Karen Quarter, Kemmendine, to express Karen opinion on the Government Memorandum on the Representation of Minorities and on the Constituencies and Franchise for the Lower House, and Proposals for the Upper House.

U San Baw, O.B.E., K.I.H., President, Karen National Association, Burma, was voted to the chair, with U Ba Kin, B.A., General Secretary, Karen National Association, as Recording Secretary of the meeting. Delegates from six districts were present in person. Toungoo District represented its opinion by wire as its delegates missed the train. Amherst District represented its opinion by letter.

As the Memorandum is marked "Strictly Confidential," the meeting was of opinion that the Memorandum was laid before them only for general expression of Karen opinion on the principle of the Representation of Minorities, and on the Constituencies and Franchise for the Lower House, and of the Proposals for the Upper House. This meeting was not therefore called upon either to pass or move resolutions for or against the Memorandum. It was just called to get the non-official Karen opinion on the proposals contained in the Memorandum, and the proceedings should not therefore be recorded and published. It was for the leader of the Karen Party to whom copies of the Memorandum were entrusted to take the sense of the meeting to the Reforms Secretary for his information and necessary action personally.

The sense of the meeting is that the Karens generally approve of the proposals to base the amount of representation for the Lower House for the minorities on population basis. Therefore, the 12 seats proposed for the Karens on a population basis of 9 per cent. of the total number of 132 seats are approved. The meeting cannot, however, agree to the proposals to restrict the area of constituencies for the Karens into the two Divisions only, viz. Irrawaddy and Tenasserim, and none is proposed in the Pegu Division, which is a very important Division also. The Karens should have constituencies in such important Division.

The sense of the meeting is that Karen separate constituencies should be so expanded as to have 12 Karen separate constituencies for the 12 Karen seats as follows:—

Thatôn with Karen population of 281,300	1
Bassein with Karen population of 129,100	1
Myaungmya with Karen population of 118,500	1
Maubin with Karen population of 113,800	1
Amherst with Karen population of 107,000	1
Toungoo with Karen population of 88,000	1
Henzada with Karen population of 60,200	1
Insein with Karen population of 27,700	1
Pegu with Karen population of 37,300	1
Tavoy and Mergui with Karen population of 35,400	1
Rangoon and Hanthawaddy with Karen population of 33,000	1

The meeting is of opinion that in order to educate the Karens to fit them in future Reforms, it is really necessary to expand the area of Karen constituencies as far as practicable.

Regarding reserved seats for women, the meeting is against the proposal to count the Karen women seat against the Karen quota which is based on Karens' population. This should be taken as Special Interests as in other cases, such as Labour and Commerce. The Karen women seat should not therefore be counted against the Karen quota 12 based on Karen population; the meeting is of opinion that this reserved Karen women seat should be located in Pyapôn District containing 21,700 Karen population, thereby making all the Karen Districts in Lower Burma Karen separate constituencies for the badly needed political education of the Karens for future Reforms.

BA KIN,
9th September 1933. *Recording Secretary.*

V.—The Burma British Association.

1. The Committee of this Association has given anxious consideration to the Memorandum on the Representation of Minorities and on the Constituencies and Franchise for the Lower House and Proposals for the Upper House. The Committee has satisfied itself that the proposals of the Local Government with regard to the future representation of European interests are viewed with grave alarm by the European community as a whole.

2. The total number of seats allotted to minorities in the new Legislature is 34 out of 132, or 26 per cent. In the present House, leaving the official bloc out of account, the minorities hold 26 seats out of 88, or 30 per cent. With the disappearance of the official bloc there are strong grounds for claiming an increase in minority representation, but on the contrary the present Memorandum proposes to reduce the proportion of minority seats by 4 per cent. In the view of the European community there is no justification whatever for this reduction, and this Association holds that the minimum allotment for all minorities should be 30 per cent. of the total House, or not less than 40 seats.

3. In dealing with the question of minority representation it has to be remembered that a large proportion of the Karen community professess the Buddhist religion and identifies itself with the Burmese Buddhists who form the overwhelming majority of the inhabitants of the Province. In these circumstances this Association considers it difficult to regard the Karens as a minority community at all, and if the number of their seats were deducted the representation of the true minority interests, the business and trading communities of Burma, would be reduced to 22 seats out of the total of 132.

4. As regards European representation, the European community have at present, and have generally had in the past, seven out of 88 non-official seats, or 8 per cent. Without any improvement in their present position, therefore, they would be entitled to at least 10 seats out of 132 in the new House. But the elimination of the official bloc makes it essential that the proportion of European seats should be increased. This claim is made not only with a view to protecting European interests, including the interests of Europeans in the Services hitherto cared for by the official bloc, but also in order to ensure an adequate element of stability in the House.

5. With these considerations in mind it is not surprising that the proposals of the Local Government, which would allot the Europeans a total of seven seats out of 132, or a fraction over 5 per cent., should be received by the community with deep dissatisfaction and concern.

6. At the Burma Round Table Conference the European representatives asked for 10 per cent. of the total seats. Their claim was the first to be stated and the figure named was advanced, not with the idea of manœuvring for position in a game of haggling, but as a moderate and reasonable demand, having regard to the vast European interests in Burma and the inexperience both in politics and business of the indigenous communities. The Indians followed with an obviously exaggerated claim for 18 per cent. and the Karens then held out for not less than the Indians. It is feared that the Europeans' moderate claim has suffered by comparison with the unreasonable claim of these two communities. It has apparently not been realised that the European claim would have been pitched much higher if it had been thought that the Indians and Karens would advance such inflated claims and that these claims would have any influence on the ultimate allotment.

7. It is noted that the only argument advanced for the allocation of no more than three seats to Europeans (exclusive of seats for the Burma Chamber of Commerce) is on the population basis and for this purpose the total European population in British India has been divided by the total number of seats allotted to Europeans in provincial Legislatures. This can hardly be defined as an argument at all and would merely appear to be an attempt to evade the real issue. As far as this Association is aware it is not an argument that has been put forward in the case of any one of the Indian Provinces.

8. In India the position in each Province has been considered separately on its merits and wherever European interests are large the community has been accorded representation on an adequate basis. This is particularly so in Bengal and Assam, where the conditions affecting Europeans approximate most closely to Burma. Furthermore, it must not be overlooked that in the Indian Provinces Hindu-Muslim discord militates against the formation of an overwhelming and unanimous majority. The position is by no means the same in Burma, where Burmans are to occupy 74 per cent. of the total seats. On the other hand, if India is to be taken as a guide at all, the representation given to Europeans in Bengal is obviously more in point than that given in other Provinces, such as the Punjab, Central Provinces and Orissa, where European interests are small.

9. This Association desires to emphasise that it rejects as unsound any allotment of seats to European interests on a population basis. There can be no real analogy between Burma and the majority of the Provinces of India in which the trade of the country is largely carried on by Indians. Trade in Burma is almost entirely in the hands of the minority communities, and it is claimed that the Europeans form the most important of these communities. The progress and development of Burma during the last century have been due almost entirely to the zeal, ability and industry of Europeans, both official and non-official. To-day, the administration, commerce and education of the country are still very largely in European hands and this position must continue to exist for many years to come. European interests in Burma

are vast and cover every portion of the country, and the withdrawal of European enterprise and capital would undoubtedly result in a complete stagnation of industry and commerce. It is only necessary to point to the rice, oil, timber, mining and planting industries and to the public utility companies like the Irrawaddy Flotilla Company and the Rangoon Electric Tramway and Supply Company. The European community cannot therefore concede that it is relatively of less importance than the Indian or Karen communities and it is astounded that the Local Government should consider it so. It claims to rank as highly in the matter of representation as any other minority in Burma.

10. In support of the claim that the European community occupies a unique position in India reference may be made to two often quoted passages from the Report of the Indian Statutory Commission taken from paragraph 66 of Volume I and paragraph 81 of Volume II :—

> "The true significance of the position of the European in India can only be realised by bearing in mind the course of history and the economic development of the country. It is now more than three hundred years since the first British merchants settled in Surat, North of Bombay, and more than two centuries have passed since British traders established themselves in Bengal. The Indian railway system, designed and carried out by British enterprise, has transformed conditions of Indian commerce. It is British organisation and leadership which have promoted the modern industrial development of India, just as it has been the adoption of political conceptions derived from Britain which has chiefly affected the recent course of Indian politics. There can be few cases in history where so small a body of men has brought about changes so widespread and so fundamental. . . . The noteworthy fact is that, over areas so vast and amid populations so immense and diverse, the importance of the small European community, by whatever standard this may be measured, is out of all proportion with its size."
>
> "As to European representation, this must continue to be secured by means of separate electorates. The number of Europeans in India are no fair measure of the contribution they make to the country, or of the influence which they exert. One of the best features of the operation of the reforms is the way in which European business men of high standing and experience have contributed to the public life of the country by their membership of the legislatures."
>
> "It is clear that it will not be easy in the enlarged councils to find a sufficient number of suitable European business representatives able to devote their time to the work of the legislatures. But we attach great importance to every effort being made, not only to secure the increased number but to maintain the high standard of representation so far achieved."

It is clear that what the authors of the above report had in mind was the necessity of maintaining the stable influence of European representation and that with the removal of the official bloc such representation would need to be increased. So far as Burma is concerned it can be said without hesitation that there will be no difficulty in finding men to fill any seats that may be allotted to the community.

11. The European population of this Province is the only community with any extensive experience of democratic government. It is European influence and training that has brought the Burmese people to a stage when a reformed constitution can be considered, but if the future Legislature is to function successfully, too much stress cannot be laid upon the necessity of a strong, stable European element in the Lower House. It is also significant that the only minority community which the Burmese in any way recognise as having a strong claim to representation is the European community.

12. This Association can see no good reason for the abolition of the seat heretofore allotted to the Rangoon Trades Association and considers that this body should continue to be represented.

13. The Local Government proposes to reserve three seats for women and to allocate all of these to the Burmese community. This Association agrees that it is important that the new Legislature should contain some women members and desires to put forward the claims of European women in this connection. These women have done and are still doing splendid pioneer work in Burma. In their own sphere they have been responsible, probably even to a greater extent than their menfolk, for the progress and enlightenment of the indigenous people of this country. Much still remains for them to do and they have an unanswerable claim to representation.

14. It is suggested that the 12 European seats should be distributed as follows :—

Burma Chamber of Commerce - - -	4
Rangoon Trades Association - - -	1
Rangoon Town - - - - -	2
Lower Burma (excluding Rangoon) - -	2
Upper Burma - - - - -	2
Women - - - - - -	1

15. The European community have, whilst reserving to themselves the right of independent thought and action, almost invariably given the full weight of their support to the Government in all matters of importance. In times of crisis and in questions concerning the public safety they have always wholeheartedly supported the Government. Of recent years they have been unanimous in their insistence upon guarantees and safeguards in the matter of conditions of service, salaries and pensions for Government servants under the new Constitutions. Attention is drawn to paragraph 86 of the Scheme of Constitutional Reform in Burma if separated from India. This preserves to Government servants their rights and provides for compensation for the loss of any of them. This Association is in entire agreement with these provisions, but feels that the non-official European is equally entitled to consideration and protection and considers that the loyalty and public spirit of the non-official European has counted for little and that the Local Government has made the proposals under review with a cynical disregard for his future interests.

16. At a general meeting of the members of this Association held at Rangoon on the 8th September 1933, at which all classes and

interests among the European population in Rangoon were fully represented, the following Resolutions were unanimously passed :—

(1) This meeting of the Burma British Association, being fully representative of all classes and interests among the European community in Rangoon, desires to express its deep concern at and emphatic dissatisfaction with the proposals of the Government of Burma for the representation of European interests.

(2) This meeting is unanimously of opinion that it is in the best interests of the country as a whole that Europeans should receive representation no less than that afforded to any other minority community and in any case not less than 12 seats in the Lower House.

W. A. W. DAWN,
President

E. FOUCAR,
Honorary Secretary.

11th September 1933.

VI.—Burma Chamber of Commerce, Rangoon.

1. This memorandum expresses the views of the Burma Chamber on the proposals for representation of minorities in the Lower House of the new Legislature as contained in the Confidential Memorandum recently issued by the Government of Burma.

The membership of the Chamber includes :—

The Burma Railways,
The Rangoon Port Trust,
The Exchange Banks,
The Irrawaddy Flotilla Co., Ltd.,
The Agents of the British and Foreign Steamship Companies serving Burma and
All the important European Rice, Oil, Mining, Timber, Engineering and Importing Companies.

The Chamber, therefore, may be regarded as representing the entire European business community in Burma, with the exception of those engaged in retail trade, whose interests are represented by the Rangoon Trades Association.

2. It is understood that the present proposals of Government are intended to have effect, irrespective of whether Burma is to be a part of Federated India or is to be a separate State. The arguments in the body of this memorandum are based on the assumption that Burma will be in the Indian Federation, but, as pointed out in a later paragraph, the considerations that will arise in the event of Burma being separated give added weight to the objections raised herein to the proposed allotment of seats to European interests.

3. The opening paragraph of the Local Government's Memorandum reads as follows :—

> "The proposals under this head are based in a large measure on the Communal Award for India. Although the communal question is less acute in Burma than in India, it appears sound that similar methods of treatment should be adopted in both cases."

We agree that adequate representation of minority interests in Burma should be ensured by means of separate electorates. On the other hand, we entirely reject the assumption, implied in the above paragraph, that in determining the extent of representation to be allowed to minorities, the conditions to be provided for in Burma are similar to those obtaining in India.

4. Communal problems in India arise from the historical antagonism between the two main indigenous communities—Hindu and Muslim. This antagonism, in the words of the Statutory Commission Report, "is a basic opposition manifesting itself at every turn in social custom and economic competition as well as in religious antipathy." The Hindu-Muslim issue in India is primarily based on mutually antagonistic religious creeds, and for that reason is fundamentally different from the communal question in Burma.

5. In Burma such communal friction as does exist has no religious basis. To quote the Report of the Statutory Commission again, "the Burman being a Buddhist recognises none of the social divisions of caste and customs erected by Brahmanism." It is therefore unlikely that communal antagonisms will ever be so deep-seated and permanent as the Hindu-Muslim issue in India. In that sense the communal problem in Burma is less acute than in India, but for reasons stated later it is no less important from a political aspect.

6. The three principal minorities in Burma are the Europeans, the Indians and the Karens, and it would therefore appear that the communal question is based entirely on racial grounds. The case of the Karens, however, is entirely different from that of the other minority communities. The Karens are an indigenous community almost entirely engaged in agricultural pursuits and their economic interests are broadly indistinguishable from those of their Burmese fellow countrymen. A very large number of them are Buddhists and there is no friction between the Christian section and the Burmese on religious grounds. Their need for separate representation, which we have no desire to oppose or minimise, is largely based on a desire to ensure for their community a fair share of educational benefits and appointments in the public services, and they are most likely to try to secure this by aligning themselves with the Burmese majority in the Legislature.

7. In the case of the other minorities there is a marked divergence between their interests and those of the Burmese majority which, in our opinion, sharply differentiates their position from that of the Karens. This difference lies in the fact that the industrial trading and financial interests in Burma are very largely in the hands of these minorities. This is not the result of accident or privilege, but is entirely due to the fact that the indigenous peoples have in the past shown little aptitude or inclination for commercial and industrial pursuits. It may be said without fear of contradiction that the country has been brought to its present stage of development by the enterprise and capital of the European, Indian and Chinese communities under sound administration. The whole economic structure of Burma to-day is based on a framework of an industrial, trading and banking organisation created by these minorities. The interests of these minorities are by no means identical, but broadly speaking when we come to compare the relative representation of majority and minority

communities in the Legislature, we must regard the Burmese and Karens together as the real majority interest, and the Europeans, Indians, Anglo-Indians and Chinese as the true minorities.

8. It follows that these minorities, and the great commercial interests involved, are politically in a very exposed position, and an alleviation of this situation can only come about by the majority communities taking an increasing interest in commerce and industry. We would welcome a development in this direction, but there is no indication of the question solving itself along these lines in the near future, and the situation can, therefore, only be met by giving adequate weightage to these minorities in the new Legislature.

9. As compared with most of the Indian Provinces, there is ample room for giving weightage to minorities in Burma. Under the proposals before us, the Burmese and Karens between them are allotted 110 seats out of 132, or 83 per cent. This could be considerably reduced without any danger of throwing undue power into the hands of the minorities, while at the same time it would give a much needed addition to the influence of these minorities in the House. The overwhelming voting power in the hands of the indigenous majority communities would remain unassailable. A moderate addition to the strength of minority representation could influence legislation only by the extra weight of reasoning or persuasion which it could contribute and not by the added weight of its vote.

10. The foregoing considerations appear to have been entirely overlooked in the proposals set out in the Franchise Memorandum Minority representation as a whole has been reduced instead of increased and no reasons have been adduced in support of this somewhat surprising rearrangement of voting strength. Another important consideration, to which no weight has apparently been given, is the disappearance of the official bloc which will leave minorities in a more exposed position *contra* the majority representation.

11. In the present Legislative Council, the number of non-official seats totals 88, and of these the minority communities occupy altogether 26 seats, made up as under :—

Europeans - - - -	7
Indians - - - -	12
Karens - - - -	5
Anglo-Indians - - - -	1
Chinese- - - - -	1
	26

This represents 30 per cent. of the non-official seats. In the new House it is proposed to make the following allotment to minorities out of 132 seats :—

Europeans - - - -	7
Indians - - - -	12
Karens - - - -	12
Anglo-Indians - - - -	2
Chinese - - - -	1
	34

This represents 26 per cent. of the House, so that the total minority representation has been reduced from 30 per cent. to 26 per cent.

12. In view of the distinction we have already drawn between the Karens and other minority communities, it is necessary to analyse separately the position of the latter. In the present Council these hold 21 seats out of 88, or 24 per cent. In the proposed new Legislature they are allotted 22 seats out of 132, or 17 per cent. This drastic reduction does not seem to be justified by any line of reasoning. On the contrary, as already pointed out, the arguments are all in favour of a substantial increase in the total representation of these minorities.

13. In the new Lower House it is proposed that there shall be 132 elected seats as against 88 non-official seats in the present House, an increase of 44 non-official seats. These 44 seats are to be distributed among the communities as under :—

Burmese - - - - -	36
Karens - - - - - -	7
Anglo-Indians - - - - -	1
	44

No seats have been allotted to Europeans.

14. In the matter of European representation, although the Chamber is more particularly concerned with representation of commercial interests, we propose to deal with the whole question of the allocation of seats to the European community.

Europeans have been allotted three general seats, and it is stated in the Memorandum that these have been allotted on the basis of the average number of European population per European general constituency seat in India. This method of fixing seats involves acceptance of the theory that conditions in Burma affecting the question of European representation are the same as the *average* of conditions in all the Indian Provinces. We can find no force or logic in this line of reasoning, and in fact no such basis has been adopted in fixing the number of European general seats in any Province in India. The question of European representation in the Indian Provinces has obviously been decided on its merits, having regard to the importance and nature of European interests in each Province.

15. If we are to draw any analogy from the communal settlement in India, we must turn our attention to the award in Bengal, where conditions as regards the need for European representation most closely approximate those in Burma.

In Bengal, with its large European commercial interests, 11 general constituency seats have been allotted to Europeans out of a House of 250, or 4·4 per cent. On the basis of the proposed allotment in Burma, Europeans in Bengal would have received only six general seats. It may be noted also that the proportion of European population to total population in Bengal is only about half the corresponding figure in Burma. The contrast between the treatment of European interests in Bengal and Burma is remarkable and we can find no reason to justify it.

16. As regards "Special Interests," European interests in Bengal have been given 14 seats out of 250, whereas the same interests in

Burma have been allotted only four out of 132. Here again we can find no reason for the differentiation against Europeans in Burma. The importance of European commercial and industrial interests in Bengal is not to be disputed, but we hold that in Burma the European position is even more predominant. In Bengal, European interests are mainly centred in the jute, coal and tea industries. In Burma we have the counterpart of these in rice, oil and timber. But the capital invested in industries under European management in Burma is to a much greater extent European than in Bengal, where behind a façade of European management under the managing agency system a vast amount of Indian capital is invested, particularly in the jute and coal industries. This fact gives an element of political security to European investment in Bengal which does not exist in Burma.

In this connection, it may be remarked that in Bengal the European "Special Interests" representatives, apart from the one representative elected by the Calcutta Trade Association, consist of six elected by the Bengal Chamber of Commerce and seven elected by a number of Associations representing particular sections of commerce and industry, e.g. the tea, jute and mining industries. In Burma, the whole of the European commercial and industrial interests are represented by the Burma Chamber of Commerce and there are no sectional Associations to claim representation apart from that obtained through the Chamber.

17. Taking General Constituencies and "Special Interests" together, European representation in the new Legislature in Bengal will total 25 seats out of 250, or 10 per cent. We hold that the European community is fully justified in claiming equivalent representation in Burma, say 13 seats out of 132.

18. The position in the present Legislative Council in Burma is that Europeans occupy seven out of 88 non-official seats, or 8 per cent. Of these seats, four are elected and three are nominated non-official seats. It has been suggested that the occupants of these non-official seats have not been nominated to represent European interests, but on account of special qualifications which they possess. The reasons which underlie such nominations are not made known, as these nominations are entirely in the discretion of the Governor. It may be noted, however, that in the Report of the Indian Statutory Commission, the following statement appears (see page 133, Volume I) :—

> "Nomination is resorted to for two purposes. In some cases it is the method adopted for securing a spokesman for a class or community which would otherwise go unrepresented. In other cases, a nominated seat is filled by the Governor in the exercise of his general discretion, to redress inequalities or to fill up an undesirable gap."

In the case of the seats under reference it is reasonable to conclude that the need has been felt to place Europeans in these seats either in the interests of the European community or in the interests of the Legislature as a whole. In either case it is beyond question that, with the elimination of the official bloc, the need for additional strength to the European element in the House will be even more keenly felt, and speculation as to the special reasons for particular nominations in the past is beside the point.

19. We maintain, therefore, that the effective representation of Europeans in the past has been seven seats or 8 per cent. and that in the Legislature of the future, in view of the disappearance of the official bloc on which the European community have relied for protection, and for reasons we have touched upon in dealing with the question of minority representation in general, the case for an increase in non-official European representation is overwhelming.

20. In the new Legislature we hold that the European community have an unassailable claim to 10 per cent. of the total seats in the Lower House, i.e. 13 seats out of 132, and in no circumstances can we agree to accept a lower representation than any other minority community. In considering the respective representation claims of the Indian and European communities, while we have no wish to minimise the contribution which the Indian community has made to the development of Burma, it should be borne in mind that the Indian stake in commerce and industry is generally of a less permanent nature than the European. Indian business activities are, in a large degree, devoted to trading and banking, which involve little investment of long-term capital, whereas European enterprise has been more generally directed to the development of large-scale industries such as oil, timber and mining, in which vast investments of fixed capital have been made. This fact, as also the fact that Indian commercial interests derive an indirect protection from the comparatively large representation secured on a population basis, requires to be given full consideration in estimating the relative needs of the two communities for weightage in the Legislature.

21. With regard to the apportionment of European seats between General Constituencies and "Special Interests" this is a matter of minor importance, but on the basis of 13 seats we suggest that a suitable allocation would be as under:—

General Constituencies.

Upper Burma	2
Lower Burma	2
Rangoon City	2

Special Interests.

Burma Chamber of Commerce	6
Rangoon Trades Association	1

22. In this connection, we are strongly opposed to the suggestion that the Rangoon Trades Association should be deprived of their present seat. They have held this seat since 1914 and we see no good reason why they should be required to give it up now. The Franchise Committee's Report (paragraph 320) emphasises the importance of securing the presence in the Provincial Legislatures of men qualified to speak with knowledge and authority on subjects connected with trade, commerce and industry, which call for expert consideration from time to time. The members of the Trades Association have special knowledge and experience of the problems of the retail trade in this country, which the members of the Burma Chamber of Commerce do not possess, and in this respect the Trades Association member in the House has a special qualification which is not likely to be possessed by

any of the elected members of the General Constituencies. It is true as suggested in the Local Government's Memorandum, that one of the members of the Chamber of Commerce or General Constituencies could be briefed to represent the Trades Association's interests when need arose, but, lacking an expert knowledge of the retail trade, he could not be as useful, either to the House or to the interests comprised in the Rangoon Trades Association, as a representative of their own. It may also be pointed out that this suggestion could have been made with greater force in respect of the various subsidiary commercial associations which have representation in the Bengal Legislature, apart from the representation they enjoy through the Bengal Chamber of Commerce. No proposal has been made that because the Bengal Chamber of Commerce could look after their interests, these associations should be deprived of direct representation. Nor, it may be noted, has the Calcutta Trades Association been deprived of its seat in the new Legislature. We can therefore see no grounds, unless a desire to reduce European representation as a whole, for doing away with the Rangoon Trades Association's seat, and we would strongly urge that this seat, which has historical sanction as well as a definite practical value to the Legislature, should be retained.

23. The arguments so far adduced in our opinion constitute an unanswerable case for a much increased European representation in the Lower House if Burma remains within the Indian Federation If, on the other hand, Burma is separated from India, these arguments gain in weight, and the matter becomes of even more vital importance. Under Separation, the Burma Legislature will have control of all the subjects which in India will come within the power of the Federal Legislature, with the sole exception of monetary policy, currency and coinage. These subjects include many of special and direct importance to the interests represented by this Chamber, for example, Railways, Inland Navigation, Mining, Port Administration, Customs, Excise, Income-tax, Posts and Telegraphs. The Burma Legislature, based on a much wider franchise than the Federal Legislature in India, will thus be dealing with subjects vastly more important and more vital to European interests and the general economic welfare of the country than will be the case in any Indian Provincial Legislature.

It is obvious, therefore, that if Burma is separated the need for stability and political moderation in the Lower House will be more keenly felt in Burma than in the Indian Provinces, and these are the very qualities which the European representatives are by experience and tradition best fitted to contribute.

With these considerations in view the need for strong European representation cannot be too strongly emphasised, and, indeed, it may be said that in all probability the successful working of the new Legislature will depend to a considerable extent on the steadying influence of the European element in the Lower House.

C. G. WODEHOUSE,
Chairman.

13th September 1933.

VII.—The Rangoon Trades Association.

The primary object of this Memorandum is to state in as strong a manner as possible the extreme dissatisfaction that is felt by the Rangoon Trades Association with the proposal that is contained in the

Franchise Memorandum issued confidentially by the Local Government whereby it is intended to deprive this Association of representation in the new Lower House.

2. In the Franchise Memorandum the representation of this Association is referred to in paragraphs dealing with the representation for Special Interests and by joining its representation with that of the Burma Chamber of Commerce the Memorandum has in paragraph 7 classified this Association under the European community. It is desired, therefore, first of all to briefly express the Association's views on the general proposals in relation thereto, that is, the representation of the European community and the representation for Special Interests.

3. By its constitution the membership of the Rangoon Trades Association is not limited to Europeans, but in the meantime the preponderant interest of Europeans in the Association justifies the Government of Burma in classifying it as a European interest.

4. The particular viewpoint of the Association, however, is the trading viewpoint, and, from this angle, the Association views with the greatest concern the inadequacy of the representation that is given in the Government proposals to European interests. The element of stability and the respect for law and order which the European group supplies are the requisites the trader, no matter what his nationality may be, looks for in a sound Government, and this Association therefore gives its fullest support to the representations that are being made on this matter by the Burma Chamber of Commerce and the Burma British Association. It supports the view that the representation of minorities should not be less than 30 per cent. of the total number of seats and that in any case the European representation should not be less than that of any other minority community.

5. In the conditions that obtain in Burma and are likely to obtain for some time to come the Association agrees that in the interests of sound Government, Special Interests should be represented. Its criticism of the allocation of the representation proposed to be given to commercial interests is that it is proposed to give the whole representation, viz., eight seats, to bodies whose preponderant interest is in industry and/or external trade, and no representation is given to the interests dealing with internal distribution.

6. It is now proposed to deal with the proposal to deprive this Association of the representation it has hitherto held in the Legislatures of Burma. In the Franchise Memorandum, paragraph 6 (5), it is stated : "It is no longer considered necessary to grant separate representation to the Rangoon Trades Association, as their interests can be looked after by the representatives of the Burma Chamber of Commerce."

7. If by the statement that separate representation is no longer necessary, it is intended to convey that this Association will still be represented through the Burma Chamber of Commerce, this Association desires to take the strongest possible exception to this distortion of the facts. The members of this Association are not, and are not eligible to be, members of the Burma Chamber of Commerce and they would have no voice in the choosing of the latter's representatives. Without a voice in the choosing of representatives there can be no representation.

8. In the Franchise Memorandum it is furthur stated that the interests of the Rangoon Trades Association can be looked after by the

representatives of the Burma Chamber of Commerce. This statement is entirely fallacious. The interests of the Burma Chamber of Commerce are centred on industrial and commercial matters predominantly on the export side, such as rice, timber and oil. The interest of the Trades Association is centred round imports and the retail distribution of these throughout the Province. There can be no similarity in their interests ; it is in fact, conceivable that matters may be raised in future Legislatures on which there may be a wide difference in the views held by the two bodies. In such circumstances it would be unfair to place the onus of protecting the interests of the Trades Association on the shoulders of this representatives of the Chamber of Commerce and, frankly, the view the Association holds is that, in these circumstances, the interests of this Association would be sacrificed.

9. By the nature of its activities, the interests of the Burma Chamber of Commerce are akin to those of the Indian Chamber of Commerce, the Chinese Chamber of Commerce, and the Burmese Chamber of Commerce, to which bodies it is proposed to give separate representation, and had it been suggested in the Franchise Memorandum that the representatives of the Burma Chamber of Commerce could look after the interests of these bodies, there might have been some justification for the joint representation of these interests, but there can be no justification in the statement that their representatives can look after the interests of this Association and this Association feels sure that the Burma Chamber of Commerce has no desire to assume this responsibility.

10. This Association was formed in 1898. It is, therefore, not of recent growth ; it is virile and its members have a permanent stake in the country.

11. This Association has always in the past had representatives, not only in the Legislatures, but in bodies such as the Corporation of Rangoon, Commissioners for the Port of Rangoon, the Council of the Rangoon University, the Railways Advisory Board, &c. Its representatives in past Councils have given good service to the country, and men like the late Mr. Goodliffe and the late Mr. Du Bern have not only claimed respect, but have been leaders in the House itself.

12. In the new House, whether it be under a Federal Constitution and more so if under a Separation Constitution where all-India subjects, such as Customs, &c., will be transferred, it is most desirable, in the interests of good government and enlightened legislation, that the special experience which a representative of this Association will have, should be at the disposal of the Legislature.

13. The protection of the trading interests of the country in such matters as licences for various trades—chemists, firearms, ammunition, liquors, &c.—regulations for motor-vehicles and other forms of transport, the law regarding debtors, public holidays, shop hours, methods of assessment of customs duty of widely varied classes of articles, &c., &c., are all matters on which a representative of this Association would be one of the few persons able to speak with authority.

14. Although the headquarters of this Association are in Rangoon its members, through their branches and agencies, have an interest in

the retail business throughout the Province and, through this, it has a personal contact no other body has, and has a first-hand knowledge of the individual reaction to the subjects that may come before the new House, and yet, by its compactness, it is eminently suitable to form a constituency by itself.

15. In the opening paragraph of this Memorandum it was stated that its object was to protest against the proposal to deprive this Association of its seat in the new Lower House. On account of its stake in the country this Association views with grave anxiety the proposals contained in the Franchise Memorandum, but it will conclude on a higher plane and express the view that it is in the interest of Burma itself that the Trades Association should continue to be represented in the Reformed Burma Legislature.

H. W. SMITH,
President.

VIII.—Anglo-Indian Community.

I have consulted representative Anglo-Indian opinion, both in Rangoon and the Districts, on the proposals made in the Memorandum, for the representation of the Anglo-Indian community in the new legislative bodies.

There appears to be strong opinion that the community should claim at least three seats in the Lower House. This was the claim made in the Memorandum approved at a public meeting of the community, and submitted to the Indian Statutory Commission (Simon) in 1930.

After eliminating Europeans in the "public force" there are only 9,858 Europeans in Burma, and yet it is proposed in the Memorandum to allot three seats to the European constituency in Burma on the basis of one seat to every 3,552 of the population. The population of Anglo-Indians in the elective area is 18,583, i.e. nearly double the European population. On the population basis, therefore, Anglo-Indians should be given twice the number of seats allotted to Europeans, i.e. six seats. There is no desire on the part of Anglo-Indians to reduce the number of seats allotted to Europeans, but it is felt that having regard to the size of the Anglo-Indian population, their high standard of literacy, the important part they play in the life of the Province, and the fact that they are a community permanently domiciled in Burma, that the three seats which they originally asked for should be allotted to them.

It may be pointed out that the Indian Franchise Committee has recommended that in the Province of Bengal, in which the Anglo-Indian population is 27,673, four seats should be allotted to the community, which works out at one seat for every 6,918·25 of the community. On this basis, it will be seen that Anglo-Indians in Burma should be allotted three seats.

There is a general consensus of opinion that election should be by postal ballot. My own view is that the ballot should be secret, and that "plumping" of votes should be allowed.

As to representation in the Upper House, this should be secured by a clause in the Instrument of Instructions issued to the Governor that at least one nominated member should be an Anglo-Indian.

C. H. CAMPAGNAC.

IX.—Indian Community.

After consultation with my constituency and other Indian interests on the proposals contained in the Memorandum I hereby submit the views generally held by them.

I must state at the outset that the procedure adopted by the Local Government is most objectionable. It is generally felt that if Government were anxious to consult non-official opinion on the question of the composition of the future Legislature, such opinion should have been ascertained prior to the framing of concrete proposals. Instead, the Government have first framed certain proposals on their own initiative and are now consulting non-official opinion. Such a precedure, it is apprehended, is calculated to prejudice the issue, and result in injustice being done to certain interests. It would have been more appropriate if the Government, instead of prejudging the issue, had left the decision of the questions involved to the Joint Select Committee in consultation with the Burma Delegation.

Representation of Minorities in the Lower House.

In respect of the proposals regarding the representation of the minorities in the Lower House, it is strongly felt that the minority interests on the whole have not been given adequate representation. In particular, gross injustice has been done to the Indian interests. In the present House, taking the elected bloc only, the minorities have got 20 seats and the Labour seat specifically provided for under the Burma Electoral Rules can rightly be said to belong to them. Thus they hold even now 21 seats by right, which are furthur supplemented by nomination of at least four to five members. Thus the representation of minorities in the present House is about 30 per cent. exclusive of the official bloc. As regards the official bloc, it is the general view that it is intended to protect the interests of the minorities and special interests against any misuse of power by the majority and may thus be regarded as rightly belonging to them. Assuming that in the new Constitution no change is made in the strength of the House, and the official bloc is eliminated, it is a perfectly legitimate claim to suggest that the 14 official seats should naturally go to the minorities and special interests comprised in the non-official nominations. To illustrate the point the following calculation is given.

The seats for various minorities and special interests at present are as follows:—

Europeans	4	
Karens	5	
Indians	10	(including one Labour seat allotted under the Electoral Rules).
Anglo-Indians	1	
Chinese	1	
Nominated interests	8	
	29	

If the 14 seats now held by officials are distributed as suggested in proportion to the existing representation of the various interests, the

seats to which respective interests would be entitled would be as follows :—

Europeans - - - -	2
Karens - - - -	2
Indians - - - -	5
Anglo-Indians - - - -	1
Nominated interests - - -	4
	14

On this basis five out of the 14 seats would come to the Indians as a matter of right and probably one out of the four seats allotted to nominated interests. This is in a House of 103 members. Without any extra representation in the new House it is clear in the light of the above calculation that the 12 seats proposed to be given to Indians are far below their due share.

It must be specifically pointed out that there is absolutely no justification whatsoever for including the two Labour seats in the representation to which the Indian community is legitimately entitled through General constituencies. Labour is a special interest and must be treated as such in the same manner as Burmese Labour has been treated. The inclusion of Labour seats in the representation through General constituencies deprives the Indian community of two seats to which they are entitled.

If the figures proposed for other minorities are scrutinised it is felt that so far as the Europeans and Karens are concerned Government appear to have adopted a more liberal basis than in the case of the Indians. While Indian opinion does not grudge the increased representation given to other minorities, it is not out of place to point out that the interests of the Karens, who have been given considerably increased representation, appear to be almost identical with those of the majority community, viz. the Burmese. Indian opinion insists that the representation of the Indian minority and Indian special interests must also receive fair treatment and feels that they are entitled to increased representation on the basis of the suggestions made above.

As regards the proposed representation of Indian commeircial interests, Indian commercial bodies strongly hold that it is entirely inadequate and must be increased. It may be pointed out that Indans in Burma have got commercial and industrial interests in almost every sphere besides agricultural interests also. While the Europeans have got their interests more compact, those of the Indians are spread out in diverse directions and embrace every branch of the economic activity of Burma. As such Indian commercial interests deserve representation in a much more liberal measure than what has been proposed for them.

A. CHANDOO.

X.—The Burma Chinese Chamber of Commerce.

The Burma Chinese Chamber was formed in the year 1907 by the Chinese British subjects as an Association of wholesale and retail merchants, millers, bankers and others engaged in the commerce of Burma. The Chamber is fully representative of all the important and well-known Chinese commercial houses dealing essentially in the trades of

rice, oil, mining and timber throughout the Province. While at all times the Chamber chiefly takes a commercial interest in the affairs of the country, yet it has not been indifferent or slow to act or express its views in other matters for securing peace and tranquillity to the country and for progressive development of Burma's trade and resources and for the promotion of goodwill, co-operation and friendly relationship between the various communities in Burma.

For many years the Chamber has returned one representative to the Legislature. The principle of election of a representative was conceded to other Chambers of Commerce in India when the Morley-Minto Scheme of Reforms were introduced, and perhaps in consonance with such methods and precedents in other Provinces, the Chamber's whilom Chairman, the late Mr. Lim Chin Tsong, was nominated for many years in succession as an Hon'ble Member of the then Lieutenant-Governor's Legislative Council. Since the introduction of Burma Reforms in 1922 and the actual inception of the first Reform Council in 1923, the Chamber has elected as its representative Mr. Chan Chor Khine for the first and fourth terms of the Council and the late Sir Lee Ah Yain for the second and third terms. The confidence and trust reposed in the Chamber's representatives combined with the intelligent and high qualities of the representative concerned resulted in the appointment of the late Sir Lee Ah Yain as one of the trusted Ministers of the Government for two successive terms. The active participation of the Chinese in elections to public bodies and Legislative Council and the important parts they played therein as President, Chairman or members not only prove the fitness and ability of such persons to perform their civic duties and exercise their franchise, but also indicate the intensive desire on their part to identify their interest with that of the indigenous people of Burma.

The Chamber understands that the recommendations for a suitable form of government which will satisfy and content the various people of Burma and which will yet contain adequate safeguards for the preservation of internal peace and for the protection of all commercial interests are well in hand except for definite allocation of seats in the Council, and ventures to submit this Memorandum in the hope that suitable recommendations be made for adequate representation and reservation of seats in the proposed Council.

The Chinese population in Burma for the elective area is given as 121,752 and the following figures gleaned from the Census Reports shows our numerical position in the Province :—

Born in Burma - -	Male -	35,659	
	Female	23,594	
			59,253
Born out of Burma - -	Male -	47,320	
	Female	15,179	
			62,499
	Total -		121,752
Permanent Residents -	Male -	62,299	
	Female	32,320	
			94,619
Non-permanent Residents -	Male -	20,680	
	Female	6,453	
			27,133
	Total -		121.752

Although no separate figure is given for Chinese who are British subjects, it can safely be taken that out of the permanent residents 59,253 Chinese born in Burma are British subjects by birth and the rest are naturalised British subjects having made Burma their permanent home with Burmese wives and family. These Chinese occupy the entire length and breadth of Burma, and the tremendous growth of financial, industrial and trading interests of the community needs no advertisement in that no large city in the Province is without its "China Town," "Taroktan," and no village tract without its "Chinese Shop." As for their social and other activities, they have lived in peace and amity with their neighbours and have taken part in all important local functions, sharing their responsibility and duties as good citizens. They yield to none in their loyalty to the Government, they have helped the Government in bringing in more revenue by plying in legitimate and licensed trade and business which other people have neither the means nor inclinations to take up. Neither have they been backward and discriminate in contributing towards War Loans, Government Loans, University Endowment Funds, hospitals and other various public charitable institutions.

The basis of the present number of elective members in the Provincial Council is as follows:—

Burmese	60
Indians	9
Europeans	4
Karens	5
Anglo-Indians	1
Chinese	1
	80

The Chamber feels that in view of the important part played by the community in the life of the Province and by reason of our foremost place in trade and commerce of the country and our heavy contribution to the provincial revenue and the extent of our property in lands and buildings and the capital sunk and invested in the country, the single seat reserved for the community from the Chamber is entirely inadequate even on the basis of numbers. Added to which is the boundless difficulty of the limited choice of a representative to satisfactorily represent the diverse interests of the members who being descendants of Fukkien and Kuantung Provinces of China have their business places in Lower Burma and some in Upper Burma.

The Chamber, therefore, respectfully urges that the number of seats reserved for the Chamber in the proposed new Council should be raised to 2 per cent. of all the seats, or at least two seats to protect the wide and considerable vested interests of the community. Such a recommendation is not only equitable but also justified in view of the fact that no separate or communal representation is sought for in other constituencies where members of the community will be content with the existing right to compete with others in the General Elections. Further, it will be in consonance with the spirit of reforms and its consequent increase of representation.

The Chamber submits that this request for more seats is not new, but is a reiteration and repetition of the one made by Mr. Hoe Kim Seng, the Chinese member of the Burma Delegation during the deliberations of the last Burma Round Table Conference.

To safeguard and sponsor the interests of the community and for such other purposes, this Chamber strongly pleads that a suitable Chinese representative (from this Chamber) be chosen and sent as one of the delegates to the Joint Select Committee to be held in London in connection with the proposed Burma Reforms.

CHAN CHOR KHINE.
HOE KIM SENG.
SAW BAH CHYE.
YEO MOH SEONG.
S. BOON TIN.
L. AH LYE.
TAN HAN TI.

III.—Memorandum by the Secretary of State for India on Excluded Areas in Burma

INTRODUCTORY.

1. As in India, there are in Burma certain areas which it is necessary to exclude wholly or partially from the administration of Ministers responsible to the Legislature and from the unrestricted application of Acts of the Legislature.

Paragraph 18 of the introduction to the Burma Constitutional Memorandum [Joint Committee on Indian Constitutional Reform (Session 1932-33) Volume III p. 64] made a general reference to the problem presented by these areas (which were provisionally defined in the two Schedules A and B attached); reference to particular points arising in regard to them was also made in the footnotes on pages 14, 16 and 25. But no detailed provisions were included in the Memorandum and this deficiency is now repaired by the proposals set out in the Appendix to the following explanatory note.

2. The areas which it is proposed to treat as wholly excluded are those which have already been notified under the Government of India Act as "backward tracts"; those which it is proposed to exclude partially are certain areas which have not been formally notified as "backward tracts" (though some of them are of generally similar character to those tracts), and are consequently at present subject in law to the Legislature and amenable to its measures, but which have been excluded from the operation of the Burma Rural Self-Government Act and do not return members to the Legislative Council.

3. As regards the existing backward tracts, the opinions of the delegates at the Burma Round Table Conference were divided. Some considered that their administration should be entrusted to the Governor as a reserved subject, and that the Legislature should have opportunity from time to time to discuss the subject at the discretion of the Governor. Others thought that responsibility for administration should be placed on a Minister; though there was division of opinion as to whether at the outset the Minister should be responsible to the Governor or to the Legislature.

4. In the declaration made by the Prime Minister on the 12th January, 1932, it was stated that the administration of the Federated Shan States and of the other "backward tracts" would be vested in the Governor.

PROPOSALS IN THE BURMA CONSTITUTIONAL MEMORANDUM.

5. The Burma Constitutional Memorandum has attached to it in Appendix II [Joint Committee on Indian Constitutional Reform (Session 1932-33) Volume III p. 94] two schedules, viz.:—

A. Areas which it is intended should be wholly excluded from the purview of the Legislature and of the Ministers responsible to it. The administration of the areas in Schedule A is proposed to be one subject in the Governor's Reserved Department (Proposal 10).

B. Areas which would be only Partially Excluded from the purview of the Legislature. In these administration would be carried on through Departments and Services in the charge of Ministers responsible to the Legislature, but the supervision of this administration would be a special responsibility of the Governor (Proposal 17), who would have full power to enable him to discharge his responsibility to Parliament, in respect to the administration.

6. The Memorandum further contained a footnote to Proposal 50 stating that some provision would have to be made corresponding to Proposal 109 of the Indian White Paper, which deals with the discussion of matters concerning those areas in the Legislature. Otherwise the Burma Memorandum confined reference to these matters to a paragraph in the Introduction (No. 18) [Joint Committee on Indian Constitutional Reform (Session 1932-33) Volume III p. 64], which ran as follows:—

> "Again, in regard to the administration of what, in the case of India, have been described as Excluded or Partially Excluded areas, conditions in Burma may demand slightly different treatment. Detailed provisions for the treatment of such areas in Burma have therefore been excluded from the scope of this tentative scheme. It is proposed in the case of Burma that the areas falling within the two categories mentioned above should be enumerated in two separate Schedules, A and B, to the Constitution Act, and it will therefore be convenient to refer to them as Schedule A or Schedule B areas rather than Wholly or Partially Excluded areas. A provisional list of these areas will be found in Appendix II".

SCHEDULES A AND B.

7. The provisional Schedules in Appendix II of the Burma Memorandum have been re-examined by the Government of Burma, and it is now possible to substitute the following amended Schedules, which it is thought should be appended to the Constitution Act.

Schedule A.

1. Federated Shan States.
2. Arakan Hill Tracts.
3. Chin Hills District.
4. The Kachin Hill Tracts of the Myitkyina, Bhamo and Katha Districts.
5. The territory known as Hkamti Long in the Myitkyina District.
6. The Somra Tract and the Shan States of Hsawnghsup (Thaungdut) and Singkaling Hkamti (Kanti State) in the Upper Chindwin District.

The above areas cover about 90,200 square miles, and have a population of about 1,876,000.

[There are also certain inaccessible tribal areas, at present unadministered, but the greater part of which it is proposed to bring under a loose form of administration in the near future, which are of course at present entirely outside the purview of the Legislature and which should continue to be so excluded. It is proposed to include them in Schedule A when the exact terminology of the entry to be made in respect of them has been decided upon. The areas in question are the following:—

1. The area known as the Triangle in the Myitkyina District.
2. The area known as the Hukawng Valley lying to the north of the Upper Chindwin District.
3. The Upper Chindwin Naga Hills lying to the north-west of the Upper Chindwin District.]

Schedule B.

1. Such parts of the Myitkyina and Bhamo Districts as are not included in Schedule A.
2. Such parts of the Upper Chindwin District as constitute the Homalin Subdivision together with the village tracts which were included in the former Tamu township of the Mawlaik subdivision on the date preceding its abolition.
3. The Salween District.

The areas in Schedule B cover about 22,200 square miles, and have a population of about 366,500.

SCHEDULE A AREAS.

1.—*General.*

8. In considering the future constitutional arrangements for the backward tracts in Burma it is important to remember that the word "backward" which is the technical term used to denote areas notified under Section 52A of the Government of India Act, 1919, may lead to a serious misunderstanding of the position. It suggests that the difference between these tracts and the ordinary districts is one of degree of development which will necessarily tend to disappear with time. This is far from the whole truth. The existing backward tracts are hill districts lying on the north, west and east of Burma, and resembling in their general characteristics the backward tracts along the eastern border of Assam. Their inhabitants, mainly Kachins, Chins and Shans, differ radically from those of the plains in race, religion, law, customs, and language, and most of these differences will be bridged, not by a simple process of development, but by the much slower and more difficult process of abandonment of their existing culture. It is the absence of common outlook and aspirations which is perhaps the main factor militating against the assimilation of the backward tracts in the hills in the political institutions of the plains. The history of the relations between the backward tracts and the plains is one of opposition and hostility, and the main reason for undertaking the administration of the tracts was the protection of the plains. Such feelings of antipathy die slowly in remote places; and the inhabitants of the backward tracts are still devoid of any real sense of community, political or otherwise, with the plains. Further, the inhabitants of the backward tracts are ignorant of conditions in the plains and those of the plains are equally ignorant of conditions in the tracts. It is true that since the annexation of Upper Burma, civilising influences have been at work. The Kachins come down with confidence from their hills to market in the villages of the plains and mix more freely with the plainsmen, and in some areas they have come under the influence of missionaries. Kachins and Chins also are recruited to the Burma Rifles and Burma Military Police. But the fact remains that the plains and the backward tracts are different worlds with no adequate mutual knowledge and no adequate contact by which such knowledge may be readily diffused.

9. The "backward tracts" in Burma are admittedly not ripe for representative institutions and have not, it is believed, shown any desire for them. The time will not be ripe for such a change until conditions in the tracts have undergone a fundamental change and until their inhabitants have learned to feel that they are part of a larger political whole. Such a state of affairs is not likely to come to pass within any period that can at present be foreseen.

10. Meanwhile, the provincial legislature, however capable of legislating for the plains which it knows and represents, is clearly not qualified to legislate for people it does not represent and for conditions of which it has no adequate knowledge. Added to this is the consideration that law in the backward tracts is mainly customary law supplemented by simple regulations issued under Section 71 of the Government of India Act—a very refractory substance for amalgamation with acts of the Legislature.

11. The form of administration is equally simple, being loose and flexible and often depending upon the personality of an individual officer.

12. The foregoing remarks apply to all the areas which it is proposed to include in Schedule A (Wholly Excluded) and indeed are very largely applicable to some at least of the areas in Schedule B which it is proposed to exclude only partially.

2.—The Shan States.

13. Among the areas at present notified as backward under the Government of India Act is the Shan States Federation. At the Burma Round Table Conference the Shan States delegation indicated that they desired to preserve the separate existence of the Shan States Federation, and asked that the Federation should be placed in the direct charge of the Governor. The other delegates generally expressed sympathy with the Shan Chiefs' desire to preserve the position of the Federation.

14. In the Declaration made by the Prime Minister on the 12th January, 1932, it was stated that the administration of the Federated Shan States would be vested in the Governor, and following upon this announcement, it is proposed to place the Shan States in Schedule A to the Constitution Act.

15. The Shan States (Northern and Southern), are British territory. They occupy a block of some 60,000 square miles of mountainous territory, traversed from North to South by the Salween River, and lying between the Irrawaddy valley and the Chinese, French Indo-Chinese and Siamese frontiers. The line of division between the Northern and Southern groups is roughly due east of Mandalay. The two main groups, Northern and Southern, have together a total population of rather more than 1½ million and a total revenue of about 47½ lakhs.

16. The Shan States became British territory following the Proclamation of 1886, annexing the territories formerly governed by King Thibaw, and making them over to the Viceroy and Governor-General of India for administration. Prior to the British annexation, sovereignty over the Shan States had been claimed by the Kings of Ava.

17. British policy in the States after the annexation was aimed at establishing orderly administration at the least possible cost. The existing system of administration by the Shan Chiefs were therefore maintained. The result was an arrangement under which, though the States are British territory, and the Rulers and their subjects are British subjects, the criminal, civil and revenue administration are generally vested in the Chiefs.

18. The sanads of appointment issued to the Chiefs are not hereditary as is the rule in the rest of India. A fresh sanad is issued to each Chief on appointment, and though the selection of successors is generally made in the family of the governing Chief, this is not obligatory. It has been the deliberate policy of the British authorities to retain authority over the Chiefs (Sawbwas), while making use of their traditional position as the most appropriate method of administering a great variety of very simple races.

19. Under the Burma Laws Act of 1898, the civil, criminal and revenue administration was vested in the Chiefs, subject to obedience to the Superintendent of the States, and it was prescribed that the Law to be administered was " the customary law of the States so far as it is in accordance with justice, equity and good conscience, and not apposed to the spirit of the law in British India ". (This customary law can, however, be modified by orders issued by the Governor, who also has power to appoint officers to take part in the administration of the States.) At the same time the States were excluded from the operation of any Burma Act not specifically extended to them.

20. In 1922, in connection with the application to Burma of the Reforms of 1919, the main block* of Northern and Southern Shan States was formed into a Federation—a separate sub-administration in the charge of the Governor (not the Governor in Council) and removed therefore from the scope of the new Burma Legislature.

21. The scheme contemplated no interference in the internal management of the States, and the Chiefs continue to collect their taxes and to be responsible for law and order, maintain courts, appoint their own officials and control their own subjects under the advice of their respective Superintendents (and Assistant Superintendents) as before. But the common services of Public Works, Medical Administration, Forests, Education and Agriculture, and, to a small extent, local Police, have been centralised under the control of the Federation.

22. The funds of the Federation are principally derived from—

(*a*) contributions from the individual States, varying from 40 per cent. to 50 per cent. of their revenues,

(*b*) the mineral and forest royalties accruing within the Federation, less 25 per cent. allotted to the individual Chiefs,

(*c*) a contribution from Burma revenues,†

and amount to rather over Rs.30 lakhs per annum. The Federal Council, consisting of seventeen Sawbwas, four elected representatives of the lesser Rulers and the Superintendents of the Northern and Southern Shan States, is an Advisory Body only, possessing no legislative power. The Superintendent of the Southern Shan States, who is also Commissioner for the whole of the States, is President of the Council, and Agent of the Governor in respect of the administration. All Departmental officers employed in the States are removed from ordinary departmental control, and directly responsible, through the Superintendents, to the Governor. This method of administration corresponds to what is proposed for all the other areas placed in Schedule A to the new Constitution Act.

23. When the States were notified in 1922, at the time of the formation of the Federation, as "backward tracts" under the Government of India Act, the revenues levied in them were scheduled as allocable solely to the Governor for the purpose of the administration of them. Such revenues are not shown in the Finance and Revenue accounts of the Province generally, but in a separate account. It will be necessary to conserve this arrangement.

Schedule B Areas.

24 It should be explained that in accordance with the Prime Minister's statement of 12th January, 1932, all the tracts at present notified as "backward" have been placed in Schedule A, and will be controlled exclusively by the Governor.

25. There are, however, three administrative districts, Myitkyina, Bhamo and Upper Chindwin, in which in addition to considerable areas already notified as backward, there are comprised other areas which, though never formally declared to be "backward tracts" under Section 52A of the Government of India Act, have always been wholly excluded from the

* There are a few isolated blocks of Shans elsewhere in the northern districts of Burma, notably Hsawnghsup and Singkaling Hkamti.

† This will probably disappear when the financial arrangements for the Shan States Federation are reviewed in the near future.

operation of the Burma Rural Self Government Act;* and have not been included in constituencies for the election of members to the Legislative Council. A fourth district, Salween, which contains no areas at present notified as backward, consists entirely of areas of this class.

26. There seems very little doubt that, judged by existing conditions, the areas referred to in these four districts should be wholly excluded and placed in Schedule A. They are definitely backward areas in the general sense of the word, having a scattered population and a very low level of literacy. It will be difficult to form satisfactory constituencies in some of them, and still more difficult to make satisfactory polling arrangements. Nevertheless, as these areas have never been formally declared " backward tracts ", and do not consist exclusively of hill districts, it is obviously undesirable to withdraw them from the scope of Ministers and the Legislature. It is, therefore, proposed to treat them in the same way as Partially Excluded Areas in India. A list of them is given in Schedule B above. The following notes give some description of the districts in which these areas occur, and the manner in which it is proposed to treat them.

27. *Myitkyina District.*—This district is the most northerly district of Burma and runs up to the borders of Tibet. The district contains large areas of unadministered territory, notably the Triangle, but even excluding these areas, it comprises a total area of 18,350 square miles. Nevertheless, the population is only 171,000, made up, mainly of Burmans (including Karens) 38,000, Kachins 40,000, Shans 62,000, Indians 17,000 and Chinese 4,000. Half of the population is located in the hill tracts, already notified as " backward tracts ". Of the total population only 31,000 are literate.

The district comprises the Putao (including the territory known as Hkamti Long) Sumprabum, Sadon, Htawgaw, Myitkyina, Mogaung and Kamaing subdivisions. The first four subdivisions are composed wholly of hill tracts which are now classified as " backward tracts " and which must continue to be treated as " totally excluded areas." There remain for consideration the Myitkyina, Mogaung and Kamaing subdivisions. The " plains " areas in these subdivisions have not been excluded from the scope of the Legislative Council, but have not been formed into a constituency and do not return a member to the Legislative Council. The total area of these " plains " areas is about 3,500 square miles and the population is about 89,000. Most of the 31,000 literates of the district are found in the plains. The proposal is that these plains areas should be treated as " partially excluded ", and that as far as possible they should be formed into a constituency and should return a member to the Lower House of the Legislature.

28. *Bhamo District.*—The area of this district is 6,900 square miles, of which 2,800 square miles are Kachin Hill Tracts and 4,100 square miles plains areas. The total population is 121,000, made up chiefly of Burmans (including Karens) 32,000, Kachins 47,000 and Shans 34,000. Only 22,000 of the population are literates. The proposals in respect of this district are much the same as those made for Myitkyina. The Kachin Hill Tracts, which are at present " backward tracts " should continue to be " totally excluded ", and the rest of the district, that is the plains area, should be " partially excluded ". These plains cover an area of rather more than 4,000 square miles and contain a population of about 66,000, mostly Burmans and Shans. The plains areas are more compact than in Myitkyina, and no particular difficulty is anticipated in forming them into a constituency and making suitable polling arrangements.

* The purpose of which is to provide for the institution in rural areas of District Councils Circle Boards and School Boards " for the purpose of associating the inhabitants of such areas more closely with the administration of matters affecting their daily lives."

29. *The Upper Chindwin District.*—This district adjoins Manipur in the west and towards the north runs up to the borders of the "human sacrifice" area of the unadministered Naga Hills. Large tracts of unadministered area are also included in the district itself. Leaving this unadministered territory out of account, the total area of the district is 16,000 square miles, of which 2,400 square miles are accounted for by the three existing "backward tracts", the Somra Tract, Singkaling Hkamti (Kanti State) and Hsawnghsup (Thaungdut State). The total population of the district is about 205,000, and the number of literates is only 63,557. The "backward tracts" should continue to be "totally excluded areas". The Somra Tract is a wild tract in which there was a rising some years ago, and the Thaungdut and Kanti States are backward Shan States each with its own Sawbwa. The rest of the district is made up of the Kalewa, Mawlaik and Homalin subdivisions, and in these districts the Burmese, who form nearly half of the total population of the district, are located. The three subdivisions are in different stages of development and require separate consideration. The Kalewa subdivision is inhabited mainly by Burmans. No special treatment is required, and there is no reason why the subdivision should not be entirely within the jurisdiction of the Legislature and the Ministers. The same remarks apply to the Mawlaik subdivision other than what was formerly the Tamu township. This township (now amalgamated with the neighbouring township of Mawlaik) covers an area of 540 square miles on the border of Manipur. It is wild and difficult country. The people are not ripe for representative institutions, and it would be impossible to make proper polling arrangements. The rest of the Mawlaik subdivision on the other hand is occupied by people who speak Burmese, and it might be brought wholly under the control of Ministers and the Legislature. The Homalin subdivision, however, stands much in the same category as the Tamu township. Generally speaking, the people are backward, the standard of literacy is low, and the population is mixed. In the greater part of the subdivision the people are quite incapable of exercising the franchise. It is proposed that the Kalewa subdivision and the Mawlaik subdivision excluding the Tamu township should be formed into a constituency of the Legislature, and come wholly under its authority, and that the Tamu township of the Mawlaik subdivision and the Homalin subdivision should be treated as "partially excluded areas", no attempt being made at present to form constituencies out of these two latter areas.

30. *Salween District.*—This district is a remote and inaccessible tract on the eastern frontier of Burma adjoining Siam. The area of the district is 2,666 square miles, and the population only 54,000. The district consists of wild and hilly country, and the population is composed entirely of Karens. These Karens, though of the same racial stock as those of the plains, retain all the characteristics of unsophisticated and primitive hillmen, and in respect of political development and aptitude are wholly distinguishable from their kinsmen who have settled in and accommodated themselves to the plains. There are only 4,400 literates in the district. It is impossible to understand why the district was never declared a backward tract, and the proper course is totally to exclude the area. It is, however, proposed to treat it as a "partially excluded area," but to make no attempt to form it into a constituency.

The Burma Frontier Service.

31. In connection with the subject of Excluded Areas, reference may be made to paragraph 22 of the Introduction to the Burma Constitutional Memorandum, which runs as follows:—

> "In addition to the ordinary Provincial Service, which covers the whole of the civil administration in the middle and lower grades, Burma

possesses the Burma Frontier Service. This Service is now controlled and recruited by the Local Government, but many of its members, in common with many members of the Provincial Services, have rights guaranteed by the Secretary of State. In view of the fact that if Burma were separated from India most of the officers of the Burma Frontier Service would serve in areas under the sole control of the Governor, it would seem proper that the Service should be recruited and controlled by the Governor acting in his discretion."

32. The object aimed at by the proposal in this paragraph regarding the future control and recruitment of the Burma Frontier Service is to secure that the Service through which the Excluded Areas are mainly administered shall be recruited by the Governor, in his discretion, with particular regard to the characteristics requisite in officers charged with the administration of these remote areas and their untutored inhabitants.

APPENDIX.

The Secretary of State for India's Proposals in respect of Excluded Areas in Burma.

N.B.—These are practically identical with the corresponding proposals 106-109 in the Indian White Paper.

(A) His Majesty will be empowered to direct by Order in Council that any area within Burma is to be an "Excluded Area" (Schedule A) or a "Partially Excluded Area" (Schedule B) and by subsequent Orders in Council to revoke or vary any such Order.

(B) In respect of areas in Schedule B the Governor will be declared to have a special responsibility (see paragraph 17).

The Governor will himself direct and control the administration of any area in the Province for the time being placed in Schedule A. (See paragraph 10.)

(C) Legislation required, whether for areas in Schedule A or Schedule B, will be obtained in the following manner:—

No Act of the Legislature will apply to such an area unless the Governor in his discretion so directs, and in giving such a direction the Governor will be empowered to direct that the Act, in its application to the area, or to any specified part thereof, is to have effect subject to such exceptions or modifications as he thinks fit.

The Governor will also be empowered at his discretion to make Regulations for the peace and good government of any area which is for the time being in Schedule A or Schedule B and will be competent by any Regulation so made to repeal or amend any Act of the Legislature which is, for the time being, applicable to the area in question.

Regulations made under this provision will have the same force and effect as an Act of the Legislature made applicable to the area by direction of the Governor, and will be subject to disallowance in the same manner as an Act of the Burma Legislature, but will not be subject to repeal or amendment by any Act of that Legislature.

(D) Rules made by the Governor in connection with legislative procedure will contain a provision prohibiting the discussion in the Legislature of, or the asking of questions on, any matter arising out of the administration of an area in Schedule A, and enabling the Governor, at his discretion, to disallow any resolution or question regarding the administration of an area in Schedule B.

RECORD A.2

[21ST DECEMBER, 1933.]

I.—Memorandum by the Secretary of State for India on Discrimination in Burma

1. The Indian White Paper contains in Proposals 122, 123 and 124 indications of the provisions contemplated to be included in the Indian Constitution for the prevention of discriminatory legislation against any British subject in India whatever his domicile (122), for the specific protection (on a basis of reciprocity) of British subjects (and companies) domiciled in the United Kingdom (123) against discriminatory legislation, and for the passage, nevertheless, of Subsidy Acts intended to foster Indian industries (124) by methods which, but for this provision, might be inadmissible as being discriminatory. Corresponding proposals in relation respectively to British subjects of whatever domicile in Burma, and British subjects of United Kingdom domicile in Burma are included in the Burma Memorandum (Joint Committee on Indian Constitutional Reform [Session 1932-33] Volume III p. 83) in paragraphs 58, 59 and 61; and in paragraph 60 an indication is given that it will be necessary to consider whether and to what extent a specific protection should be accorded in Burma to British subjects of Indian domicile corresponding to that proposed for British subjects of United Kingdom domicile.

2. On 3rd November the Secretary of State for India circulated a Memorandum A.68 (vide Joint Committee on Indian Constitutional Reform [Session 1932-33] Volume IIB. p. 1297) affording a more precise and detailed statement of the purposes sought to be achieved by the Proposals in the Indian White Paper. No new proposals were made; the original objects were simply set out in a more complete form. It will be convenient therefore, to consider the question of protection from discrimination in Burma in relation to the provisions set out in Memorandum A.68 (vide Joint Committee on Indian Constitutional Reform [Session 1932-33] Volume IIB p. 1297) rather than to those in Burma Proposals 58, 59 and 61 which correspond to the superseded statements in the Indian White Paper, Proposals 122, 123 and 124.

Provision for British subjects of United Kingdom domicile and companies incorporated in the United Kingdom, but trading in Burma.

3. It will be generally agreed, no doubt, that as Burma is at present a province of British India, and as British subjects domiciled in the United Kingdom occupy in Burma the same position as in other Provinces, and occupy it by virtue of the same considerations, precisely the same degree of protection should be accorded to them in Burma, if separated from India, as is to be accorded in continental India. It is proposed accordingly that the protection which is provided in India for British subjects of United Kingdom domicile and for companies incorporated in the United Kingdom by paragraph 3, sub-paragraphs (i)-(vi) inclusive, of Document A.68 should be provided in precisely similar form and degree in Burma. These paragraphs, it is proposed, should apply *totidem verbis* in the case of Burma, with the substitution of the words "Burma" and "Burman" for "India" (or "British India") and "Indian".

4. These proposals, it will be observed, when so amended will afford liberty to the Burma Legislature to take reciprocal action in the event of the imposition in the United Kingdom of restrictions and disabilities on Burman British subjects.

5. It is contemplated further that the exceptions to the foregoing provisions which are indicated in paragraph 3 (vii) of Document A.68, so far as they are applicable to British subjects of United Kingdom domicile or British companies incorporated in the United Kingdom, should apply in Burma as in India, and that the provisions of sub-paragraph (viii) should equally be made applicable to United Kingdom shipping by the substitution of the words " Burma " or " Burman " for " British India " and " Indian ".

6. In relation to protection against administrative discrimination it is proposed to adopt in Proposal 17 (*e*) of the Burma Memorandum (Joint Committee on Indian Constitutional Reform [Session 1932-33] Volume III p. 70) the amendment of Proposal 18 (*c*) of the Indian White Paper suggested in paragraph 4 of the Secretary of State's memorandum:

British subjects domiciled elsewhere than in the United Kingdom or India.

7. The provisions to be made in respect of the protection in Burma of British subjects domiciled in India are dealt with below. But as regards other British subjects, domiciled elsewhere in the Empire than in the United Kingdom, it is proposed that a similar liberty (subject, however, to the proposal in paragraph 15) to impose conditions on the entry into Burma of such persons and to negotiate with the Governments of their countries of domicile, should be left to the Burma Legislature as it is proposed in paragraph 5 of Document A.68 (vide Joint Committee on Indian Constitutional Reform [Session 1932-33] Volume IIB p. 1297), should be left to the Indian Legislatures. For the disabilities and restrictions which in some parts of the Empire are applied to Indian British subjects apply to those domiciled in Burma no less than those domiciled in other Provinces of British India.

Protection for British subjects domiciled in India and for companies incorporated in India, but trading in Burma.

8. By virtue of Burma's incorporation in the Indian Empire as a Province of British India, subordinate to the same Central Government as her sister Provinces, Indian domiciled in or originating from those other Provinces constitute an important element in Burma. They number over one million in a total population of about fourteen millions. Many are serving in Government departments, in the Police, civil and military. Indian enterprise has contributed largely to the agricultural development of Burma and Indians have established in Burma commercial and trading organisations involving capital expenditure of many crores of rupees which are invested in the country.

9. On the other hand, a very great proportion of the Indian population in Burma consists of labourers who do not intend to stay in that country more than a few years and who while they are there tend to oust the indigenous labourer and by accepting lower wages to lower his standard of living. The Royal Commission on Labour in India made a strong recommendation that steps should be taken to control and restrict the flow of Indian labour immigration into Burma.

10. Further, Indian money lenders who advance money on the security of agricultural land and on the crops operate on so extensive a scale as seriously to affect in times of depression the ownership of the land by the indigenous agricultural population. Such money lenders no doubt fulfil a useful function in general; but in a country where the natural land system

is that of peasant proprietorship the extensive transfer of ownership to non-indigenous and non-agricultural classes is a matter which requires careful attention.

11. It is no easy matter to reconcile the claims, on the one hand, of the continental Indian to be protected in the position he has acquired as a result of Burma's inclusion in British India, and, on the other, of the Burman to be protected from the pressure reckoned by so vast and so populous a neighbour.

12. It is proposed to meet these conflicting claims by the application to Indians in Burma of provisions corresponding generally to those proposed for the protection of British subjects of United Kingdom domicile in paragraph 3 of Document A.68 [vide Joint Committee on Indian Constitutional Reform (Session 1932-33) Volume IIB p. 1297], but modified to meet the particular circumstances in which the two cases differ—notably in respect of labour immigration, which from India is of serious importance, but from the United Kingdom not existent.

13. On this basis the provisions of paragraphs 3 (i), 3 (ii) (*b*)—but not (*a*) —3 (iii), 3 (iv), 3 (v), 3 (vi) and 3 (viii) would apply, generally, to Indians in Burma as to United Kingdom subjects in India, the words Burma or Burman being substituted for India (or British India) and Indian. The provisions in question, so amended, are appended to this vote.

14. It would, of course, be necessary to qualify the protection so afforded by exceptions on the lines of paragraph 3 (vii). In particular an exception on the lines of sub-paragraph (vii) (1) (*b*) will be required to maintain the existing limitations on the rights of persons of non-Burman birth or domicile to compete for certain public appointments or qualify for the exercise of certain professions; and an exception on the lines of sub-paragraph (*d*) will be required in order to preserve to the Burma Legislature the right to pass legislation designed to prevent the undue alienation of land, referred to above, from the indigenous agriculturist to non-agricultural classes, whether Indian or other.

15. No protection of the right of entry into Burma is contemplated in favour of British subjects domiciled in India such as is proposed by paragraph 3 (ii) (*a*) for British subjects domiciled in the United Kingdom. The right of the Burma Legislature to pass legislation restricting or imposing conditions on entry into Burma will apply in respect of British subjects domiciled in India as in respect of those domiciled elsewhere (except in the United Kingdom). But with a view to preventing the imposition of any vexatious restrictions or unreasonable conditions for the entry of Indians of good standing into Burma, it is proposed that the introduction of any legislation regulating immigration, whether from India or from any other country—since differentiation between country and country in this respect will obviously be undesirable—should be subject to the Governor's prior consent. In case this precaution is considered insufficient to prevent injudicious legislation affecting the entry of Indians into Burma, it is suggested that the Governor's Instrument of Instructions should indicate that this category of legislation is one in which particularly his discretionary power to reserve Bills for the signification of His Majesty's pleasure might be exercised.

16. It may be remarked that the best solution of this question, apart from such provisions in the constitution Act as may be required to safeguard the position of the Burma Legislature, on the one hand, and of British-India subjects, on the other, lies in the conclusion by the Governments concerned of an Immigration and Emigration Convention.

Professional Qualifications.

17. As regards professional qualifications other than those of the medical profession, the remarks in paragraph 6 of Document A.68 [vide Joint Committee on Indian Constitutional Reform (Session 1932-33) Volume IIB p. 1297] are applicable to the case of Burma no less than to that of India, and to the case of persons holding Indian qualifications no less than to those holding British qualifications. The Governor should refuse in Burma as in India to assent to legislation debarring from the practice of their profession persons already practising on the strength of a British or an Indian qualification. And, while it should not be permissible for a person to be disabled from the practice of his profession in Burma merely because his qualification is a British or India qualification, it would be unreasonable to prevent the requirement in Burma of additional qualifications justified by special local conditions.

18. As regards Medical qualifications it is not possible at the present time to indicate with precision what provisions will be required in the Burma Constitution. Hitherto the registration of Medical practitioners in Burma has been regulated by the Burma Medical Act of 1915 (amended in 1927) which besides providing for the recognition of certain qualifications conferred in Burma, entitles to registration in Burma any person holding a qualification under the Medical Acts (i.e. a British qualification) and any person registered as a Medical practitioner in any province of British India. (*Incidentally it authorises the Burma (Provincial) Medical Council to* refuse to register any person holding only a qualification conferred in a Dominion or foreign country which does not recognise Indian medical degrees).

19. On the other hand the recently passed Indian Medical Council Act which applies to Burma does not recognise, for the rest of India, the qualifications granted by Medical institutions in Burma, but provides for early inspection of the courses and examinations prescribed by the University of Rangoon with a view to framing conditions for the recognition of its degrees.

20. The existing position, therefore, is somewhat fluid, and it is hardly possible at present to frame proposals, for inclusion in the Burma Constitution, in relation to it. In the event of separation the position of the Indian Medical Council in relation to medical institutions in Burma, and of the successor to the present Provincial Burma Medical Council in relation to medical institutions and Medical Councils outside Burma will evidently need consideration and regulation. Possibly the most convenient course would be an arrangement either with the General Medical Council or with the Indian Medical Council similar to the agreement established between the Irish Free State and the General Medical Council in 1927. In the meantime no more precise proposal seems possible than that provision should be made in the Burma Act for the continued acceptance, as *qualifications entitling to registration in Burma*, of the British qualifications from time to time recognised by the General Medical Council, and of the Indian qualifications from time to time recognised under the Indian Medical Council Act. If necessary, provision might perhaps be made for an appeal to the Privy Council in case the Indian Medical Council declined or ceased to recognise as valid for India the diploma granted by a Medical institution in Burma for Doctors, Masters, Bachelors or Licentiates of Medicine or Surgery. Provision for an appeal of this kind is made in Section 13 (2) of the Medical Act 1886, which allows an appeal to the Privy Council, upon a refusal of the General Medical Council to recognise in this country a colonial or Indian medical qualification. Something of this kind could perhaps be provided if necessary to afford a means of appeal against refusal of recognition which appeared to conflict with the Convention suggested above.

ANNEXURE.

PROVISIONS IN PARAGRAPH 3 OF DOCUMENT A.68 [VIDE JOINT COMMITTEE ON INDIAN CONSTITUTIONAL REFORM (SESSION 1932-33) VOLUME IIB P. 1297] MODIFIED TO MEET REQUIREMENTS IN BURMA OF BRITISH SUBJECTS DOMICILED IN INDIA.

General declaration as to British Subjects in Burma.

(i) It is proposed that the Constitution Act should contain a general declaration that no British subject (Burman or otherwise) shall be disabled in Burma from holding public office by reason only of his religion, descent, caste, colour, or place of birth, nor, on the same grounds, from practising any profession, trade or calling.

Special provision for persons who are British subjects domiciled in British India.

(ii) As regards British subjects domiciled in British India in so far as they are not covered by clause (i), it is intended, subject to what is said in clause (v), to provide a special form of protection in respect of the following matters:—

Taxation* }
Travel and residence }
The holding of property } in Burma
The holding of public office }
The carrying on of any trade, business, occupation or profession }

against statutory disabilities based upon domicile, residence, duration of residence, language, race, religion or place of birth.

Special provision for companies incorporated in British India but trading in Burma.

(iii) As regards companies which are or may hereafter be incorporated in India and trading in Burma, it is intended to prevent (subject to the provisions of any Immigration law and to the special provision as regards bounties and subsidies of clause (vii) (2)), the imposition in Burma of any discriminatory taxation* or of any statutory disability upon any such company, if the incidence of that taxation or disability is based upon

the place of incorporation of the Company; or

The domicile, residence, duration of residence, language, race, religion, descent or place of birth of its directors, shareholders, or Agents or Servants.

Special provision for companies incorporated in Burma.

(iv) In the case of a company which is or may hereafter be incorporated in Burma, British subjects domiciled in British India will (subject to the special provisions as regards bounties and subsidies of clause (vii) (2)) be deemed *ipso facto* to comply with any conditions imposed by law on the Company in respect to the domicile, residence, duration of residence, language, race, religion, descent or place of birth of its Directors, Shareholders, Agents or Servants.

Provisions for reciprocity.

(v) It is, however, intended to provide that if any restriction, disability or condition of the kind, and based upon any of the grounds, indicated in clauses (ii), (iii) or (iv), is imposed by the law of the Federal or Provincial Governments of India (or by provisions having the force of law) affecting in British India Burman subjects of His Majesty or companies incorporated

*" Taxation " is intended to cover imposts of all kinds, including, e.g., rates and cesses.

in Burma, the provisions of those paragraphs will not apply to any Burman law imposing in Burma the like restrictions, etc., based upon the same ground.

Reservation of Bills which, though not in form, are, in fact, discriminatory.

(vi) In addition, it is proposed that the Constitution Act shall require the reservation for the signification of His Majesty's pleasure of any Bill which, though not in form repugnant to the provisions indicated in clauses (ii), (iii), or (iv), the Governor in his discretion considers likely to subject to unfair discrimination any class of His Majesty's subjects protected by those clauses.

Exceptions.

(vii) The provisions indicated above will be subject to two other forms of exception or qualification:—

Savings.

(1) It will be necessary to save, notwithstanding the provisions of clauses (i), (ii), (iii) and (iv)—

(*a*) laws which exempt from taxation persons not domiciled or resident in Burma;

(*b*) laws rules and orders in operation at the date of the passing of the Constitution Act (e.g. the Burma Courts (Amendment) Act of 1931 which places, in effect, restrictions on non-Burmans in respect of practice before courts subordinate to the High Court of Rangoon);

(*c*) the due operation of the Governor's special responsibility for the prevention of any grave menace to the maintenance of peace and tranquillity;

(*d*) the right to legislate in the sense indicated in the provisos to paragraph 122.

Exceptions in regard to bounties and subsidies.

(2) It is proposed that an Act, which, with a view to the encouragement of trade or industry in Burma, authorises the payment of grants, bounties, or subsidies out of public funds, may lawfully require in the case of any Company not engaged in Burma at the time the Bounty Act was passed in the branch of trade or industry which it is sought to encourage, as a condition of eligibility for any such grant, bounty or subsidy, that a company shall be incorporated by or under the laws of Burma, or compliance with such conditions as to the composition of the Board of Directors or as to the facilities to be given for training of Burmans, as may be prescribed by the Act.*

In the case of companies engaged in Burma in the trade in question at the time the Subsidy Act was passed, the general provisions indicated in clauses (iii) and (iv) will apply: and such companies will be eligible for such grants, bounties or subsidies equally with Burman Companies.

Special provision for ships and shipping.

It is proposed that provision on the following lines should be inserted in the Constitution Act:—

"Without derogation from the generality of the provisions as to discrimination, ships registered in British India shall not be subpected by law in Burma to any discrimination whatsoever, either as regards the ship or her officers or crew or her passengers or cargo, to which ships registered in Burma would not be subjected in India."

* This proposal is intended to give effect to the recommendations of the External Capital Committee's Report 1925.

RECORD A.2 (*continued*)

II.—Memorandum by the Secretary of State for India giving Proposals for the Future Administration of the Burma Railways

INTRODUCTORY.

1. Proposal 68 of the Burma Constitutional Memorandum (Joint Committee on Indian Constitutional Reform [Session 1932-33] Volume III p. 68) suggests that under the constitution outlined for a separated Burma, the Burma Railways should be managed by a Statutory Board constituted on similar lines to the Board which it is proposed to set up in India. The proposals made in the following memorandum consequently represent an attempt to bring a scheme for the establishment of a Railway Board, drafted by the Government of Burma, as far as possible into line with the scheme for India set out in Joint Committee on Indian Constitutional Reform [Session 1932-33] Volume III pp. 39 to 46, bearing in mind the differing circumstances of the two cases. It should be understood that the proposals now put forward are of a tentative nature.

2. The principal difference between the two schemes is concerned with the constitution and functions of the Railway Board, and it may be useful to offer some comments on these points.

3. It should be explained that there is a marked difference in the nature of the problem presented by the railways in India and in Burma. In the first place, as regards mileage, the State-owned lines in India cover some 30,000 miles, while the Burma railways cover only a little more than 2,000 miles. Secondly, the Indian Railway Authority will be concerned with a large system of State railways operating in all provinces, some of them managed by the State, and others by Companies, and also a certain number of Company-owned lines. In Burma there is a unitary system of railways. There are no problems of railway inter-communication with other provinces, and such small separate lines as exist, *e.g.*, the Burma Mines Railway and certain light railways in forests and factories, have not yet been brought under the Indian Railways Act. Thus, not only is the problem presented by the railways in Burma a far smaller problem than that to be faced in India, but it is a far more compact problem, inasmuch as no question arises of the reconciliation and co-ordination of a number of possibly conflicting interests. The Burma railways will be the concern of the State alone, and the solution of the problem of their future management does not necessitate the establishment, as is proposed in India, of a Railway Authority intermediate between the Legislature and Government on the one hand, and the executive management on the other.

4. It is therefore proposed in the case of Burma to establish a single Board of Management, which will combine in itself the functions which in the case of India it is proposed should be shared between the Railway Authority and the executive management. Thus, in India it is proposed that the Railway Authority will be a Board directing the control of all railways, including non-State railways, but having nothing to do with their day-to-day management, whereas in Burma the authority will more appropriately be of the nature of a Board of Directors for the one railway system owned by the State. This will enable the Burma Board to exercise a more detailed control than the Indian Board, and this consideration explains the apparently more restricted nature of the proposals for the composition of the Board. In Burma it is possible to make the Agent

or General Manager the *ex officio* President of the Board, whereas in India it would not be practicable to make one of the Agents of the numerous railways President. The Board in Burma will gain an intimate knowledge of the internal working of the railway: it will be responsible, among other things, for the earning capacity of the railway, and, therefore, it is necessary that persons of business and financial capacity should predominate in the Board. The scheme put forward provides for two official members, namely the Financial Adviser and the Secretary to Government in the department responsible for railways. The presence of the Financial Adviser on the Board is necessary because of the vital importance of railway finance to general finance, and is in the ultimate interest of the tax-payer. As regards the inclusion in the Board of the Secretary to Government in the Department which deals with communications, a link is required between the Board and the Ministry. As in the Indian scheme, it is not proposed that the Minister responsible for railways should be a member of the Board or have a vote at any meeting. He may however be called upon to defend railway policy in the Legislature and to speak on proposals for a loan or contribution; it therefore seems important that he should have a permanent representative on the Board. The question whether this representative should be entitled to vote need not for the present be decided. As in the Indian proposals the Minister responsible for Transport and Communications might be authorised to convene special meetings of the Railway Board to discuss matters of policy or questions of public interest, and to preside at such meetings.

5. It may be mentioned here that the retention of the present Advisory Council is not an essential part of the scheme, and there is no need to provide for it in the Statute. The Advisory Council is at present not a very active body, because it has no financial control. It has, however, been found useful, and it is inexpensive. The Board of Management will occupy the position of a Board of Directors of a commercial concern, and will deal with the management of the railways on business lines, having, however, so far as possible, regard to commercial, agricultural and industrial interests. The Advisory Council represents the general public using the railways and brings to notice questions relating to amenities at railway stations, the needs of passengers and matters of that kind. It gives the general public and members of the Legislative Council elected to it an opportunity of ventilating grievances and advancing suggestions. It is not intended that it should be allowed to discuss questions affecting labour and personnel. The Chairman of the Advisory Council (*i.e.*, the Chief Commissioner and President of the Board of Management) should have the power to rule out any matter and decide whether or not minutes of the discussions should be published in the newspapers, subject to the approval of the Board of Management. The Advisory Council will, therefore, not be an authority parallel to the Board of Management. On subjects discussed by it, it will advise the Chief Commissioner who will either deal with such suggestions on his own authority or refer them to the Board. The question of the continuance of the Advisory Council could, however, be considered later in the light of experience. In any case the composition of the Council would require alteration in view of the representation proposed on the Board of Management of interests now represented on the Advisory Council. The four Chambers of Commerce at present send four representatives to the Advisory Council, and since it is proposed that they should appoint four of the non-official members of the Board of Management it is considered that they need no longer be represented on the Advisory Council. This question, however, might well be left to be dealt with by the Board of Management itself.

NOTES ON THE SECRETARY OF STATE'S MEMORANDUM IN JOINT COMMITTEE ON INDIAN CONSTITUTIONAL REFORM [SESSION 1932-33] VOLUME III (PP. 39 TO 46).

Paragraph 2 of the Memorandum.

The composition of the Board has been dealt with above. As regards the two non-official members who do not represent the Chambers of Commerce, it seems advisable, in order to ensure the independent and non-political character of the Board, that they should be appointed by the Governor in his discretion.

Paragraph 4 of the Indian Memorandum.

The principles laid down in this paragraph including the remarks on the subject of defence, apply *mutatis mutandis* to the case of Burma.

Paragraph 5 of the Indian Memorandum.

As regards the method of enacting provisions for the railway authority, neither (1) nor (4) of the methods suggested in paragraph 5 of the Memorandum in the Indian proposals is appropriate in the case of Burma, and possibly the best solution would be on the lines of the second course there suggested.

SKETCH PROPOSALS FOR THE FUTURE ADMINISTRATION OF THE BURMA RAILWAYS.

1. The property in all railways existing in Burma and administered by the Indian Railway Board at the time of the passing of the Act and in all railways constructed in Burma at the cost of public revenues after the passing of this Act shall vest in His Majesty represented by the Governor.

2. Railway finance shall be separated from general finance.

3.—(*a*) The Railways of Burma shall be administered on business principles, due regard being paid to the interests of agriculture, commerce, industry and the general public, and to defence requirements.

(*b*) Subject to (*a*) above the general control of policy will rest with the Government and the Legislature.

4.—(*a*) The executive control and management of the railways in Burma shall be exercised by a Board of Management.

(*b*) The Chief Officer of the Board shall be called the Chief Commissioner and shall be General Manager of the railways and President of the Board of Management. The Chief Commissioner shall be appointed by the Governor acting in his discretion, and shall receive such salary as the Governor acting in his discretion shall determine. He shall carry out the duties from time to time delegated to him by the Board of Management, and may delegate such powers to his subordinate officers as may be approved by the Board. He shall have right of access to the Governor. He must be a person having an expert knowledge of and practical training in the work of railways.

(*c*) In addition to the President the Board of Management shall consist of eight members as follows:—

(i) the Financial Adviser;

(ii) the Secretary to the Government of Burma in the department which for the time being deals with the subject of railways;

(iii) six non-official members.

The four Chambers of Commerce in Rangoon, i.e., the Burma Chamber of Commerce, the Burma Indian Chamber of Commerce, the Burmese Chamber of Commerce and the Chinese Chamber of Commerce, shall each

nominate one non-official member. The two remaining non-official members shall be appointed by the Governor acting in his discretion. The six non-official members shall hold office for five years and their remuneration for the first three years after the coming into force of the Act shall be fixed by the Act at rates sufficient to secure suitable men: and thereafter their emoluments shall be such as the Governor in his discretion, after consultation with the Government, may from time to time determine. They shall be eligible for re-appointment, and may be removed from office by the Governor in his discretion, if in his opinion, after consultation with the Government, there is sufficient cause for such action.

The Minister responsible for Transport and Communications may at any time convene a special meeting of the Board of Management for the purpose of discussing matters of policy or questions of public interest. At such meetings the Minister will preside. The Minister may by order require or authorise the Board of Management to give effect to decisions of the Government and the Legislature on matters of policy, and it shall be obligatory on the Board of Management to give effect to such decisions.

No Minister or Member of the Legislature shall be eligible to hold office as a member of the Board till one year has elapsed since he surrendered his office or seat, and if a member of the Board becomes a member of the Legislature, or holds any interest in any railway contract in Burma he shall be deemed to have vacated his seat on the Board. No person may be appointed as a member of the Board who has personally held a railway contract, or has been concerned in the management of companies holding such contracts, within one year of the termination of the contract.

5. The Board shall be responsible for the proper maintenance and efficient operation of the railways of Burma and shall so adjust rates, fares and other charges as to meet the necessary outlay on

(i) working expenses, including maintenance, renewals, bonus, interest on provident funds and provision for gratuities admissible to staff;

(ii) depreciation (calculable on such scale as may be approved by Government);

(iii) interest on existing and future capital and any other fixed charges,

with due regard to the provision of a surplus for appropriation, subject to the provisions of paragraph 6 below, to the railway reserve fund.

6. After meeting from receipts the necessary outlay specified in paragraph 5 above, the surplus will be disposed of in such manner as may be agreed upon between the Government and the Board of Management under a scheme of apportionment running for a period of not less than five years. In the event of such agreement not being reached the decision will lie with the Governor in his discretion. In the event of a dispute as to the adequacy or otherwise of the allowance to be made in respect of renewals and depreciation the Chief Audit Authority shall be the deciding authority.

7. Revenue estimates will be submitted annually to the Government, which will in turn submit them to the Legislature, but these estimates will not be subject to vote. If the revenue estimates disclose the need for a contribution from general revenues, a vote of the Legislature will be required. The programme of capital expenditure which is to be financed from loans by the Government and proposals for the construction of new lines, in whatever manner they are to be financed, will be submitted to the Government for approval by the Legislature. The Government may, however, empower the Board of Management to incur capital expenditure subject to conditions to be prescribed.

8. Subject to the powers of the Governor in the exercise of his special responsibilities, and subject to the safeguarding of the rights of all officers in the service at the time of the establishment of the Board of Management, the Board is empowered in consultation with the Public Service Commission to regulate by rules and by general or special order the classification of railway services and methods of recruitment, qualifications for appointment, conditions of service, pay and allowances, provident fund benefits and pensions, gratuities, discipline and conduct of those services. in making such rules or issuing such general or special orders the Board shall be subject to the control of the Government of Burma. All other rules required for the efficient conduct of railway administration shall be made by the Board of Management subject to the control of the Governor acting in his discretion.

9. The Government shall have power to make rules not inconsistent with the Act regarding the powers and functions of the Board, the maintenance of and payments to and from the depreciation and reserve funds, and the investment of surplus monies pertaining to the Funds.

10. The Board of Management will at all times furnish the Government with such information as Government may desire, and will publish an Annual Report and Annual Accounts. The Accounts will be certified by or on behalf of the Auditor-General.

11. Should any question arise involving a conflict of interest between the various authorities responsible for railways, waterways and roads, as competitive means of transport, a Commission will be appointed by the Governor to ascertain the views of all the interests concerned and to report, with recommendations, to the Government, whose decision shall be final. The Commission shall consist of one independent expert of the highest standing and experience in transport matters, with whom will be associated, at the discretion of the Governor, two or more assessors.

12. Maxima and minima rates and fares shall be fixed by the Board of Management, subject to the control of the Government. Any individual or organisation having a complaint against the railway administration in respect of any of the matters which may, at present, be referred by the Railway Department to the Railway Rates Advisory Committee, may have their matter referred, under such conditions as the Government may prescribe, to an Advisory Committee to be appointed by the Government Before the Government passes any order on a recommendation of the Advisory Committee it shall consult the Board of Management.

RECORD B.1

Record of a General Discussion between the Joint Committee and the Delegates from Burma on the 6th and 7th December, 1933

DIE MERCURII, 6° DECEMBRIS, 1933.

Present:

Lord Archbishop of Canterbury.
Marquess of Salisbury.
Marquess of Zetland.
Marquess of Linlithgow.
Marquess of Reading.
Earl of Derby.
Earl of Lytton.
Earl Peel.
Lord Middleton.
Lord Ker (M. Lothian).
Lord Irwin.
Lord Snell.
Lord Rankeillour.
Lord Hutchison of Montrose.
Major Attlee.
Mr. Butler.
Major Cadogan.
Sir Austen Chamberlain.
Mr. Cocks.
Sir Reginald Craddock.
Mr. Davidson.
Mr. Isaac Foot.
Sir Samuel Hoare.
Mr. Morgan Jones.
Sir Joseph Nall.
Lord Eustace Percy.
Miss Pickford.
Sir John Wardlaw-Milne.
Earl Winterton.

The following Delegates from Burma were also present:—

Sra Shwe Ba.
Mr. C. H. Campagnac.
Mr. N. M. Cowasji.
U Kyaw Din.
Mr. K. B. Harper.
U Chit Hlaing.
U Thein Maung.
Dr. Ba Maw.
U Ba Pe.
Dr. Ma Saw Sa.
U Shwe Tha.
Mr. S. A. S. Tyabji.

The MARQUESS of LINLITHGOW in the Chair.

Chairman.

My Lords and Gentlemen: The business this afternoon is a general discussion of the issue of Separation. I should suggest that the Committee hears a series of statements from the Delegation, and that both the Committee and the Delegates should as far as possible avoid by question or otherwise interrupting these statements; and, after the statements have been completed, that we should undertake a general discussion of the question.

U Kyaw Din.

My Lord Chairman, my Lords, Ladies and Gentlemen: It is the general wish of my brother Delegates that I should open the deliberations on this question of Separation and anti-Separation. At the very onset, I wish to make myself clear. Any opinions I hold, any views I put forward, any feelings or sentiment I express, are my own as a Burman, and as a Delegate they do not reflect the views of the Government of Burma, of which I was a Member a few weeks ago only. As I submitted to you yesterday, my Lord Chairman, this question of Separation and non-separation has been discussed on the floor of the Legislative Council of Burma and discussed almost threadbare. The Reports of those discussions were submitted to you completely and as the issue is not so comparatively broad, I may be pardoned if I repeat some of those arguments before you to-day. It has been said in responsible quarters even that the Burmese people were not in a position and were not able to decide for themselves on this question. I venture to submit, my Lord Chairman, that this is far from being correct. We are very decided in our opinion; we are fixed in our aims and in our desires. Perhaps those who do not enter into our spirit, into our feelings, probably do not follow us as we want them to, and if this afternoon I could give you a glimpse of our ideals, of our aims, of our aspirations, I should consider myself justified for having undertaken this long journey of 7,000 miles with an English winter at its end. To enable you to understand us I should like to place before you two fundamental considerations. On those two fundamental considerations the whole of our aims and our entire desires are based. The first is that the Burmese are a nation and a people. This may sound obvious, but from the literature that was sup-

plied and piled upon us, and from the cursory glance I had over that literature, I came to the conclusion that at least the Indian Delegates did not quite realise that. When I say we are a people and a nation, I distinguish our people from that of India in this respect: India is a very big continent. The Bengalis, for instance, cannot claim themselves to be a nation or a people. Every little community, every member of a sect or religion, will remain in a watertight compartment as it were. Therefore, their only way of political emancipation is by way of a Federation of these different watertight compartments, whereas Burma is different. Every Burman remembers, and cherishes that memory, that he is a member of a whole. The second fundamental idea is that every Burman remembers that not very long ago, only 47 years ago, he had a King of his own; his nation was a nation that had an honourable seat amongst the family of nations. His songs, his lyrics, his folklore press him on to that, remind him of that fact, and the great idea of his life is to strive on so that he may gain to that status, so that he may form a separate unit, so that he may form one political entity. It never enters into his mind, not even in his dreams, that he would form a unit, a minor unit of a great Federation of different peoples. Those are the fundamental ideals, hopes and aspirations of Burma. If that is so, one would naturally ask, why do you not want to be a separate unit yourself when you have got the chance now? My answer to that, my Lord Chairman, is this: Because our ideas are so fixed, our desire to form a separate unit so ardent, our hopes of attaining that unity are so great that we are prepared to sacrifice that for the present moment, if we find that the ways and means offered to us of attaining our ideals do not come up to the standard which we have set up. That, I venture to submit, my Lord Chairman, is the beginning of the anti-separationist League and ideals. "If that is so," it may be asked, "why did you then 18 months ago start this movement?" As I submitted to you we had our doubts, we had our fears and those doubts and fears were shared not only by us but by the Government of Burma itself. May I invite your attention to the despatch of the Government of Burma dated the 13th August, 1930? The Government of Burma expressed those doubts and fears in this language: "The Government of Burma could not possibly agree to separation on any other terms, and they trust that His Majesty's Government will see fit to set at rest any doubts that may still exist on the subject. They attach importance to the point, for the allegation is frequently made in that section of the Public Press of Burma which is opposed to the recommendation of the Statutory Commission that the British Government will seize the opportunity of separation to reduce Burma to the status of a Crown Colony." Those were the doubts and fears of the Government of Burma. Those were the doubts and fears which I shared fully and which prompted me to start this anti-separationist League. I may inform you, my Lord Chairman, that I stood for election on the Anti-Separationist card. Without any organisation, without any political organisation or funds, the Anti-Separationists came in; half a million voters stood by them and urged them to go on forward. At that time we had only the statement of the Right Honourable The Prime Minister with regard to what is going to be our future. Those doubts were further strengthened when I recall to my mind the little incident the Burma Delegates had at the Burma Round Table Conference. One of the Burma Delegates (he happened to be an Englishman) expressed the hope that any political advancement made to India would apply to Burma; he was promptly ticked off and he was told that what was held out to India was meant for India and need not necessarily apply to Burma. That increased our fears. That expressed the opinion as put forward by the Government of Burma. It was at no time contemplated, as I submitted, that we would form part, a small unit, of a great Federation. At the very beginning when we started this movement nearly 18 months or 20 months ago, some of the papers described us as "Federationists." We immediately repudiated it—that we were not Federationists but that we were anti-separationists on the basis of the Constitution as outlined by the Right Honourable The Prime Minister. At that time I would ask you to bear in mind that we had before us only the statement of the Right Honourable The Prime Minister;

the Indian question had not been discussed. Although it had been to a certain extent discussed, yet it had not been announced what India was going to be provided with. Remembering all these facts our policy was that we would wait and see what was going to be given to India. You will notice, my Lord Chairman, from the Resolutions and from the discussions that were made in December last year, when this first question was put to us, we felt, and I still think we rightly felt, that the choice given to us was extremely narrow; not that we did not understand the implications, but we thought to ourselves: We will express our own desires and our own wishes instead of answering the questions put to us. That is the reason why we passed that Resolution unanimously; that was the opinion of the whole of Burma. If I may repeat in substance the Resolution passed by us on that occasion it comes to this, three points: First, that we would oppose separation on the basis of the Constitution as outlined to us: that we would continue to oppose separation unless and until we get both at the Centre and in the Provinces the same amount of responsibility as is granted to the Indian Provinces. We would further emphatically oppose Federation with India unless we get certain terms and conditions. One of those terms and conditions was the right of secession. The right of secession at that time to my mind was a very small item, but the greater considerations that weighed with me at that time were financial rights, financial justness, rights which were due to us as a part of the Indian Federation, but those rights were due to us because of the peculiar position we occupy in respect to India. Those were the three principles which we enunciated. You will further notice, my Lord Chairman, that on the second occasion when the deliberations were made barring myself there was no discussion at all on this question of separation or non-separation. Since then, time has changed; things have been made clearer to us, and one would naturally ask: "What is your opinion to-day? No doubt, probably, you were justified in 1930, 1931 and the beginning of 1932, to hold the opinion you did, but how about it now?" I should like to put the present position in these words. I cannot do better than by referring to a statement of the Right Honourable the Secretary of State for India made in the House of Commons on the 20th March, 1933, with this one little addition: "To put it summarily: the same range of opportunity and function that it is proposed to devolve in India either upon the Federal Legislature or the Provincial Legislatures is in the case of Burma to be devolved upon the Burma Legislature; the same subjects that in India are proposed to be reserved to the Governor-General would in Burma be reserved to the Governor, and the same special responsibilities that in India are to be imposed on the Governor-General or the Provincial Governors, as the case may be, will in Burma be imposed upon the Governor. That is a statement in general terms, and inevitably there will be some modifications and differences in detail due to the differing circumstances of the two cases; but, broadly speaking, the two sets of proposals do correspond closely enough to comply fully with the statement made by my predecessor in this House on the 20th January, 1931, that the prospects of constitutional advance held out to Burma as part of British India will not be prejudiced by a decision to separate, and they correspond so closely as to satisfy also, I should have thought, the stipulation made by the Burma Legislative Council in its resolution of the 22nd December for the immediate transfer to popular control of at least the same measure of responsibility, and the same subjects and powers, as will be transferred to popular control in the Indian Federation both at the Centre and in the Provinces."

This statement cleared away some of the doubts, some of the fears; it clears the atmosphere, but there is still one little one left to my mind, and it is this: Yes, we will get it now. How about 20 years hence? Will we get the same advancement that India will get during that period? That is not yet clear. That is one of the fears, and one of the doubts. Probably in the course of the discussion on the constitutional aspect of the problem that question will arise, and probably we shall be in a position to discuss that matter, but, in the meantime, I should like to say that our hopes and our aspirations are that we should form a separate unit, one political entity, an equal partner in that great commonwealth of nations known as the British

Empire. With these words, my Lord Chairman, I would close my remarks.

U Ba Pe.

My Lord Chairman, I am very glad to hear the remarks of my friend U Kyaw Din, who stood at the last election in opposition to us as an anti-separationist. I am glad that he has now come to the same view as ourselves, that separation is the salvation for the country.

U Kyaw Din: No.

U Ba Pe.

He is out for the same status, namely, a separate unit, not as a province or unit of Indian Federation, but a separate unit of the British Empire on the same footing as those self-governing Dominions like Canada, Australia and others. That is to say, he is a separationist. Being a separationist I endorse his remarks as regards the sentiment of the Burmese people on this question. Until 1885 we were a nation on an equal footing with other nations in the East. The sentiment of the Burmese people still cherishes that position. By accident Burma is placed in the Indian Empire to the great financial and material loss of the Burmese people. As a part of the Indian Empire we see every day we are handicapped in all ways. We suffer in finance, in economics and other aspects of our life. We have for this reason been asking to be separated from India, as far as I remember, since 1885. As a matter of fact, the first move for separation was made by the Indians themselves by the Indian National Congress in 1885. We have been agitating for the separation, but up to 1928 or 1929 neither the Burma Government, nor the Government of India, nor the British Government would give a fair hearing to our request. Fortunately the Indian Statutory Commission which visited Burma somewhere in 1928 or 1929 came to our rescue, gave prominence to our legitimate aspirations and gave an authoritative, if I may say so, statement of the case in their report. Since then the separation question has been to the fore in the whole of Burma, but, as pointed out by my friend U Kyaw Din, there is a section of people in Burma who have been influenced by the writings in Burma, to the effect that Burma would suffer if she were separated from India. Another matter about which the Burmese people were very much troubled was the position which Burma, supposing she were not a Crown Colony, would attain in the future after separation. Fortunately these points have been more or less settled, and we have now only one course left, and that course is to accept separation and work on the consideration of a constitution for a separated Burma. I may say in Burma there is no Burman who can be classified as a Federalist, that is, for perpetual and unconditional federation with India. There is no Burman with that view. There may be a few Indians who believe in the federation, but all the indigenous races in Burma are dead against entering the Indian Federation perpetually and unconditionally. My friends of the anti-separationist camp, they too, if I may say so, are separationists and not Federalists. The only difference between us, the separationists proper, and the anti-separationist, is a difference in method and not in objective. We are out for the same objective, Dominion status, only we differ in method. The difference between me and my friend, Dr. Ba Maw, is the difference between Mr. Cosgrave and Mr. de Valera. So our aims are the same. The method, of course, is different. But the difference in methods is due to uncertainty as regards Burma's future after separation. Since those uncertainties have been removed, I should think there would have been only one method, and the method that is followed by us so far. I can quote *ad nauseam* from the speeches of my friends Dr. Ba Maw, U Kyaw Din and U Chit Hlaing in support of my statement that they are separationists as ourselves, except that they differ from us in methods for obtaining the same objective.

I may say we regard this question of separation and federation as formally settled in Burma, as there is no Federalist, and the uncertainties that led my friends to form their anti-separationist League were also cleared up by the statement made by the Right Honourable the Secretary of State for India. On this question of separation versus federation, I do not think there need be much more said. I do not think any one of the Delegates will differ from me when I say that once the constitution that is to be given to Burma is one more or less in line with our aspirations, the question of separation or federation will die a natural death. I do not think I need waste the time of the Committee

much more on the point. I think I have indicated it sufficiently to show that there is no difference of opinion as far as this question of separation is concerned. We are out here for separation, and I am sure my friends opposite will also support me in this aspect.

U Chit Hlaing.

My Lord, as a Member of the Burma Round Table Conference, as a man who had, from the start of the dyarchical institutions in Burma, non-co-operated with the Dyarchical Council, up to the time I was invited to the Burma Round Table Conference, I had been a non-co-operator for the past ten years. Only as an instance, on this separation question I had to co-operate with Government and took part in the Round Table Conference simply because the question of principle of separation of Burma from India had been discussed at the first Indian Round Table Conference with three Delegates sent by the Burma Government, all of whom are separationists, and none of the non-separationists were made parties to the Delegation. As President of the General Council of Burmese Associations I had to cable to the first Indian Round Table Conference for not allowing us to take part in the Conference. Afterwards we were invited to the Burma Round Table Conference.

At the Burma Round Table Conference only four or five of us stood as anti-separationists, and requested the Conference to refer the matter of separation or federation to the people of Burma. At the end of the Burma Round Table Conference the Prime Minister was good enough to refer the question of federation or separation to the electorate of Burma, with the constitution outlined by him for Burma, if separated, and also the result of the two Sessions of the Indian Round Table Conference. The Prime Minister's statement, and the result of the two Sessions of the Indian Round Table Conference were published in English and in Burmese by the Burma Government and distributed in thousands and thousands to the people of the electorates of Burma. This is one of the specimens of it. (*Producing same.*) This is a Burmese copy and an English copy. As the Committee knows full well the Burmese can read and write more than any Indian race, and especially when the Burmese copies are given to them they can understand the contents of them. On the strength of these publications wherein is contained the result of the two Indian Conferences, the Burma Round Table Conference and the speech of His Excellency the Governor of Burma in the Legislative Council as to how the voting should be done, this was all well known to the people, those being distributed by the Government. Statements have been made in Burma as well as in other places that there have been misrepresentations as regards the terms of secession, the terms of federation and all that. These are not contained in the Government papers that were distributed to the people. Those were the things that occurred to the Members of the Burma Legislature in December, 1932, over a month after the election. The election was on the 9th November. On the 9th of November there was nothing about secession before the electorate. There was nothing about conditional Federation before the electorate. Before the electorate there was only the statement of the Prime Minister, the Burma Round Table Conference, and the two Indian Conferences, and they were all known to the people when they voted. Anti-separationist candidates secured over five lakhs; that means over half a million votes, while the separationists secured 270,000, just a little over half the votes secured by the anti-separationists. That was the result of the election. U Kyaw Din has stated to the Committee that he was an anti-separationist. Since he became a Minister under the Burma Government. I believe he has turned Federationist now. So if such somersaults are to be considered now in the light of their position or in the light of their change of views, would not it be dangerous to say, "What was the result of the election?" The result of the election was that there were more anti-separationists than separationists. There were 42 anti-separationists in the Council as a result of the election: 29 separationists and nine neutrals. That was all known and that was all clear to the Burma Government and to the British Government, too. In fact, the figures were all given clearly in the Burma Legislative Council when a Member of the Council asked the result of the elections at various representations, and that was given. Therefore, I submit to this Committee that His

Majesty's Government has given a pledge to the people of Burma that their desires —their votes—will weigh in respect of separation or Federation, and did not say one single word in reference to the Burma Council's Resolution. They just left it to the electorate of Burma, the people of Burma, and did not say it was to be decided by the decision of the Burma Council. In the course of five or six weeks after the election what was the result? As it has already appeared, as in the instance of some friends here, too, some anti-separationists became separationists or conditional separationists. That had nothing to do with the electorate. The electorate have decided by a large majority that they prefer to federate according to the terms given by the Prime Minister, and that is the decision of the electorate of Burma. I submit that should be binding on the people of Burma and should be sufficient for the British Government to act upon. If, by some unfortunate or fortunate things that happened, some of the anti-separationists became separationists in the course of six months or a year, if that were to be taken as the deciding factor, I think in another six months or a year there will be more separationists in Burma than there were over a year ago. That would be because separationists have the advantage, especially in Burma, so far as their connections with Government are concerned. Anti-separationists have been considered in the eyes of the Burma Government to be almost anti-British. That might be considered rather strange, but it is a fact, all the same. In fact, as soon as I got the invitation of the Joint Select Committee to come to England, I wanted to start at once almost and tried to come here. "No," they said, "you must go at a certain time; you must travel in a certain way; you must not travel by a non-British line." I was asked, further, as to why I wanted to come earlier, and as regards how allowances were to be given to me, and so forth. This is the unfortunate position of anti-separationists in the eyes of the Burma Government. Particularly so in this respect, because the Burma Government's position so far has been in favour of separation right through.

As regards U Ba Pe's statement that there is no Burman Federationist in Burma, that depends entirely on how he defines Federationists. The British Government has given us only two issues to answer. When I happened to be President of the Burma Legislative Council for eight days there was only one resolution that was put up, and that was a resolution for separation. No other resolution was put up; and I said, "If you have any other resolution, put it." There was none, so I asked the Member who put forward that resolution to move. He said he did not want to move. The result was, I had no other course but to do my duty and to ask them whether they had any amendment to move. Then amendments were put in. When amendments were put in I said the amendments were not in order, and they were dissatisfied and they moved a resolution of non-confidence against me. That shows —and it will be shown now—that there are only two alternatives open to the Burma Legislative Council or to Burma —either to separate or to federate. If you want to separate you must separate on the Prime Minister's statement. If you want to federate you must federate on the Prime Minister's statement. No other conditions can be added, neither can the two alternatives be modified. That was my view as Council President, and I expressed it, and I submit that was a proper and correct view. Now, it has been proved by the December Resolution of conditional federation and conditional separation. The British Government said: "No, this is not the way you should have put it and that is ambiguous." What I submit is, that we have only two courses open, either to separate on the terms of the Prime Minister's statement or to federate on the terms of the Prime Minister's statement. There is no other course. We are asked to take only one of them. Take one of the two. So we tried our best in the April-May Session. U Ba Maw and myself put forward our resolution on the lines of the Premier's statement. The debate went on. We were asked how long it would take. We said it would take 12 days. That was the natural course of events. But, though the rules in the Council gave a speaker 30 minutes, the speeches were lengthened to four hours, five hours, and 10 hours, with the result that, when the twelfth day came, there was no end of it. It was talked out. That was the April-May Session. Then when the scheme for Burma was presented to this Committee and a copy was sent to Burma for the consideration of the Burma Legislative Council, we again put forward our amendment to the

proposed Constitution, and that was that, of the two alternatives, we would rather take the federal alternative. That amendment was thrown out by the President. Therefore, up to this day, the Burma Legislative Council win. Those who were against separation were not given the right to give their own opinion to prove that we are in favour of federation on the terms of the Prime Minister's Statement, because of these hitches and obstacles that were put in our way. That is the position of affairs in the Burma Legislative Council. What I would submit, finally, to the Committee is that we are only sent here to offer to confer with this Committee, not as representatives of various parties; we were not elected by the people to present their views here, but we were only selected by the Burma Government, and we have come and we are presenting our own views, and that is not binding on the people, because we have not the mandate of the people to speak as such. But what I would submit to the Committee is that the people have already given their votes as an electorate to the question of separation or Federation on the 9th November, 1932, on the lines as given by the Premier and about which pamphlets have been widely distributed in all parts of Burma in Burmese as well as in English; therefore, I submit that the decision is binding upon the people of Burma as well as upon the British Government and this Committee to maintain that that is the decision of the people of Burma. With these words I leave the matter in the Committee's hands.

U Thein Maung.

My Lord Chairman, I beg to take you as briefly as possible through the history of the demand for separation and to discuss at the same time first the reasons for the demand; secondly, the question as to whether there has been any change of public opinion as regards separation; thirdly, as to what have been the causes of the apparent change in the public opinion, and lastly as to what appears to be the only course open now. Shortly after the well-known announcement of the 20th August, 1917, was made by the Secretary of State for India, the Burmese people held public meetings and resolved that Burma should be separated from India. As a matter of fact, strong Delegations were sent to wait upon the Secretary of State for India and the Viceroy in connection with the people's demand for separation from India. The demand then was so intense that the Indians in Burma felt that they should not interefere. My honourable friend, Mr. Tyabji, who is here as a member of the Delegation, moved at a meeting of the Burma Provincial Congress Committee in 1916-17 that the question of separation was one for the people of Burma to decide. That was a question in which Indians could not interfere. The result of the agitation in favour of separation in those days, my Lord Chairman, was a paragraph in the Report on Indian Constitutional Reforms popularly known as the Montford Report, being a Report of Mr. Montagu and Lord Chelmsford—I am referring to paragraph 198 of that Report. They say: "We have not included Burma in our survey except in so far as while the Province remains part of the Indian polity, it is necessary to provide for its representation in the Central Government. Our reasons are that Burma is not India. Its people belong to another race, in another stage of political development, and its problems are altogether different. For instance, the application to Burma of the general principles of throwing open the Public Service more widely to Indians, would only mean the replacement of one alien bureaucracy by another." The Burmese people also sent two deputations to wait on the Secretary of State for India in connection with the proposed Constitutional Reforms in the years 1919 and 1920, and in those days the people were unanimously in favour of separation, and the deputations presented what was then called a monster memorial demanding the separation of Burma from India. The Joint Select Committee on the Government of India Bill, 1919, also left out Burma to begin with for separate treatment. I am referring, my Lord Chairman, to the Report of the Joint Select Committee on the Government of India Bill, paragraph 8. They say, "There remain certain other topics which do not conveniently fall within any particular clause. The first of these is the treatment of Burma, and after hearing evidence, the Committee have not advised that Burma should be included within the scheme. They do not doubt but that the Burmese have deserved and should receive a Constitution analogous to that provided in this Bill

for their Indian fellow subjects. But Burma is only by accident part of the responsibility of the Governor-General of India. The Burmese are as distinct from the Indians in race and language as they are from the British." That was in the year 1919-20. As I have submitted before, my Lord Chairman, the Burma deputations urged for separation according to the mandate that had been given by the people of Burma unanimously; at the same time they had to fight in those days against certain Constitutional schemes which were popularly known then as the Craddock Schemes: those schemes having been set up in rivalry to the reforms proposed by the Secretary of State for India and the Viceroy. We did not succeed in those days in our agitation for separation, as our attention was constantly diverted by the struggle against the rival scheme. With reference to this my honourable friend, Dr. Ba Maw, who is a Member of the Delegation and who is a very prominent leader of the anti-separationists, observed in the Burma Legislative Council: "We all know that 10 years ago, 15 years ago, and as every separationist Member of the House will admit, even 20 years ago, when Burma was clamouring unitedly with one will and with one desire for separation, the British Government never condescended to lend its ear to that cry." My Lord Chairman, here is an admission that we have been united, 10 years ago, 15 years ago. 20 years ago, with one will and with one desire in our clamour, as he puts it, for separation. Since then, my Lord Chairman, the Indian Statutory Commission under the Chairmanship of the Right Honourable Sir John Simon has visited the country and the Government of Burma submitted a Memorandum on separation to that Commission, setting out all the points in favour of separation, all the grounds that have been urged by the people of Burma from time to time in support of their demand for separation. They pointed out in the course of that Memorandum first that: "Sufficient consideration has not been given to the special circumstances and needs of the Province by the Indian Legislature and by the Government of India." Secondly, they pointed out that "the representation of Burma in the Indian Legislature has been too weak to exercise any influence in the Legislative Assembly" and they say "from the nature of things Burma has not and never can have any effective voice in shaping policy in the Indian Legislature." Thirdly, they pointed out that "the disabilities of Burma are already beginning to assume a more positive form; it was becoming increasingly evident that Burmese interests sometimes diverged very considerably from those of India," and they referred to the policy of discriminating protection that has been adopted by the Government of India much to the detriment of Burma. They mentioned the protection of the Indian steel industry, the paper industry, and they also referred to export duties on rice, hides and skins, and in this connection they ended up by observing that "The interests of the two countries have already begun to diverge and clashes are likely to become more and more frequent, and it is inevitable that when there is a clash the interests of the smaller country must go to the wall; the smaller country must be overshadowed by the larger. Indeed, there is a danger that our individuality will be submerged." Then, the Government of Burma went on to point out that caste is the one vital structure which Hinduism has dealt her and that it is the negation of everything that constitutes a nation and that these difficulties do not exist in Burma. The Burmans, they say, in fact, approximate far more closely to the ordinary conception of a nation than the Indians and the Constitutional problem, if separated from that of India, is at once reduced to manageable proportions and becomes far simpler. Then, they proceeded to point out that separation would enable Burma to cut herself free from many perplexities which need not really concern her. Then, they also pointed out that Burmese contributions to the Central Government were unduly heavy and that though the incidence of taxation per head of the population is heavier in Burma than in any other Province the Province is still the most undeveloped part of British India. Then, they concluded by saying that the closer British India approaches to responsible Government the less justification there is for a position in which Burma is included in British India for reasons of administrative convenience. They supplemented their grounds for separation in a separate note, a note on the financial settlement effected by the Meston Committee. In that Memorandum, my Lord Chairman, they pointed out how badly Burma has fared under

the various financial settlements with the Government of India, and they pointed out that the Burma taxpayer is making a contribution of a very substantial amount for the benefit of India. There, in addition to the export duties on rice, hides and skins, they referred to the unfairness of excise duties on petrol and kerosene oil, and the income tax. They summarised the position in this paragraph—paragraph 41 of the Memorandum: "The picture which is outlined in the preceding paragraphs is that of a Province in which the incidence of both Central and Provincial revenue is far in excess of that in other Provinces; which furnishes Central revenues that, in comparison with those furnished by other Provinces, are increasingly large and rapidly expanding; in which is levied Provincial revenue that, though large and containing receipts of heavy amount not levied in other Provinces, is in comparison with Central revenue inelastic; and in which Provincial expenditure has in recent years expanded with great rapidity. This expansion has been occasioned, not only by the conditions common to all Provinces under a reformed system of Government, but also by the absence in Burma of the standard of material and administrative development which had been attained in other Provinces." The Statutory Commission, my Lord Chairman, heard evidence and travelled very extensively in Burma, to see whether there was a genuine public opinion in favour of separation. This is what the Commissioners themselves say in Volume I of their Report at page 77: "The Statutory Commission has visited Burma, and taken evidence there; it has travelled, by rail and by water, considerable distances, and has taken the opportunity of seeing what it could, both of the village life and of the industrial enterprises of that country—the oil fields, the great port of Rangoon, the former capital Mandalay, and some other towns in the Irrawaddy Valley. We must endeavour to bring home to the British Parliament and the British people in what the difference between Burma and the rest of India essentially consists," and then they proceeded to adumbrate their points about the difference between Burma and the rest of India. Then, my Lord Chairman, in their Report the Statutory Commission stated: "We have come to a definite conclusion that nothing but the most overwhelming considerations could justify the continued retention of Burma within the Government of India." I am quoting from the report at page 184. Their reasons for the recommendation are, firstly, that there was a strong demand for separation; secondly, the Constitutional difficulty of giving Burma a suitable place in any Centralised system; and, thirdly, divergence of interests between the two countries. They actually referred to the discriminative tariff policy and instances in which the interests of Burma had been overlooked by the Government of India. I submit, my Lord Chairman, that all these reasons given by the Statutory Commission for separating Burma from India are still valid. Incidentally I may point out that both the Government of Burma and the Statutory Commission recognised that there were anti-separationists or, rather, so-called anti-separationists, and they gave their explanations for the existence of such persons; for instance, the Government of Burma in its Memorandum on separation, at paragraph 3, observed: "Some Burman political leaders believe that by maintaining the connection between Burma and India, Burma will get self-government more quickly than if it stood alone; but even these politicians desire merely to postpone the question of separation and no one in Burma believes that the Burmans will acquiesce permanently in being governed by a self-governing India. If so, ultimate separation is merely a question of time." Then the Statutory Commission also observed at page 184: "We ourselves have little doubt from what we saw and heard in Burma that so far as there is public opinion in the country it is strongly in favour of separation; that among thinking Burmans the great majority desire separation immediately, and that it is only the elements which derive their political inspiration from corresponding Indian sources that would postpone separation, for they believe that Burmese political progress may be hastened by a further period of association with India." My Lord Chairman, the observations are still correct that those who style themselves as anti-separationists are really not anti-separationists, in the sense that they would join the Indian Federation unconditionally without an intention of seceding therefrom. They are only holding out in the hope that they might get a better

Constitution by remaining for some years more in the Indian Federation. The recommendation of the Statutory Commission was that Burma should be separated from India immediately and that an announcement to that effect should be made immediately. The Burma Legislative Council welcomed the recommendation. As a matter of fact, the Legislature of Burma passed a Resolution in favour of separation on the 18th February, 1929, just to give the assurance to the Statutory Commission, although that assurance was hardly necessary, that it was the genuine desire of the people that there should be separation from India, and on the 9th August, 1930, the Burma Legislative Council passed a Resolution thanking the Royal Statutory Commission for having recommended separation in accordance with the wishes of the people of Burma. The Government of Burma also supported the recommendation, and the Government of India in their despatch on the Report of the Statutory Commission also accepted separation in principle. I am referring to page 83 of the despatch. At page 84 thereof the Government of India say: "We endorse the view expressed by the Commission that so far as there is public opinion in Burma it is strongly in favour of separation. We support in principle the proposal that Burma should now be separated. We accept the view of the Commission that there is nothing to be gained by postponing separation to any later stage in the Constitutional growth of British India. If separation be accepted in principle, the present revision of the whole Constitution of government in British India supplies the appropriate occasion for making the change."

Then, my Lord, we come to the Indian Round Table Conference, and your Lordship will remember that there was a Sub-Committee No. IV dealing with Burma, and that Committee recommended separation, and that recommendation was noted at a full meeting of the Indian Round Table Conference.

While I am dealing with the Indian Round Table Conference, my Lord, might I refer your Lordship to an observation made by Lord Peel at page 196 of the proceedings. His Lordship observed: "I spent some little time in Burma last January. One always gains much more from personal observation than from any number of blue books. My experience was, during the weeks I spent in Burma, that there was an extraordinarily strong and widespread desire to be separated from the Indian Empire." My Lord, here is a statement corroborating the report of the Statutory Commission on personal observation.

Then, my Lord, we come to what appears to me to be the turning point in the history of the demand for separation. The All-India Congress at Karachi in April, 1931, resolved, as pointed out at page 4 of the sketch on Constitutional Developments in Burma: "This Congress recognises the right of the people of Burma to claim separation from India and to establish an independent Burman State." What is important is in the rest of the resolution "or to remain an autonomous partner in a free India with a right of separation at any time they may desire to exercise it."

Mr. *Isaac Foot*: What date was that, did you say?

U Thein Maung.

That is March-April, 1931. That was the turning point. There is a definite statement that the Indian Congress was prepared to recognise the right of Burma to secede from the federation at any time, and that offer was repeated in the course of the Budget debate in the Indian Legislative Assembly on the 17th March, 1932. As stated at page 5 of the Sketch on Constitutional Developments the generally expressed opinion was that no obstacle should be placed in the way of allowing Burma to decide either for separation or for federation: that a decision of Burma to enter the Federation should not be irrevocable, and that the question of separation at some future date should not be ruled out. My Lord, the Resolution passed at the All-India Congress at Karachi was absolutely non-official so the seal of authority was put on it by the Indian Legislative Assembly *in March, 1932. I submit, my Lord,* that what was done then has been the real cause of the apparent change in public opinion.

U Chit Hlaing: Hear, hear!

U Thein Maung.

My honourable friend, U Chit Hlaing, actually says hear, hear, at this stage. I am glad that thereby he is admitting by implication the correctness of my observations. Your Lordship will see that this discussion in this Legislative

Assembly was some months before the general election. The result was that the country was told in the course of the election campaigns that there would be this right to secede from the Federation at any time at the will of the people of Burma. My Lord, may I stop here for a moment to discuss the attitude of the Indians by way of explaining the resolution passed at Karachi and the trend of discussion in the Legislative Assembly? As the Government of Burma have pointed out in the "Views of Local Government on the recommendations of the Indian Statutory Commission, 1930," on page 306: "The Indian community naturally regards separation with dislike. For obvious reasons they would prefer that Burma should remain part of British India, and also no doubt partly as the result of recent disturbances in Rangoon, they look forward to separation with some apprehension."

The Government of India also in their despatch at pages 82 and 83 looked at separation from a purely Indian point of view. They observed at page 82 that "it would not be safe to accept at present the Commission's finding that separation could fairly be effected in such a way as to do no financial injury to India." Again they observe a little lower down on the same page: "It would still be necessary to assess the economic effect on India of a separated Burma." So my Lords see that the apprehensions of Indians in Burma were to a certain extent shared by the Government of India also. Having regard to the apprehensions of Indians over the question of separation there can be no wonder that there should be this resolution passed at the All-India Congress at Karachi, that there should be this offer made in the course of the Budget Debate in the Legislative Assembly. However, in fairness to a certain section of Indians who are so ably led by my honourable friend Mr. Tyabji, who is on this Delegation, I must refer, my Lord, to another passage in the Local Government's views on page 306. The Government of Burma observe: "As far as the Government of Burma are aware the attitude of thinking Indians resident in Burma is quite correct. They recognised that if Burmans generally, after full consideration of the issues involved, desire that Burma should be separated from India, that desire should be acceded to unless it can be demonstrated that for financial, military, or other reasons separation is not a practicable proposition. Most of them recognise, too, that it will be difficult to establish a *caveat* of this kind in face of the recent conclusion of the Commission, and it is probable that they will concentrate mainly on securing protection for their interests in the new Constitution of Burma." The same views were given expression to by Mr. Tyabji in the Burma Legislative Council. He said: "I stood for election on the neutral ticket on the understanding that I would not cast my vote either for separation or federation, and after the question was decided, that I would do my best in the interests of Burma and for the constituency which I have the honour to represent. I decided, Sir, to take up this attitude not this year for electioneering purposes, but since 1916-17, when at the Burma Provincial Congress Committee I had the honour to move a resolution stating that it was for the Burmese people to decide whether they would separate from or federate with India. The Indian National Congress, at many of its sessions, has passed similar resolutions, and the great leaders who have come from India, amongst whom was Mahatma Gandhi, stated to the Indians in Burma, that in their opinion, the Indians should be neutral on this question. This position of neutrality, Sir, has been generally accepted for many years, so much so that in this Council, almost on every debate on the separation question, the Indian Members have taken up a neutral attitude. Therefore, Sir, I represent that party of Indians living in Burma which, though claiming the full right of citizenship, forgo that right on this issue voluntarily and gladly, to uphold the principles of self-determination for smaller nations. If the Burmese people decide in effect to separate from India, I would tell this House that India as a whole (of course, there will be dissentients, Sir) will not feel aggrieved. They will wish Burma godspeed to her destination and to her desired goal and to that liberty which is the birthright of every nation."

My Lord, as I was submitting to your Lordship, there was an inducement held out by the Indians by their resolution at the Karachi Congress and by the discussion in the Legislative Assembly. There was an inducement held out to Burma to join the Federation, with hopes

of secession with a better Constitution in the near future. I submit that inducement has warped. Hence the apparent change of public opinion. In addition to that inducement, there was general dissatisfaction with the suggested Constitution for a separated Burma as outlined by the Right Honourable the Prime Minister at the end of the Burma Round Table Conference. I submit, my Lord, that those are the real reasons for the apparent change in public opinion. Then there came the General Election, of which my honourable friend U Chit Hlaing has spoken at some length. I only wish to say, in reply, that at the General Election the right of secession was taken for granted.

U Chit Hlaing: No.

U Thein Maung.

My friends say No.

U Chit Hlaing: Where is it?

U Thein Maung.

But I know for a fact that in the course of the electioneering campaign the right of secession was referred to as a matter within practical politics, and for their authority they gave the resolution of the Karachi Congress and the discussion in the Legislative Assembly. They also told the country that necessary modification of the Indian Constitution to suit the conditions of Burma could be obtained. They also dilated on the defects in the Constitution that had been outlined for Burma by the Prime Minister. In addition to this, there was the Indian influence, or rather the influence of that section of the Indian Community which was against separation, making itself felt during the General Election. In this connection, my Lord, I beg to refer to the Report on the Administration of Burma for 1931-32, page 10. There the Government of Burma observed: "The Indians formed an association known as the Burma-Indian Association, for the purpose of protecting their interests in Burma, and they are currently believed to have given financial assistance to some anti-separationist leaders." So my Lord Chairman, the result of the General Election was affected by the proposition that there would be this right of secession at our pleasure at any time, by the proposition that suitable modifications in the general Constitution would be made for Burma, and the general dissatisfaction with the Constitution outlined for Burma also had a good deal to do with the result of the election. But what was the decision given by the people of Burma in the General Election? My submission is that they simply decided they were not prepared to accept the Constitution as outlined by the Prime Minister for a separated Burma. That is the only reason why there should have been these resolutions of the Burma Legislative Council, which would at first sight appear to you to be perfectly meaningless, but read in the light of my submissions, your Lordship will see at once that all these resolutions in the Burma Legislative Council are unanimous in opposing unconditional Federation and in demanding a better Constitution for separation.

Now, my Lord Chairman, we come to another stage, at which we have to consider whether Burma should be separated from India or federated with it. As observed by His Highness the Maharajah of Alwar at the Indian Round Table Conference, page 196, and in the Simon Commission Report, if there is anything emphatic, anything definite, it is about the separation of Burma. The Commissioners say: "We come to the definite conclusion that nothing but the most overwhelming considerations could justify the continued retention of Burma within the Government of India." Now, the question before us is whether it can be said that there are overwhelming considerations for the retention of Burma within the Government of India. In other words, the question is: Has there been a genuine change of public opinion as regards separation? Has it veered round in favour of Federation? I submit, my Lords, that the answer is No. As pointed out by my honourable friend, U Ba Pe, there is no one who is really an anti-separationist in Burma. In this connection, if I may quote my honourable friend, U Ba Maw again, he said in the Burma Legislative Council: "There is at present a great deal of discussion regarding the actual meaning of the term 'anti-separation.' Several people in the House as well as outside have tried to give all sorts of meanings to the term. I personally have been subjected to the most scurrilous attacks for my definition of it. There are actually influences outside the House as well as inside working to commit a fraud on the country by misusing the term 'anti-separation' and giving it an extremely literal meaning in order to make 'anti-separation' mean unconditional and perpetual Federation

with India. In these circumstances, Sir, I consider it is extremely important for the purpose of a proper and fair discussion that the House should know the real meaning of this term. Sir, that meaning is in those Jubilee Hall resolutions that is the definite voice of the anti-separationists of Burma, and any meaning that goes beyond the Jubilee Hall resolutions is a betrayal." My Lord, you have got the Jubilee Hall Meeting referred to by Dr. Ba Maw at page 6 of the Sketch of Constitutional Developments in Burma. My honourable friend, Dr. Ba Maw, later on in the same speech admitted that the Jubilee Hall resolutions are nothing more than an attitude of protest, and as for my honourable friend, U Chit Hlaing, and the party that he leads, they are not anti-separationists in the real sense of the term either. U Chit Hlaing said in the Burma Legislative Council on the 16th December, 1932: "Another matter on which I wish to speak is the allegation by the honourable Finance Member that I am a perpetual Federationist. I do not know from where he heard this. Since the time separation came to be talked about, three or four years ago now, I said that we should federate with India only when we could get what we wanted, and also at the Jubilee Hall Convocation on 12th July, at which I was the Chairman, I declared that Federation with India would only be agreed to provided we get what we wanted. It does not mean perpetual Federation, but Federation only when we get our demands. I do not mean unconditional Federation as mentioned by the Prime Minister." Then, he again observed, on the 22nd December, 1932, "Some say that they are not permanent Federationists; no, there is none. There may have been misunderstanding. So far as that is concerned, I personally have no mind to federate permanently. I do not entertain such an idea now nor shall I do so in future. Far be it from me to have a desire to federate permanently with India. I have no intention of federating permanently even with the British Government. I have said this not only here but also at the Burma Round Table Conference." So, my Lord, the position remains that there is not a single Federationist in Burma; we are all unanimous in favour of Separation. The difference between us is only as to the question of time. We separationists say that Burma should be separated now, but the so-called anti-separationists wish to remain in the Federation for some years, hoping that they would be able to get out of the Federation in the near future with a better Constitution. That is the only difference between us. My Lord Chairman, what I regard as the key to their attitude can be found in the speeches of my honourable friends U Chit Hlaing and Dr. Ba Maw. For instance, U Chit Hlaing said in the Burma Legislative Council on the 22nd December, 1932: "In my opinion, if the British Government have a real desire to separate Burma from India they should give her a Constitution superior to the one outlined for India." My Lord will see at once that there is here a little confusion of ideals. We agitated for separation; we sent deputations in 1916, 1917, 1919, 1920, and so on; we asked for separation; but, when separation is held out to us, U Chit Hlaing thinks that it is the desire of the British Government to separate Burma from India, and acting on that assumption, he says: "If the British Government have a real desire to separate Burma from India they should give her a Constitution superior to the one outlined for India." Then, to come back to my honourable friend Dr. Ba Maw, there being only two anti-separationist parties, one led by U Chit Hlaing and the other by Dr. Ba Maw, as regards the right of secession, Dr. Ba Maw said, on the 21st December, 1932, in the Burma Legislative Council: "My opinion is that this threat regarding the right of secession is absolutely illegal and is contrary to all the promises given to us by the British Government. If the British Government insists on maintaining that attitude, if it insists on declaring that the right of secession will not be a subject for discussion at any Conference, then I do say it will be absolutely useless for us to enter into any such discussion, because it will end in failure. Governments and Secretaries of State in their days of brief authority may make solemn declarations, but history proves that Governments have been known to fall, and policies change even in an unchanging East. The Secretary of State may make a certain declaration, but that declaration is not immutable; it can alter with a change of Government or a change of policy, so our final position as regards the right of secession is this: We refuse to admit that this right does not exist; we claim that it is

an inherent right that no law can alienate. We say that if Burma enters the Indian Federation it will be on the basis of a contract among the Federating units. We deny the right of the British Government to interfere in any mutual arrangements among the Federating units, and we deny that there can be any statutory enactment refusing us our rights. All that we ask is that our rights to enter the Indian Federation, and by this right of entering also to secede from it, should be given formal and statutory recognition in our future Constitution. If no such recognition were given, this would not prevent us from still claiming it. As I have already mentioned, Indian politicians have expressed their attitude towards the right. U Soe Nyun has read out certain passages, but I say that those statements merely reflect a certain section of Indian political opinion. U Soe Nyun even will not claim that the statements he has read out reflect the whole mind of political India. These statements were made some time ago." So, my Lord will see that in spite of announcements by the Right Honourable the Prime Minister and the Secretary of State for India, my honourable friend, Dr. Ba Maw, and his Party still believe that there would be this right to secede from the Federation at any time. They were obviously relying on the Karachi Resolution, observations made in the Legislative Assembly, and as regards opinions expressed by some Indian leaders, they say that they do not represent the whole mind of political India, and, if they do, there might be a change of opinion in favour of secession. My Lord will see that they were really hoping against hope with reference to the right of secession. Then, Dr. Ba Maw again observed, in the course of the same speech "U Soe Nyun has tried to alarm the House by reading out statements regarding the tremendous difficulties that Burma is likely to meet, if and when it contemplates leaving the Indian Federation. I admit that the difficulties will be tremendous, but U Soe Nyun must also remember that those difficulties are no more tremendous than the difficulties that he and I and all of us will meet in trying to achieve full responsible Government." So, my Lord, Dr. Ba Maw, the leader of one anti-separationist party, still believes in the right of secession, and he also made it clear in the course of the same speech that he was not for unconditional Federation. He said there should be financial adjustments on a contract basis; that a separate debt account for Burma should be kept by the Government of India so that there would be no difficulty as regards accounts when Burma wanted to secede from the Federation. He also said that Burma should have compensation in some form or other for the protective duties that had been created for the benefit of India. He further observed that every Burmese subject should be in Burmese hands unless a case is definitely made out in favour of the Central Government and suggested reconsideration of the division of subjects into Central and Provincial for the benefit of Burma. So, my Lord sees that the anti-separationists are holding out against separation on the Constitution as outlined by the Prime Minister, because they still believe that there would be this right of secession. They still believe that they would have the support of Indian leaders when they wanted to leave the Federation; but, my Lord Chairman, amongst the papers that were placed before us since our arrival, we have found records of statements made by the Members of the Indian Delegation to this Joint Select Committee on the question of separation or Federation, and those statements make it perfectly clear that the Indian leaders are not prepared to concede any right of secession to Burma. That being so, and since there is no one in Burma who is willing to federate with India unconditionally and permanently, my submission is that we need not go on to discuss the other conditions which were stipulated for by Dr. Ba Maw for Federation. The position now is that hopes aroused by the Karachi Congress and the Indian Legislative Assembly have now been proved to be false, and opposition to unconditional and permanent Federation is unanimous. I am glad to submit to my Lord that if there be any unanimity in this Delegation it is the unanimity in opposing unconditional Federation, and since conditional Federation with modifications of the Indian Constitution to suit the conditions of Burma and the Burmese people are impossible, I submit that the only alternative, the only course that is now open, is separation. My Lord Chairman, separation will raise the status of Burma politically and financially. Burma will profit to the extent of about 3 crores

of rupees every year. In this connection, a reference may be made to the sketch on Constitutional developments at page 12 and the Report of the Statutory Commission, page 187. Furthermore, after separation, Burma will have fiscal autonomy and will be able to enter into trade agreements. In this connection, both the Governments of India and Burma have recognised the desirability or necessity of a trade convention between India and Burma, and when Burma is free, she may be inclined to enter into trade agreements with countries like Ceylon, and others, since she is bound to benefit by such agreements, and after separation the Burmese people will be enabled to preserve their own race, for example, by regulating immigration, and, if Burma be separated now, the Indian Constitution, which has to be so evenly balanced on account of the varying interests and factors, will not be disturbed in the future. In this connection, I wish to refer to page 5 of the sketch on Constitutional developments where the Secretary of State for India has pointed out: "Apart from the fact that the admission of any such right, that is the right to secede, would be a negation of the whole idea of Federation, secession would be objectionable on account of its effects on such important and delicately adjusted matters as the distribution of representation in the Indian polity and in the size of the Federal Legislature. Moreover, secession by Burma after an interval would reopen at that stage the whole question of the Constitution of that country, the settlement of which would still remain a matter for determination by His Majesty's Government, and this is a contingency that His Majesty's Government are not prepared to contemplate." I submit, my Lord Chairman, that in the interests of Burma and also of India the British Government's provisional decision in favour of separation might be endorsed. The aspirations of the people of Burma are two-fold: First, to be a separate unit in the British Commonwealth, and, secondly, to have full responsible Government, with the status of a Dominion. Separation will satisfy one of the aspirations and we hope that the other aspiration might be satisfied to a very large extent on the advice and recommendation of this Committee after we have discussed the Constitutional Proposals. My honourable friend, U Kyaw Din, observed that he is satisfied for the present, but he has his own doubts as to the future. He is afraid that the Constitutional progress of Burma in future might be impeded on account of her separation from India.

In this connection I am prepared to accept the statement made by the Secretary of State for India in the House of Commons. He said: "They" (that is the Government) "wish it to be understood that the prospects of constitutional advance held out to Burma as part of British India will not be prejudiced by this decision, and that the Constitutional objective after separation will remain the progressive realisation of responsible Government in Burma as an integral part of the Empire." I hope, my Lord, that in regard to separation this Committee's recommendations would dispel all such doubts as may be entertained by my honourable friend, U Kyaw Din, and people like him, and that it should be made perfectly clear, for instance in the Proclamation inaugurating the reforms, that separation of Burma from India should not in any way impede her constitutional progress towards full and responsible Government. That is all I have to submit, my Lord.

Dr. *Ba Maw.*

My Lord Chairman, I realise that I have a somewhat difficult duty to perform, and, before I proceed to its performance, I wish to restore this discussion to reality and, for that purpose I wish to make three preliminary observations. My Lord, we who have come from Burma have adopted a peculiarly Burmese method in our election campaign as well as in the interpretation of words. As I listened to my honourable friend, U Thein Maung, I realised the tremendous difficulty that My Lord and the Members of the Committee will meet in evaluating the various terms and coming to a proper finding on the most important issue from our point of view. For this purpose, my Lord, I hope you will allow me to make three preliminary observations. The first observation is that if this discussion is not to be fruitless (if we are to render any assistance to the Members of this Committee) we must define the terms "separation" and "federation", and give my Lord and other Members of the Committee the Burmese meanings, the meanings that we have attached to the terms "separation" and "federation", and the way

in which we have used those terms in our last general election. The second observation which I wish to make, with my Lord's permission, is that, as I read the meaning of this invitation that the Committee was kind enough to issue to me, we have been nominated by the Government of Burma not to express our own individual opinions, but to express the opinions, feelings and convictions (whether they are right or whether they are wrong) of the masses of the people whom we represent, and from this strict point of view I do feel—I may be wrong, my Lord, or I may be right; it is for the Committee to say the final word—that we are not here appearing to place before my Lord certain learned arguments, but to render my Lord and the Members of this Committee assistance by placing before them all the real facts, the real feelings, whether they are right, or whether they are wrong, of the masses.

In this sense, my Lord, in short, I do submit that it is our duty to assist my Lord and the other Members of the Committee to reach the real mind of the country apart from all this logic chopping.

The third point that I wish to make is this: The supporters of separation up to this point have dwelt in a very lofty and noble way on ultimate aspirations. I do wish to save the discussion from what I beg to submit would amount to an analogy to the present Irish morass. I do wish to submit, my Lord, that we are here to help my Lord and the Members of the Committee to consider a very limited and a very practical question, the question being that two alternatives are offered to Burma—separation on the basis of the Prime Minister's proposed constitution, and federation on the basis of the White Paper. Therefore I will not indulge in dreams that we all know have led to disaster in other parts of the Empire, but I will try to adhere to realities, and to present my case in a practical way apart from talks of old Burmese Kings, apart from talks of Burma's independence and things of that sort.

In this connection I must say, with the greatest respect to my friends U Kyaw Din and U Ba Pe, that the value of their statements to my mind is absolutely vitiated by the fact that they have based their entire case for separation on dreams of an independent Burma.

Any analysis, or any attempt to go beneath the surface of that argument, will reveal their real mind, namely, that separation to them means an independent Burma, a Burma that can develop her nationhood, that can raise ideals that are absolutely contradictory to any ideal, however lofty, that the British Empire can present to us. Therefore, my Lord, I do wish, first of all, to clear the air a bit and to say that we are here, as far as I understand the terms of my invitation, to assist this Committee in answering a certain specific, a certain concrete issue, namely, as between two alternatives separation on the basis of the Prime Minister's constitution, and federation on the basis of the White Paper proposals for India, what will Burma choose?

Now, my Lord, U Chit Hlaing has dwelt somewhat on the historical aspect. He has tried his very best to create a historical background to this discussion, and, as I have already submitted, my Lord, I feel that it is my duty to assist the Members of this Committee to understand the Burmese situation. We, my Lord, live and work and think in a country which is 8,000 miles away. Our terms of thought are not the English terms of thought. We have interpreted certain words in our own way. U Thein Maung, with absolute skill and absolute honesty, has presented to the Committee the interpretation of "Federation" as an ideal, but what U Thein Maung has thought fit not to inform the Committee about is the idea of separation as it occurs to the average Burmese mind. U Thein Maung dwelt at very great length upon the persistent attempt to obtain separation in days past. He thought it proper to read out a certain passage from the speech that I made in the Burma Legislative Council. I do wish he had proceeded a bit further, because that would have helped my Lord and other Members of the Committee to understand what really was in my mind at the time that I made that statement. I go further, that it is the latter part that gives the real meaning to my statement, and U Thein Maung thought fit to suppress that particular latter part of my statement.

Chairman: Will you give the date of that reference so as to connect it with the other?

Dr. *Ba Maw.*

It is the speech that I made in the December Session of the Burma Legislative Council, my Lord, at page 258. I go further and say: It is remembered that Burma in the days of its political youth asked for separation, and for not much else, and it is to be separation, but on British terms and not on Burmese terms. I do realise the fact that when our political life began in Burma we began in a very crude and unsatisfactory way. I do admit, my Lord, that in those days, for which we Members of the Delegation admit no responsibility, Burmese politicians, if we may compliment them with that term, asked for separation and nothing else. But, my Lord, political thought, even in a remote country like Burma, has evolved, and I will prove its evolution from the statement made by the recognised separationist leader, U Ba Pe. In the Burma Legislative Council on the 11th August, 1930, three motions were considered, and, in speaking in connection with those motions, U Ba Pe, as the leader of the People's Party (U Ba Pe's position is admitted as the leader of the separationists in Burma) said this: "We have three motions now relating to constitutional issues in some form or other. The first was the question of separation, and this motion was passed the other day. The next one was the appointment of a Commission which was passed a few minutes ago." May I explain here, my Lord, that the Commission refers to the well-known Simon Commission—"and the third is the present motion on Dominion status under discussion. All these three motions are inter-related, and, if Government is keen on one and opposed to the other, it will not suit the wishes of the Members of this side of the House. Either accept all the three, or reject them. Separation without Dominion status is of no value to us." U Thein Maung very abruptly stopped at the first stage of the evolution of the idea of separation, but I am referring to a statement made in the Burma Legislative Council by the leader of the separationists on the 11th August, 1930, and on that occasion U Ba Pe was supported by every Separationist in the Council, so much so that all the three motions passed without a division.

Now, my Lord, I do hope your Lordship will appreciate the difficulty of my task. I am trying to assist the Committee to come to a fair and just conclusion on the facts—the actual objective facts.

The final word, my Lord, rests entirely with the Committee. That is their responsibility, and we fully appreciate that we are here to make statements and to enter into discussions merely for the purpose of assisting the Committee to come to a final decision. But, just as the Committee has its responsibility with regard to the final decision of the issue, we too have our responsibility to present all the objective facts with regard to the issue. As I said at the beginning of my statement, my Lord, we are nominated Members, but there is no reason why we ought to impose upon the Committee our own individual views and arguments. As I interpret my duty, our duty is to go beyond our individual minds and to try as much as lies in our power to collect the objective facts in the country, and to serve merely as vehicles for placing all those objective facts before this Committee.

Now, my Lord, I wish to inform my Lords of the political position just before the momentous statement was made by the Prime Minister with regard to the separation issue. Under the dyarchical system of Government political Burma was divided into two parts. There were the co-operators, and the non-co-operators. The co-operators, represented very ably by U Ba Pe and Sir Joseph Maung Gyi, entered the dyarchical Councils and worked dyarchy. The non-co-operators in the country, represented by U Chit Hlaing, U So Thin and one or two other leaders, refused to enter the dyarchical Council and carried on the agitation in the country. I would lay special stress upon this fact, because the Right Honourable the Secretary of State for India, in statements that he has made, has relied very greatly upon two things; first of all, upon the unanimous decision of the Burma Legislative Council—of a dyarchical Burma Legislative Council, and, secondly, upon the findings of the Simon Commission.

Now, my Lord, we all know (it is admitted) that that Burma Legislative Council that passed that resolution in favour of separation was a Legislative Council that did not represent the entire political mind of Burma, because it did not represent that section of political Burma that is composed of the non-co-operators, and the

General Election has proved conclusively, if it has proved anything, that the Non-Co-operators are in an overwhelming majority. Secondly, connected with this is a further fact that the people who undertook to give evidence before the Simon Commission, the people who made themselves vocal and thought it proper at that time to act as representatives of the entire political world of Burma, were people who were Co-operators, people who were chosen by the dyarchical council that represented only the co-operating section of political Burma. Therefore, my Lord, I wish to submit this as a conclusion, that what took place in the dyarchical council in Burma merely represented a section, and that has proved now to be a minor section, of political Burma. Secondly, whatever evidence was placed before the Simon Commission was merely a reflection of that Co-operating mind and the views held by that particular mind. Now, my Lord, in support of this I wish to place before your Lordship and the Members of the Committee one further fact, that when the Burma Government thought it proper to send a Burma Delegation—the first Burma Delegation—to the Indian Round Table Conference (all nominated members, consisting of Separationists)—on that occasion the Non-Co-operating element (what we call in Burmese Wunthanus; that word may be a little difficult; that is why I am forced to use an unwieldy phrase, the Non-Co-operators) submitted a monster Memorial to the British Government making it very clear that they were opposed to separation and that they wanted to federate with India. Then, my Lord, I take it that this was one of the reasons (and there were probably other reasons) why, after very careful consideration of the issue by the Burma Round Table Conference, the British Government, represented by the Right Honourable the Prime Minister, came to the conclusion that in those circumstances it was best to refer the matter to the Burmese electorate. Now, my Lord, this fact is most important for me. This fact, first of all, proves that all the arguments, very learned, very skilful and very one-sided, advanced by U Thein Maung, were dismissed by the British Government, who thought it the best course in the circumstances to leave the decision to the Burmese electorate. If U Thein Maung's present arguments have any force, if they have any value, my submission, with all respect, is that His Majesty's Government at the time when these same arguments were advanced at the Burma Round Table Conference would have accepted them and would have acted on them. The fact that those arguments were dismissed, the fact that His Majesty's Government thought it proper to refer the matter to the Burmese electorate, shows that, after the most careful consideration, His Majesty's Government was of the opinion that those arguments had no validity in the present circumstances, and that the only proper course was to obtain a decision from the Burmese electorate.

Now my Lord, I come to the Burma Round Table Conference. After that His Majesty's Government was kind enough—and we all in Burma very greatly appreciated this kindness—to make a statement through the Right Honourable the Prime Minister, allowing us something, allowing Burma something, that, as far as my reading goes, had never been allowed to any Indian Province. It allowed us a very limited but a very welcome form of self-determination. His Majesty's Government told us that we could determine this particular issue of Separation for ourselves; that it would leave the determination of the issue to the Burmese electorate. We were extremely grateful, my Lord, and the entire country responded in an extraordinary way.

Now, my Lord, may I, with your permission, revert to the statement that I have made, that before that announcement the greater part of political Burma consisted of Non-Co-operators; and here, if I may be permitted to do so, I would digress a little, to something that concerns me personally, because it may assist the Committee to understand the situation. That Non-Co-operating Burma, a few months (less than a year) before this announcement, had started a rebellion in Burma that was most disastrous, and that every thinking intelligent Burman deprecated. This rebellion was started by the Non-Co-operators and it led to very troublous times in Burma. I must here digress a little in order to explain my personal position in that rebellion. I became professionally connected with the rebellion in the sense that I defended most of the rebels in a Court of Law, and in this way I came to understand their real intentions and

their real desires. After we had obtained this memorable pledge (I can give it no better description) of His Majesty's Government, that the matter would be allowed to be decided by the Burmese electorate, U Chit Hlaing and I—the two of us—personally toured the entire country and got into touch with these Non-Co-operators. I will declare it here: I personally got into touch with these rebels, and I told them that they must give up their Non-Co-operating ways—that here was a promise, as solemn as any promise could be, given by His Majesty's Government, through the mouth of the Right Honourable the Prime Minister, that this decision on an important issue was left in the hands of the Burmese electorate. I personally toured the whole of Burma and personally explained the position to them—that this was a promise as good as anybody or any country in the world could obtain; and on the strength of this solemn statement the Non-Co-operators agreed to give up Non-Co-operation, and agreed to contest the recent elections. As soon as they reached this decision, all the Non-Co-operating Associations got together, and we convened an All-Burma Anti-Separationist Meeting at the Jubilee Hall, the resolutions of which meeting have been referred to by U Kyaw Din. Here I wish to explain, because I have really come to a difficult part of my work, that these Jubilee Hall resolutions were written by me. All their defects, all their failings are entirely on my head; but I do wish to submit to the Committee our real intention and what was at the back of our minds when we framed those resolutions. First of all, my Lord, to understand those resolutions it is important to place before your Lordships a fact that very closely preceded the Jubilee Hall meeting and the resolutions which were passed at the time—at the outside, a week before.

U Chit Hlaing: A fortnight.

Dr. *Ba Maw.*

U Chit Hlaing corrects me—at the outside, a fortnight previous to that Jubilee Hall meeting. On the 27th of June the Right Honourable the Secretary of State for India made a statement in the House of Commons. I do not propose to read the whole statement out, my Lord, but the statement was to the effect that in the event of Burma's entry into the Indian Federation, Burma would not be allowed the right of secession. I am trying to explain a word that has created a good deal of misunderstanding—the word "emphatically." Then, my Lord, we decided to hold this meeting, and in Resolution No. 3 we used the word "emphatically"—"That the Convention emphatically protests against the permanent and unconditional inclusion of Burma in the Indian Federation." I do admit, my Lord, that this was not a very happy word to use. I do admit that, my Lord, but as an explanation, for whatever it is worth, I am submitting this fact, that at the time the mind of the whole country was engaged with the statement made by the Right Honourable the Secretary of State for India in the House of Commons, and the resolution was a direct reaction to that statement, among the Anti-Separationists.

Now, my Lord, we proposed to form an Anti-Separationist League. Against us is brought forward this particular word, that we were "emphatically" opposed to the inclusion of Burma in the Indian Federation; but I do most earnestly ask the Committee to consider the other fact. It is not my point of view, my Lord, that I am placing before you, it is the feeling of the country, the point of view of the entire country. Now, my Lord, the Anti-Separation League was created at that meeting and we called ourselves Anti-Separationists. I submit that great importance should be attached to that. We did not call ourselves Anti-Perpetual Federationists; we did not call ourselves Conditional Federationists, but we selected the most obvious title, the word that most described our real feelings, our real attitude, namely, Anti-Separationists. We called ourselves Anti-Separationists, and U Kyaw Din, who has frankly admitted to the Committee that he stood as an Anti-Separationist, atacked Separation. But within a fortnight of his election U Kyaw Din had become a Separationist. I am not interested in that, my Lord, because my only interest is to present to the Committee the real mind of the country. Here were the anti-separationists who proposed to form a league on the basis of the Prime Minister's declaration, accepting the Prime Minister's declaration at its face value, and who proposed to call themselves anti-separationists. From that the Committee will be able to discover what was the dominating thought

in our minds. The thought that dominated all our minds was opposition to separation as given by the Prime Minister. Now, my Lord, there is the further fact that at that Meeting and at every other anti-separationist meeting and at the time of the December Session of the Burma Legislative Council, the first Resolution that was always passed was a resolution opposing separation on the basis of the Prime Minister's terms. Now, psychologically, I do most respectfully submit that if my Lord and the Committee desire to know the real mind of the country these facts must be given tremendous weight. Here is a new political party, new for the purposes of election, that propose to call themselves anti-separationists. Here are the two parties that invariably, whenever they obtain a chance, pass as their first and foremost resolution, as a primary resolution in their policy, a resolution opposing separation on the basis of the Prime Minister's terms. Then, we went through the country and fought the general election. Here, I must turn again from the course of my argument and deal with a few points raised by U Thein Maung. U Thein Maung has actually alleged that we were influenced in our policy by a declaration of the Karachi Congress. U Thein Maung has even gone further and alleged that we were influenced by the Indian element. My Lord, what U Thein Maung has not explained to your Lordship and the other Members of the Committee is that first of all a literal translation of the Prime Minister's declaration (there were only two alternatives, one of which was perpetual Federation) was widely distributed throughout the entire country. Fact No. 2, my Lord, is that against the Karachi Congress Declaration, which had no weight whatever with our people, there were the most solemn declarations by the British Government. There were repeated declarations by the British Government that were broadcast through the entire country to the effect that Federation meant perpetual Federation. The third fact is that the separationists in contesting the general elections against us made it one of their strongest arguments that Federation with India would mean perpetual Federation. But U Thein Maung has mentioned a certain Karachi Congress Resolution. Whether we paid any attention to it or not is proved by the fact that in none of our election posters, in none of our election pamphlets, did we worry even to mention the Karachi Congress Resolution. I challenge U Thein Maung to produce any leaflet or poster in which we took the slightest notice of the Karachi Congress Resolution. Our cry was that this was a Burmese question, and we must decide it in the Burmese manner. That was the entire burden of all my election speeches and election speeches made by U Chit Hlaing. Now, there is another point; it is such a trivial point that I feel ashamed to be forced to deal with it, but, as U Thein Maung has thought fit to place it before my Lord and the Members of the Committee, I am afraid I must deal with it. I have already submitted that non-co-operators form the majority in political Burma, as has been proved by the recent elections. Now, before any allegation of Indian influence could be made, the non-co-operators, the G.C.B.A.s and the Wunthanus, had consistently voted against and passed resolutions against the separation of Burma from India on any basis short of full responsible self-government. And then, my Lord, these allegations which have unfortunately entered into this Committee Room can easily be met by counter-allegations. I am sure the Honourable Members of the Committee know the nature of general elections in all parts of the world. Even Great Britain is not free from certain party pledges and party statements that have no meaning after the election is over. An historic case as we know even in Burma is the case of Mr. Lloyd George, having won a general election on the slogan "Hang the Kaiser." Now, my Lord, as to this allegation of influence, we are in a position to support our allegation although I should have been the last person to introduce it into this Committee Room. We are in a position to support our allegation that the local Government of Burma took the greatest and most active interest in recent elections and in every constituency Government officials were the most active assistants of the separationists. Another proposition is this: it is a test: We anti-separationists were too poor even to have a headquarters. We anti-separationists could not run a paper. We started a vernacular paper which ran exactly for four or five months and then died a most unfortunate death. The separationists control all the papers in

Burma; the entire Anglo-Burma Press of Burma supported the separationists, and it is well known that the separationists had got very, very large party funds. We are a party consisting purely of the masses and without any funds, without even a headquarters, without even a paper. We had to fight our battles all over the country by issuing cheap posters, cheap in the economic sense, against two parties that worked with every advantage. U Thein Maung has thought it proper to allege Indian influence. I challenge U Thein Maung to place before the Committee, it is his duty to do so, if he introduces such highly controversial and delicate questions into this Committee Room, to place material before the Committee in support of statements like that. He quotes a certain statement from the local government, but with the greatest respect I say that this report made by the Burma Government has no value, for the simple reason that the Burma Government is not in a position to make any statement independently on this question. The Burma Government have got themselves so involved in the separation question that any statement made by them is bound to be vitiated. Then, my Lord, we come to the historic resolution of the Legislative Council, the December Resolution. The December Resolution is unfortunately worded; I admit it; I am entirely responsible again for that; but I submit that words may be important, but when it comes to crucial issues people go beyond words and try to get the real sense, the real mind of the people. I admit the word "emphatically" is unfortunately used there, but we are not the only people who have made such unfortunate mistakes. With the greatest respect, I wish to point out a far more vital instance of an unfortunate mistake in drafting. I am referring to the terrible mistake made in the Balfour Report that arose out of the Imperial Conference of 1926, where the Report put in italics the reference to equality in status among the Dominions, but when it came to the qualifying clause (may I refer to it because it is so important?) "the principles of equality and similarity appropriate to status do not universally extend to function," Lord Balfour and the Members of his Committee forgot to place these equally important words, the concluding words, in italics, with the most unfortunate results that have manifested themselves in Ireland and the other Dominions. Therefore, I admit my fault, but as I am in the company of one of the greatest statesmen of our day, Lord Balfour, I do submit that such a mistake ought to be overlooked. Mistakes occur, after all, even in interpreting the Report of 1926, in interpreting the Westminster Statute. English Constitutionalists are unanimous that equal stress ought to be laid on the second statement as on the first, and that the introduction of the italics in connection with the first statement is a most unfortunate mistake. Therefore, my Lord, here again when I come to the December Resolution I wish to point out to the Members of the Committee that Resolution No. 1, the First Resolution, is a Resolution rejecting separation on the basis of the Prime Minister's Constitution, and it goes on to say—it is so important that I ask my Lord's permission to read this Resolution: "That this Council opposes the separation of Burma from India on the basis of the constitution for a separated Burma outlined in the statement that the Prime Minister made at the Burma Round Table Conference on the 12th January, 1932." Here is an unqualified, unconditional (notwithstanding all the fine phrases of U Thein Maung) opposition to separation of Burma from India on the basis of the Constitution for a separated Burma. But we do not stop there; we lay still greater stress on this point by going on in No. 2—"That this Council emphatically opposes the unconditional and permanent federation of Burma with India." Then, No. 3, "This Council will"—it is amusing to U Ba Pe, but I have prefaced my submission with a frank admission that this word "emphatically" was wrongly chosen; we chose it because this Jubilee Hall Resolution was passed within a fortnight of the statement made in the House of Commons by the Secretary of State for India. It was a reaction to the statement made by the Secretary of State for India.

Sir *Austen Chamberlain*: What was the third Resolution? You did not read it.

Dr. *Ba Maw*.

"That this Council will continue to oppose the separation of Burma from India until Burma is granted a Constitu-

tion on the following basis." The first is: "The future Constitution of Burma shall provide for the immediate transfer to popular control of at least the same measure of responsibility and the same subjects and powers as will be transferred to popular control in the Indian Federation, both at the Centre and in the Provinces." The second is: "The subjects and powers reserved to the Governor shall be only for a period of transition and such reserved powers shall be framed and exercised in accordance with recognised constitutional practice and shall in no way prejudice the advance of Burma through the new constitution to full responsibility for her own Government within a reasonable period, and the new constitution for Burma shall further prescribe the manner in which or the time when the said reserved subjects and powers are to be transferred to popular control on the basis of full responsibility." It is rather an unwieldly way of putting the idea of automatic growth. Now, in connection with this, in my speech, because I was responsible for the writing of this Resolution, I have enlarged on this idea: "Reasonable period" is an important part of the Second Motion. There will undoubtedly be much difficulty and dispute in trying to indicate the period but it must be done because this is a necessary guarantee for our future rights and a guarantee must, therefore, be quickly given. Full responsible government must be assured us within a reasonable period —reasonable, that is to say, from the point of view of people who calculate time in a simple business way and without any thought of sophisticated computations. Then, my Lord, in this particular part of my speech, I have made it perfectly clear, and the motion was accepted by the entire House, that we were referring to a Statutory provision in the proposed Constitution for a separated Burma, and guaranteeing Burma the principle of automatic growth, that is, to enable Burma to achieve full responsible self-government within a reasonable period. Now, my Lord, this particular interpretation and the entire Resolution was accepted by the Legislative Council without a division. Further, at that time, on that occasion U Ba Pe submitted another Resolution supporting the principle of separation for Burma. That Resolution was put to the vote and it was defeated. These two things took place practically at the same time. Therefore, there is complete evidence of the real mind of the Legislative Council at the time of the passing of both these Resolutions.

Lord *Eustace Percy*: Dr. Ba Maw has not finished reading the third section of the Resolution.

Dr. *Ba Maw.*

No, my Lord, shall I do so?

Lord *Eustace Percy*: It might be just as well, in order to get it all before the Committee.

Dr. *Ba Maw.*

Certainly, my Lord. The third part of the Resolution deals with Federation: "In the event of failure to obtain a definite pronouncement from His Majesty's Government that Burma, if and when separated from India, will be granted the aforesaid constitution,"—now the condition is, as soon as we fail to obtain a definite pronouncement from His Majesty's Government—"this Council proposes that Burma shall enter the Indian Federation with at least the following terms. We have the terms. I will explain that further. "(*a*) Burma shall have the right to secede from the Indian Federation, which it may exercise through its Legislature. (*b*) There shall be such financial adjustments between Burma and India as may be required by Burma's peculiar local conditions and other circumstances. (*c*) The division of Central and Provincial subjects in the proposed Indian Federation shall be reconsidered with reference to Burma with a view to provincialisation of additional subjects, special regard being had to Burma's geographical position and its peculiar needs and conditions, and further Burma shall be afforded all necessary facilities for acquiring administrative experience and knowledge of the reserved and federal subjects."

Now, my Lord, I am perfectly prepared to admit that this is not in the present circumstances a practicable Resolution. After all, we must face realities. Whatever we may desire, we as practical men are prepared to face realities, and it will be our duty to accept the final decision of this Committee. Here is a Resolution that is impracticable in both aspects. U Thein Maung has stressed the impracticability of the Federal part of the Resolution, but he has not at all referred to the absolute im-

practicability of the part relating to separation. I do ask U Thein Maung to be fair to us. Here is a proposition that is impracticable at both ends. He cannot use the Federal end as an argument against us without at the same time honestly accepting the impossibility of the end relating to separation. I quite admit, I am here to make a sincere statement, that we in this matter have been led away by certain dreams which unfortunately have proved impracticable. An impracticable dream may be against we anti-separationists, but the same argument applies with the same force to the separationists. The separationists, according to the terms of this Resolution, cannot under any circumstances come and make the declaration that U Thein Maung has thought proper to make, namely, that they are separationists. They are separationists on the basis of a Constitution that will ensure Burma full responsible self-government by the process of automatic growth within a reasonable period, and so long as that condition is not achieved they are not separationists. The separationists have very cheerfully said that no one is a Federationist in Burma. According to this Resolution, I must admit it, but, at the same time, by the same token, no one is a separationist in Burma. Any man who has subscribed to this Resolution cannot be called a separationist upon the present terms, upon the very restricted terms that are now before the Honourable Committee, because, as U Thein Maung says, His Majesty's Government has issued the final word against conditional Federation. In the same way, His Majesty's Government has issued the final word against the proposition of automatic growth as a part of our Constitution. Again, my Lord, I feel the weight of my duty to present both sides of the case, all the real objective facts. Now, naturally, you will ask me the explanation for this Resolution. I admit that we were led away by dreams. As I mentioned in my speech, this was a declaration of rights; it must be treated as a declaration of rights. Rightly or wrongly, we considered, and we still consider, these to be our rights, but as I have submitted, the final word is with the Committee. But here was a declaration, and I do not see why these declarations should prevent us from pursuing our policy. Surely, my Lord, the Committee did not consider that the demand of the Princes for the right of secession is an insurmountable obstacle to the entry of the Indian States into the Federation? I do ask the Committee to treat our demand on the same basis, to give the same value, no more and no less, to our demand for the right of secession as the Committee will be pleased to give to the demands of the Indian Princes.

Sir Austen Chamberlain: I do not know what passage Dr. Ba Maw has in his mind which causes him to think that the Committee contemplated that there would be a right of secession.

Dr. Ba Maw.

No, Sir. I am extremely sorry if I have been misunderstood. What I mean is this, that the demand made by the Indian Princes for the right of secession has not been considered an obstacle to the entry of the Indian States into the proposed Indian Federation. Similarly, I plead that our demand for the right of secession, even if disallowed, should not be considered an impediment to Burma's entry into the Indian Federation. I place my case on the same level as the case of the Indian States. It is no presumption, my Lord; I place it for moral reasons. Just as Burma, among the Indian Provinces, is the only Province that has been allowed to determine this question by an election, that is to say, if Burma enters into the Indian Federation, it will be a voluntary entry, so also it is a case of voluntary entry for the Indian States. This cannot be said in the case of other Indian Provinces. Therefore, on that moral ground, I say that our case in this aspect is the same as that of the Indian Princes, no more, no less. So, as I have already submitted, there is ample explanation for the Resolution. Every argument that the separationists have used against us based upon this Resolution can cut both ways. This Resolution is as much against separation, if it is literally interpreted, as against Federation. Then, we come to a further stage. After the passing of this Resolution, we were waiting for news from England, and the news came at the proper time. The Secretary of State for India practically declared—not in so many words—that this Resolution was not a proper answer to the question asked by the Prime Minister, and that it was our duty to supply the British Government with a proper answer, failing which the

British Government would have to consider for itself the best method of removing the barrier to reforms in Burma. As soon as this statement was made, we, the anti-separationists, naturally reconsidered the whole situation. We realised that the December Resolution was really a declaration of rights of ideals which we have to admit had nothing to do with the Prime Minister's question. We realised our duty, namely, to give a specific answer to a specific question, and realising this duty we submitted a Resolution in the April Session of the Burma Legislative Council. Now, my Lord, as regards this particular Resolution, it is extremely simple and I do not see how it conflicts in any way with the Resolution that I have just read out, namely, the December Resolution. The April Resolution states very simply that if our choice is confined to the two alternatives placed before Burma by the Prime Minister we choose the Federal alternative. Now, in connection with this, I ask the Members of the Committee to attach due weight to the result of the election as well. We fought that election entirely on the basis of the Prime Minister's declaration. There could be no allegation of concealment; there could be no allegation of misrepresentation, for the very simple and sufficient reason that the Burma Government had taken every care to broadcast the full statement made by the Prime Minister, and the Burma Government as well as our opponents, the separationists, had made the threat of perpetual Federation their principal argument against us. We went to the country and we fought that issue on the Prime Minister's declaration, and the country by an overwhelming majority, as U Ba Pe has pointed out, decided against separation on the basis of the Prime Minister's Constitution.

Now, my Lord, at this juncture I wish to deal with what U Ba Pe has said. He has said that every Burman is a separationist. But I do, with the greatest respect, wish to warn the Committee to understand that word in the Burmese sense. True, my Lord, every Burman is a separationist, but a separationist, if I may be allowed to use the word, in the Irish sense. His reference to the Burmese King, his reference to our own laws and constitution, are most conclusive proof of what separation means to the Burmese mind. I am supporting it with evidence. They say that we told the country that there would be no perpetual federation. That is impossible in view of all the literature that the Burma Government have issued, in view of the repeated statements made by the Right Honourable the Secretary of State for India in the House of Commons, and other statements repeated by the Burma Government, but there is ample evidence that the separationists fought that election on the basis that separation would mean that every Indian would be expelled from Burma.

U Ba Pe: No.

Dr. *Ba Maw.*

That separation would mean (I repeat it) that all the posts in Burma would come into Burmese hands; separation would mean Burma for the Burmans. On this point I have a very excellent authority. I am referring to one of our most successful Governors, Sir Reginald Craddock, in a statement that he made regarding separation even in his time. I am quoting from a speech made on the 14th August, 1918: "But, so far as I have been able to gauge these sentiments, I think that it is correct to say that Burma is proud to form part of the Indian Empire, and has no desire to be separated from India."

Then there is a statement which was published in the "Rangoon Times" on the 28th July, 1921: "The insistence with which the question of separation comes to the fore could not fail to convince us and the public in general that provincial public opinion, which is still but fairly defined on most subjects, is quite emphatic on this one. A little analytical conversation with advocates for separation shows that motives for their advocacy are widely different; for instance, very many non-Burmans support the separationist cause because they are in favour of preserving the comparative tranquillity of this Province, whereas it is under in able" (there is a misprint here; I think it should be "undeniable") "that another section of the separationist thought is intimately connected with the 'Burma for the Burmans' aspiration, and is part of the programme for insularising this country." This was the plank, that they could, under the new Constitution, make immigration laws which would not only expel the resident Indians, but would prevent

other Indians from coming into the country. I am only pointing out a fact just to prove how the most primitive factor, namely, the factor of race hatred, was the basis of the recent separation campaign. It was all directed at that, as U Thein Maung has himself admitted, and it was greatly the result of a Burmo-Indian riot which took place a few months, or, at the outside, a year from the time when the separation question was raised for the country. That the Burman takes no interest in this separation issue by itself is completely proved by the fact that, throughout the three election campaigns under the dyarchical system of government, in no election campaign did any party make separation an issue. In no election under dyarchy did any separationist party, or any party, *make separation an issue, and separation* became an issue, and a very real issue, only at the time of the first Indian Round Table Conference, and immediately after the announcement of His Majesty's Government, through the Right Honourable the Prime Minister. This conclusively proves that separation is not such an urgent issue in the minds of the people, and the recent election results show that the Burman attaches not the slightest importance to separation, but he lays all the stress upon an acceptable constitution. I ask the Members of the Committee to consider this. In Burma it is admitted that Upper Burma is more purely Burmese in race, in sentiment, in tradition, in every possible sense, and in this particular separation controversy the whole of Upper Burma, with the exception of two constituencies, voted against separation.

Now, my Lord, I am sure my separationist friends themselves will not dispute the fact that Upper Burma represents real Burmese sentiment, and Upper Burma was almost unanimously against separation. Lower Burma to a large extent voted for separation. Naturally the Committee will ask me why. For several reasons, the most important being the fall in the price of commodities, the present economic depression. The average Burman being hit very badly by the present economic depression sees the Indian taking away his food. The agriculturist finds that the Indian is the moneylender from whom he has to raise a direct loan. The man in Lower Burma finds that Indian labour is being employed to a very great extent, and these were the dominating factors in the situation. The main objects in their minds were to eliminate Indian competition, and to eliminate the Indian creditor, what we call the chetti, the man who takes away Burmese lands in lieu of unpaid debts. I ask my Lord and the Members of the Committee whether these three facts could be cured by separation. Would any responsible separationist say that the agriculturist or the Lower Burman would be satisfied on these three points, namely, that Indian competition would be eliminated by separation; secondly, that the Indian moneylender, the creditor, would be eliminated by separation, and, thirdly, that Burmese lands would revert to Burmese hands through separation? These are the prospects they have in view, my Lord. Their idea of separation is not an abstract idea. Their idea of separation is a real and immediate release from these troubles, and they understand separation in that sense, and, so long as separation does not connote that, they are, in my submission, against separation. These are the real factors which have weighed most with the separationists. My Lord, I believe I have taxed the patience of the Committee to a great extent, but circumstances have forced me to discharge my duty in that way. I have tried to the best of my ability to place all the facts as I see them. I may be right, my Lord, I may be wrong, but I do wish to assure the Committee that I am trying to discharge my duty sincerely, and to the best of my ability, because, whatever the other side may say against us, there cannot be any dispute that the masses have voted overwhelmingly against separation, and I beg to submit that what will weigh with my Lord and the Members of the Committee is the solemn pledge given by His Majesty's Government, that the electorate will have to decide the question for themselves. The result of the pledge was a general election in which the non-co-operators lifted the boycott and, believing in the pledge of His Majesty's Government, took part in the general election; and the result of the general election was an overwhelming majority against separation. Of course, I do appreciate the fact that nothing can bind the Committee in its final decisions, but I also believe, my Lord, with all my heart, that a solemn pledge given by His Majesty's Government to Burma will be ultimately in-

plemented by the Committee. So I base my entire case, apart from all the explanations that I have given, upon that solemn pledge, and upon the result of the election which took place in consequence of that pledge. I thank the Committee very gratefully for the hearing that it has given me.

Mr. *Harper.*

My Lord Chairman, the attitude of the European community in Burma to the general issue between separation and federation has always been, and still is, that the choice is one for the people of Burma to exercise. In effect that, of course, means at this present stage the people in Burma who have the duty and the power to influence public opinion. On such general issues as the racial and religious and national and other such issues, the European community have been careful to take neither one side nor the other, but have been prepared to fall into line with the majority choice. The community, particularly the commercial section of it, have taken the view that their most helpful contribution to this problem would be to confine themselves to the practical effects of separation, to study to what extent the material interests of Burma would be affected, both the Burma Government revenues and the livelihood of the Burma people.

In particular, there are three issues which in this connection have seemed to us to be of fundamental importance. Firstly, there is the effect of India's protective fiscal policy on Burma. Secondly, the financial consequences of separation, that is to say, the probable result of the financial settlement which will have to be made, and, thirdly, the question of the trade relations of Burma with India in the event of separation. Taking the first of these issues, the effect of India's protective policy on Burma, U Thein Maung and U Ba Pe have both referred to this point, and I agree with them that the effect on Burma has been that India has protected industries which do not exist, with one exception, in Burma, with the result that the cost of the protected commodities has risen to the people of Burma, and there has been no corresponding benefit to Burma in return. The whole tendency in recent years since this protective policy has been in force in India indicates that as time goes on India will become more industrialised and will industrialise at a greater pace certainly than Burma, and that the present disadvantages that have resulted to Burma will be perpetuated and aggravated. This, of course, is an argument in favour of separation.

On the second issue, the financial aspect, thanks to the publication of what is known as the Howard Nixon Memorandum, that has had a certain amount of attention in the Burma Legislative Council, though, naturally, perhaps with a limited degree of appreciation of the intricate details of that rather complicated document. In his speech at the conclusion of the Burma Round Table Conference, the Prime Minister promised that what he called a decision on this financial problem would be made and published before the general election which took place in Burma a year ago, on the sole issue of separation versus federation. Unfortunately it was not found possible to fulfil that promise, but the Government of Burma have since published a statement from which it appears that the Government of Burma in an attempt to bring the Howard Nixon figures, or some of them, up to date, arrived at the conclusion that Burma will gain a matter of 298½ lakhs of rupees per annum. This figure has since been amended by an adjustment in receipts of customs duties and the total is now put at 270 lakhs. This includes an estimated loss of 93 lakhs by the Burma railways which should, I think, be added back, as losses by railways will not, if railway finance is separated from general revenues, be a charge on the general revenues. If this is added back, this would make the total 363 lakhs, from which there has to be deducted a sum for pensions and a sum for redemption of debt to India. Allowing, say, one crore to 1½ crores of rupees to cover these two deductions, we arrive at a net gain to Burma by Separation of over two crores per annum. This, of course, is only an estimate, but we think it probably enough to indicate that there would be a gain to Burma in this respect by Separation, and with a total Budget of 9¼ crores, as it is at present, one might reasonably describe a gain of two crores, if it is achieved, as substantial. This is another point, of course, for Separation.

I would like to leave that point and turn to what we regard as the most im-

portant of these three issues, that is, the economic issue as represented by the trade relations between India and Burma. We in the European Community have felt it inconvenient, in our attempts to help in this Separation problem, to have been left, as we are still left, without any clear indication by the Council of their choice between the two alternatives which were offered to them; but it is in one sense, perhaps, fortunate that this issue is still open. For we feel that this all-important question of the future trade relations between India and Burma has not so far received the consideration it deserves. It has been rarely mentioned, I think, in the debates in the Council, and, as Members of the Committee will have noticed, it has not been mentioned at all so far in the speeches which have preceded mine. It is a matter of vital material importance to Burma, and one which, in our opinion, must be fully considered before a reasoned decision on the Separation issue can be taken. The point is discussed at some length in the Memorandum which has been submitted to the Committee by the Burma Chamber of Commerce. I may perhaps be allowed to explain that I am not the author of that Memorandum or of the other Memorandum which is bound with it, but I shall be very glad to do my best to answer any questions which the Committee may wish to ask on it. Briefly, the position of the trade relations between Burma and India is this. Burma is an agricultural and exporting country, and 48 per cent. of its total exports go to India. That does not include a matter of eight crores of rupees annual remittances to India by Indian labourers in Burma. In return, Burma takes 42 per cent. of its imports from India. It is clear, therefore, that, however slack the ties with India may or may not be in matters of race and religion and the rest, Burma is definitely now an integral part of the economic unit of the Indian Empire. This we regard as a fact of fundamental importance which must not be lost sight of at any time in considering this question of Separation. The Montagu-Chelmsford Report, from which U Thein Maung has already quoted to-day, said that Burma is not India, and the Joint Select Committee on the 1919 Bill stated that Burma was tacked on to India by an accident. But it has to be remembered that that same accident has been responsible for the growth of Burma's economic connection with India and for the position to-day, that Burma is, as I say, part of the economic unit within the Indian Empire. In 1862, when four divisions of Lower Burma were formed into the Indian Province of British Burma, the total trade of Burma, imports and exports together, with India and elsewhere, amounted to a value of five crores of rupees. Now the trade with India alone is in the neighbourhood of 40 crores of rupees. All that has grown up under the system of Free Trade which exists within the Indian Empire. Whenever, therefore, it is suggested that the accidental nature of Burma's administrative connection with India is a good reason for breaking that connection, it must be remembered that the result of that accident, while not vastly changing conditions—differences of race and others, which existed before that time—has been to forge new links which did not then exist. The problem, therefore, to my mind, becomes this: If there are unnecessary or undesirable ties between India and Burma which should be broken, can this be done without automatically severing other ties which it is vital to Burma to retain? Can Burma be separated politically without disturbing the economic connection? In our opinion, the danger in this case lies in tariffs, and, as the Indian Statutory Commission pointed out, the effect of Separation would, *prima facie*, be that the tariffs of each country would apply against the other. It is never wise, I think, to be dogmatic on the effect of tariffs, but I think this much can be safely said, that they invariably change the channels and courses of trade. In fact, that is often their object. Any effect of this nature which tariffs might have on Burma's exports would be to divert them away from India to the possibly vain search for other markets. Although little appreciation of this danger seems to have been shown so far by the Burmese people (which is perhaps not very surprising, for the Burmese people do not take or have not so far taken a leading part in the business and commerce of their country; that has been left largely to Indian, European and Chinese capital and endeavour), although the Burmese people themselves do not seem to have appreciated this danger so far, the close trade relations which do exist between India and Burma have been recognised

at each important stage in the development of Indian Constitutional Reforms during the last few years, first by the Indian Statutory Commission, and then by the Burma Sub-Committee of the Round Table Conference, of which my friend U Ba Pe was a member, and then by the Prime Minister in his speech at the end of the Burma Round Table Conference, when he said: "It is important that separation should cause a minimum disturbance of the close trade relations between Burma and India, and arrangements will have to be made in regard to these relations before separation takes place." So all these authorities have recognised the need for a minimum disturbance of the close trade relations between the two countries. A minimum disturbance implies some disturbance, and we recognise that if each country is to have freedom as regards its outside tariffs there must be some reactions on the Indo-Burma trade, but so far as the Indo-Burma trade itself is concerned we are convinced that if any tariffs at all are allowed, the result will not be a minimum disturbance. It will be, or will very soon develop into, a serious disturbance which could have no other effect than gravely to reduce the prosperity of Burma. It has been suggested to us in Burma that if the negotiations for a trade agreement to regulate these relations were left to the present Governments of Burma and India—assuming for a moment that it were constitutionally possible for a Province of India to make a trade agreement with the Central Government—those present Governments would be reluctant to agree to tie the hands of their successors by withholding their right to use tariffs as a means of raising revenue. I think that is a perfectly intelligible reluctance. The Chamber of Commerce Memorandum indicates on that point that a light revenue tariff by Burma and India on the imports from each other might in itself do little harm but it would bring in little revenue and would not be worth imposing as a revenue measure. There they speak of a tariff of 5 per cent. A few days ago I heard the President of the Board of Trade in a broadcast address refer to tariffs of 20 to 30 per cent. as a moderate level, as tariffs go. I do not hesitate to say that if that is what tariffs mean—and it is what tariffs mean—Burma's trade with India would be severely shaken, if it were made subject to tariffs of that order.

Then there is a wider significance to this question which I must mention; it is of the utmost importance both to Burma and India that if Burma is to be separated from India politically, the parting should be friendly and that relations should remain of the friendliest possible a character. The Committee will know much better than I do how close a connection there often is between economic relations and diplomatic relations. History in our part of the world, unfortunately, shows that it does not take great provocation to arouse feelings of aggressive animosity between Burmans and Indians, and there must, in the case of India and Burma, always be a grave danger of friction in economic relations affecting relations of another kind. The key to this seems to us to lie in maintaining the existing freedom from tariffs under which Burma and India now trade together. The question is, how can this be reconciled with the political separation of Burma from India if that is to be the Committee's recommendation? If it is not to be their recommendation, then, of course, under Federation, no change in India-Burma trade relations would arise, though other existing economic disadvantages would be perpetuated. But, if it is to be separation, how is this vital economic connection to be maintained? If it were possible to provide in the Constitution Act that the existing relationship be maintained, even for a limited period of years, we feel that it would in fact be in the best interests of both countries, but this would involve some *pro tanto* interference with the fiscal autonomy of both the new Governments. I do not know how far the Committee are prepared to go in that direction. In case there are insuperable difficulties in such a suggestion, the Burma Chamber of Commerce in their Memorandum have suggested another course. They have urged the Joint Select Committee to do three things. Firstly, to record an emphatic view that it would be in Burma's and India's interests to maintain the existing trade relations and that the relations should be regulated by a trade convention. Secondly, to record the view that in order to avoid interfering so far as possible with the fiscal autonomy of the new Governments, the Convention should be negotiated between

the new Government of India and the new Government of Burma; and, thirdly, to recommend that the Constitution Act should provide that until that Trade Convention has been concluded by the new Governments, existing trade relations should be continued. We make this request, not by any means because we think it is the surest method of preserving those relations. We think there may be great difficulties in arriving at a satisfactory agreement. Nothing, in fact, could be sure except an *ad hoc* provision in the Act, but we have put our request in this form because we consider it to be the most unobjectionable and the most reasonable measure that we could ask the Committee to support.

If I may sum up then the attitude of the European community in Burma on this separation issue, it is that if the people of the country desire separation and if the existing India-Burma trade relations are preserved, we consider that separation is the right course to adopt. If the country wants separation but those trade relations are not preserved, in our opinion separation could then be effected only at the cost of seriously reducing the material prosperity of Burma and of its people. Once again, we come up against this uncertainty about the country's wishes. As I said when I began my statement, the European community have consistently left the main issue to the people's representatives, and we have hoped that they would declare their choice unequivocally by a large majority. They have not, I regret to say, so far done so, and for myself, while I have listened to the speeches to-day with the greatest interest, I do not feel that we are much further advanced in knowing what are the real wishes of the majority of the people of Burma. The European community have given me no mandate to express an opinion in favour of or against separation on their behalf; they have never been unanimous on that subject and they are not unanimous on it now. In the circumstances, therefore, I hesitate to express any opinion of my own. I must be content to conclude by referring again to my main theme, and repeat that, if the decision of Parliament is to be for separation, it is of vital importance to the material prosperity of Burma that an effective arrangement be made to retain the good will of India and to ensure the maintenance of the existing fiscal relations between the two countries.

Ordered, That this Committee be adjourned to to-morrow at half-past Ten o'clock.

DIE JOVIS, 7° DECEMBRIS, 1933.

Present:

Lord Archbishop of Canterbury.
Lord Chancellor.
Marquess of Salisbury.
Marquess of Zetland.
Marquess of Linlithgow.
Marquess of Reading.
Earl of Derby.
Earl of Lytton.
Earl Peel.
Lord Middleton.
Lord Ker (Marquess of Lothian).
Lord Hardinge of Penshurst.
Lord Irwin.
Lord Snell.
Lord Rankeillour.
Lord Hutchison of Montrose.

Major Attlee.
Mr. Butler.
Major Cadogan.
Sir Austen Chamberlain.
Mr. Cocks.
Sir Reginald Craddock.
Mr. Davidson.
Mr. Isaac Foot.
Sir Samuel Hoare.
Mr. Morgan Jones.
Sir Joseph Nall.
Lord Eustace Percy.
Miss Pickford.
Sir John Wardlaw-Milne.
Earl Winterton.

The following Delegates from Burma were also present:—

Sra Shwe Ba.
Mr. C. H. Campagnac.
Mr. N. M. Cowasji.
U Kyaw Din.
Mr. K. B. Harper.
U Chit Hlaing.

U Thein Maung.
Dr. Ba Maw.
U Ba Pe.
Dr. Ma Saw Sa.
U Shwe Tha.
Mr. S. A. S. Tyabji.

The MARQUESS of LINLITHGOW in the Chair.

Mr. *N. M. Cowasji.*

My Lord Chairman, the question of the separation of Burma may be examined from three aspects, the political, the financial and the economic. On the political aspect of this question, the leaders of both sections of the Burmese political parties have already addressed the Committee, and I do not wish to take up the time of the Committee by any observations of my own on this aspect of the question. The Indian position has been to refrain from expressing any definite opinion on this question, and to leave the decision to the indigenous people of Burma, but our view, however, is that the preponderating majority in which the candidates who stood on the non-separationist ticket were returned should be taken as the final rejection of the separation issue. Whether or not a case has been made out for the separation of Burma on political grounds, the case against separation on financial grounds is, in my humble opinion, unassailable. Contrary to the Prime Minister's declaration of the 12th January, 1932, no conclusions have been reached as to the final terms of the finished settlement in the event of Burma being separated, and it is unfortunate that there is no authoritative statement on this matter.

The Howard-Nixon Memorandum on the subject was drawn up in 1931 on the basis of the figures pertaining to the year 1929-30. Without entering into any controversy as to the adequacy of the provisions made therein for defence and other administrative charges, I find that the then estimate of the gain accruing to Burma was put down at 378 lakhs of rupees. These figures were brought up to date in a Memorandum published by the Government of Burma in April, 1933. This Memorandum reduced the estimated gain from Rs.378 lakhs to Rs.298 lakhs. The figures were mostly estimates of the financial year ending 31st March, 1933.

Even at the time of publication of these figures it was widely held that the income side was over-estimated, and admittedly the Statement made no provision on the expenditure side for increased interest charges. The actuals now available reveal the extent of the over-estimation. Customs received, for instance, amount to only Rs.416 lakhs, to which has to be added the estimated cost of Excise on Burmese consumption of kerosene, and petrol, which amount to Rs.74 lakhs, bringing the total under the head of Customs Receipts to Rs.490 lakhs. The Government's figure of Rs.545 lakhs is thus Rs.55 lakhs in excess of the actuals.

As regards Salt revenue, the Government figure of Rs.47 lakhs turns out to be an over-estimate by Rs.13 lakhs. No provision has been made, as I have already stated, for the increased interest charges consequent upon the increase in Burma's share of the Indian Public Debt. The Government's estimate of the addition to Burma's Public Debt is Rs.583 lakhs. Moreover, there is the accumulated deficit in the Budgets of the last four years amounting to nearly Rs.7 crores which has been financed by temporary borrowings from the Government of India. It appears that the Government's estimate of Rs.583 lakhs errs somewhat on the low side, and while we have, of course, the very latest figures of the outstanding Public Debt of India, we have not got the correct figures of the unproductive Debt item. On the basis of the Government's figures alone we find that there is an additional debt liability of Rs.13 crores over and above the estimate in the Howard-Nixon Memorandum, involving on the basis of 5 per cent. interest an additional outgo of 65 lakhs of rupees. The income tax figure is based on 1930-31 actuals, but we all know that subsequently income tax receipts have fallen off. Without making any allowances for this and taking into account only the deterioration of Customs and Salt receipts and the additional interest charges, we find that the estimated benefit to Burma in the event of separation, reduces itself to Rs.165 lakhs, out of which has to be met the Debt Sinking Fund instalment of Rs.1 crore and pensionary liability of Rs.70 lakhs, representing the mean of the two conflicting estimates by Mr. Howard and Mr. Nixon.

The position during the first half of the current fiscal year has, if anything, worsened considerably. The Customs Revenue for the six months ending 30th September, 1933, exclusive of Excise, Kerosene and Petrol, amounts to only Rs.183 lakhs, as compared with Rs.224 lakhs during the corresponding period of last year; a fall in revenue of Rs.40 lakhs.

Whatever might have been the case on financial grounds for the separation of Burma at the time the Simon Commission recommended separation, there is none whatever at present. Admittedly the depression has hit Burma very hard, and the latest figures are in a sense probably abnormal, but it would be unsafe to make any estimates on the assumption that there will be a very substantial improvement in the near future or a rise in the world price level to that obtaining in 1929 or 1930, which alone would justify separation on financial grounds.

While on the basis of the figures available now there is no benefit to Burma by separation, the Province is struggling to balance its budget. Though in March last the budget was balanced on paper it is quite clear that there will be a deficit of at least Rs.1½ crores in the current year. A Retrenchment Committee is no doubt seated to find ways and means of bridging the gap between revenue and expenditure, but it is not possible to forecast the extent of savings they might be able to effect. Already there has been a good deal of economy practised, and the prospect of reducing expenses by Rs.1½ crores in a Budget of Rs.8 crores is none too rosy. It is thus clear that the future Government of a separated Burma cannot look forward to an automatic surplus being realised by the mere act of the separation of Burma, and if conditions do not improve in the very near future they will be obliged to resort to the taxation of Indo-Burmese trade soon after separation, not only with a view to the remission of the capitation and Thathameda taxes and finding the money for the Public Utility Departments, but merely for balancing the Budget itself. I am of opinion that the Government's assumption that Burmese finance will automatically require the assistance of taxation on the Indo-Burma trade is fully justified.

My friend, Mr. Harper's analysis of the financial consequences of separation is somewhat different and takes a more optimistic view of the situation than I

am inclined to take. The broad conclusion of Mr. Harper is that Burma revenues will benefit to the extent of at least Rs.2 crores net per annum. If I understand the European Chamber's method of calculation rightly it is that they wish to make certain material changes in the method of approach to the problem adopted in the Howard-Nixon Memorandum and subsequently modified by the revised statement of the Burma Government. For instance, Mr. Harper would prefer to treat railway finance separately from general finance, thereby removing the railway deficit of 93 lakhs of rupees from the general budget. The intention is perhaps to carry forward this loss in the railway budget. The reasoning presumably is that in India the railway finances have been separated from the general budget under the 1924 Convention. The authors of that Convention, however, never visualised a situation in which the railway would be working at such a big loss as they are doing at present. What has happened so far is that in the early years of the separation convention the railways made very big profits indeed and put aside substantial amounts to reserve and depreciation funds and, in addition, paid its contribution to the general revenues. During the last three years, however, the railways have been working at a loss, but this deficit has been covered by transfers from the reserve fund and borrowings from the depreciation fund. There is technically no objection to average the result of both lean and good years, but the proposal of the European Chamber to start off with an uncovered deficit in the railway budget, when the railway is 100 per cent. State property, appears to me to be unbusinesslike. Such a position has not arisen in the case of the Indian railways yet, and I do not know what the Indian Legislature would do in a similar contingency with regard to the Indian railway system. I am of opinion that should there be any deficit in the working of the Burma State Railways, the deficit should be fairly and squarely faced and a provision made in the general Budget.

I now turn, my Lord, to the economic side of the separation question, and here I am on somewhat common ground with European commercial opinion in Burma. In fact, I venture to think that the case as presented by Mr. Harper for the Trade convention on the basis of Free Trade between India and Burma, in the event of separation, is really a case for federation and nothing else. I fully endorse the opinion of the British Burma Chamber, that Burma is an integral part of the economic unit which is contained in the present British India, and any policy which tends towards economic separation instead of economic integration is not in Burma's interests, and we feel convinced that the policy of political separation of Burma from India will result, directly and immediately, in the driving of an economic wedge, the consequences of which it is impossible to foresee. On these grounds I oppose the separation of Burma from India, both on financial and economic grounds.

Chairman: Does that conclude your statement?

Mr. *N. M. Cowasji.*

Yes.

Mr. *S. A. S. Tyabji.*

My Lord Chairman, I desire to make my position clear to you. I come here nominated by the Government to represent the Indian Community in Burma, not as a Member representing any constituency of the Burma Legislative Council. Generally speaking, there is no great difference of opinion in the Indian Community, for, though some may not take any active part in working for federation or against it, and others may do so, the general idea prevalent is that separation is undesirable at the moment. The reasons for the undesirability of separation in the opinion of some are connected with the economics of the country. With others, the political effect which they anticipate in a separation regime on the position of India and Burma, is uppermost in their mind. I must confess that the number of those who have become anxious of the political effect of separation on themselves has increased within the last two or three years because of the troublous times that we have had in Burma two or three years ago, and I may also say because anxiety has been caused by the type of electioneering indulged in during the last elections of the Council and which have been referred to by my friend, Dr. Ba Maw. I desire frankly to state that, besides these factors, Indians in Burma have a natural sympathy for federation, and such sentiment requires no apology, my Lord. Moreover, it must not be forgotten that a considerable number of them are on the general electorate and, as such, their

votes have been canvassed for and sought by parties standing for election to the Council. Thus, they have received a direct invitation from the Burmese people themselves to take a part in the elections which were held to decide the issue of separation *versus* federation. No apology is needed on that behalf, for they belong to Burma and claim the right to exercise their franchise and political rights in the expression of their views. On the other hand, the three organizations of Indians, the Burma-Indian Chamber of Commerce, the Nada-coutta-Chettiars Association, and the Burma-Indian Association, have expressed no direct view on the question of separation or federation, nor have they directly or indirectly held any propaganda one way or the other. Nor have they spent money in financing any of the parties. Here I will at once deny the charge which my friend, U Thein Maung, made yesterday, that the Burma-Indian Association was formed for the purpose of carrying propaganda against separation and financing the Burmese Anti-Separationist Parties. That statement has been made in a Government Report, and I place before you, my Lord, this idea, that in this manner the Government has to a certain extent played the Indians against the Burmans. I can deny the charge because I myself have been the President of that Association for the past two years, and my attitude on the question is well known to my Burmese friends, and I can assure this Committee that the Burma-Indian Association did not pass a single resolution with regard to the question of separation or federation, did not put up any candidate to represent it in the Council, nor has it taken any active part in the decision of the separation or federation issue. Although these Associations have taken no part in any propaganda in favour of federation or against it, it does not mean that they have no opinion with regard to this question. They do feel, as my friend Mr. Cowasji has just stated, that the preponderating vote given in favour of the Anti-Separationists during the past election should have been a sufficient indication of the mind of Burma and should have indicated to this Honourable Committee the view taken by the people in Burma with regard to the federation and separation question. They do feel an anxiety about their political status in the country. They do believe that financially the position of the Province will be worse. They do believe that the trade of the country will suffer. With regard to the financial position of the country, my friend, Mr. Cowasji, has just made a statement, to which I do not desire to refer at this moment, but I do wish to say that in the debate that we heard yesterday very little was stated as to what advantages are going to be derived from separation, or what disadvantages will be felt from federation, with regard to social, religious, or political matters. So far, no one has even hinted that connection with India has led to any social or religious disabilities, nor have they stated that if Burma enters the Federation such social or religious disabilities would be felt.

As regards political disadvantages or advantages, very little has been said indeed, except that it is the desire of a part of the Burmese people to create a separate political entity. I say that in this matter it is only a part that desires to separate, and the whole of it does not, and to this matter, my Lord Chairman, I shall refer again.

So far as the economic conditions of Burma are concerned, no advantages have been shown as accruing from separation. What have been placed before this Committee are some of the disadvantages under which Burma is said to have been suffering. These advantages are of two kinds connected with policy, such as matters of tariff, or connected with disadvantages through administrative exigencies, such as the Meston Award and financial conditions arising out of that Award. As regards tariffs, Burma has to pay, but in turn Burma gets business from India to enable it to pay the expanded tariff and the protection that is given to her industries. At the same time, she has gained some advantage in at least two cases in the development of her nascent industries and the future development of the sugar industry in Burma.

My Lord Chairman, with regard to the financial Meston Award, I would only say that its injustice has been universal, and its injustice has been felt not only by Burma, but by provinces like Bengal, Bombay and Madras and most of the others, so that it is not a condition which is singular, which is specific to Burma alone, but it is a condition which has been felt by almost every province

and it is, one might almost say, a common condition to all the provinces. The Meston Award has been condemned by almost all the provinces, but it may be stated that under Federation, those conditions would not prevail and would not be perpetuated. My Lord Chairman, it has been claimed that the connection of Burma with India has proved a loss to Burma financially, but in the consideration of this question, when balance sheets are made out and statements are prepared by the Government, facts are forgotten. It is forgotten that India has many overhead charges and she incurs many losses on behalf of provinces; for instance, she has been incurring constant loss for many years on the posts and telegraphs. It is for the benefit of all the provinces, not for Bengal or for Bombay, but the advantage has been derived by Burma also. I might remind you also that India has been stabilising her exchange, and, in doing so, has been incurring immense losses, but that loss also has been incurred not for India alone, but for all the provinces, for all the business, for the Government, and for the people of all the provinces. So that whilst in the balance sheets that are prepared the overhead charges, as I might say, are conveniently kept out, those charges which India undertakes to pay and the Central Government undertakes to pay, and, to meet those losses for the benefit of all the provinces, are not included in such balance sheets in such statements as have been prepared, and, in that, I confess that I feel that the Government of Burma has to some extent been responsible for the creation of ideas amongst the people that India has been very gravely unjust to Burma, whilst I would say that the injustice, if any, is equal to all the provinces and is not singular to Burma itself. In the financial consideration I desire to mention that conditions are constantly changing. We had the Howard-Nixon Report giving us certain facts and figures, but in that Report also there were indeterminate factors which made the Howard-Nixon Report almost out of date in a very short period. Later on that Report was followed by a statement given by the Government of Burma. That was supplemented and was corrected two months after it was put before the Legislative Council. With regard to these statements I have made my remarks in the Legislative Council, and I do not propose therefore to repeat those remarks here, my Lord Chairman. With regard to the trade conditions, I very much appreciated the statement which was made yesterday by my friend Mr. Harper. I agree with him to a very large extent; but before I come to the question of trade I would agree with my friend Mr. Cowasji that the losses on railways ought not to be treated in the manner that Mr. Harper has suggested; in any case, whether railway finance is kept separately or is combined does not matter; it does not matter whether the money goes out of the right pocket of the Government or the left pocket of the Government; so far as the people are concerned, it comes out of the same pocket, and that is all that the people are concerned about. Therefore the railway losses ought to be taken into consideration when considering the financial position of Burma. With regard to trade, as I say, I very much agree with what my friend Mr. Harper has stated. The trade conditions between India and Burma are so very intimate. 58 per cent. of the total trade of Burma is connected with India and there is no doubt that Burma has become an economic unit so far as India is concerned. Mr. Harper very well stated that the connection, accidental as it was, of Burma with India, has created a vast trade for Burma, and that trade as I stated just now, to the extent of 58 per cent., is connected with India. It is to be remembered that in these days when conventions and agreements between different countries are so prevalent, it will not be easy for Burma to find markets for commodities like rice, timber and oils, which she so freely exports to India. Whilst the export of rice is a very large quantity, I might mention that it forms only 5 per cent. of the total production of the rice of India. Therefore, so far as India is concerned, that trade of rice is not so important to India as it is to Burma. Five per cent. of the total production to India of rice is a quantity which could be made up if she chose to do so, but for Burma, if she loses the market in India, it would mean a calamity indeed. My Lord Chairman, the trade convention which has been proposed by my friend Mr. Harper, I agree with, and as to the three conditions that he has suggested, I feel very much inclined to agree with him upon those also. Together with that, I also feel that it is necessary that a Labour Convention between the Governments of India and

Burma may also be formed because labour is as important a factor in the life of Burma as the trade factor, and it will be very necessary to arrive at a convention between India and Burma on the labour question, so that the friendly feeling may exist and continue between India and Burma if separation does take place. But, on the other hand, I would like to mention this, that hearing all these speeches I have failed to realise what are the political advantages that are going to be obtained from separation. I have failed to understand what are the economic advantages which Burma expects to gain out of separation, and what are the financial or economic advantages which Burma expects to gain out of separation. On neither of these two accounts can we see any definite advantage to Burma. On the other hand we do see very definite disadvantages which may accrue to Burma from separation, both with regard to her political and with regard to her economic well-being in the future; and I may say this, that even if a trade convention is formed, even if it is for 10 years, what is to happen after 10 years? During these 10 years, mentality in Burma and in India will be created, and we do not know what that would mean to Burma in the future. Burma's trade is, to my mind, very much dependent upon India, and anything that is going to jeopardise that is going to jeopardise the very lives of the people of Burma, and, therefore, to my mind, it is a most risky adventure for Burma at this moment to separate from India. I would suggest further, my Lord Chairman, that there would be some point if the whole of the people of Burma were of one mind in their demand for separation, but we see that the Legislative Council has not been able to give any decisive vote on this question. Even though you may not accept the electorates' decision on the question, yet I would point out that on page 6 of the introduction to the Burma White Paper it was stated: "In his statement on 12th January, 1932, the Prime Minister said, on behalf of His Majesty's Government, that if and when they were satisfied that the desire of the people of Burma was that the Government of their country should be separated from that of India, they would take steps, subject to the approval of Parliament, to give effect to this desire". I do ask this Committee whether it is satisfied that the desire of the people of Burma is to separate, whether they have given in unambiguous terms their decision, and if that be not so, what is the case for separation then? If the Council has not been prepared to give a decisive vote, it may be that both the parties may feel that their voting power was equal, or I go so far as to say that if a decision had been by a narrow majority, even then, for a vital change of this nature, there was not the justification for the Government to take a decisive step such as separation. Therefore, I ask that the position for a *status quo* has arisen and that be maintained. I do not desire to take up any further time of the Committee and I will end my statement.

Mr. *Campagnac.*

My Lord Chairman, I have very little to say on the subject. I represent here a very small but, I venture to say, a not unimportant community of Burma—that is, the Anglo-Burman community. I would ask Members of the Committee kindly to refer to the speech made by me at the Plenary Conference of the Burma Round Table Conference for the history and origin of this community. For the present, I shall only say that in the Anglo-Burman community are included Anglo-Indians and domiciled Europeans born or domiciled in Burma. As a minority community we cannot guide but must follow the destinies of the country, and for that reason when the Indian Statutory Commission came to Burma and we had to consider what our attitude would be towards this separation question, we asked ourselves first: "What is the general wish of the people of Burma?" We thought it would be wrong, it would be presumptuous on our part, to flout the will of the people. It has been admitted before your Lordship on all hands that up to that time, up to the time the Indian Statutory Commission visited Burma, there was a unanimous desire on the part of the people of Burma that Burma should be separated from India. Your Lordships have been told that delegations waited upon the late Mr. Montagu in India; that delegations were sent to England to confer with the Secretary of State and to impress upon him that Burma should be separated. There was only one opinion, and that was for separation.

Under those circumstances we considered it to be our duty to advocate

before the Indian Statutory Commission that Burma should be separated from India.

In doing that, my Lord, we were going really very much against our own sentiment because many of us have Indian blood in our veins, many of us still have relations in India, all of us are connected by tradition with India. The question which arises now is has anything happened since then; has anything happened since the Indian Statutory Commission visited Burma to make us believe that the people of Burma have changed their minds? My Lord, it has been argued before you that this question of separation and federation was placed before the electorate of Burma, and that the electorate has decided by a very large majority in favour of federation. My Lord, if my community, or if I believed that to be the case, I would not to-day be urging before your Lordships that Burma should be separated from India. But, my Lord, I submit that the issue which was placed before the electorate was really not one of separation or federation. What the anti-separationists voted for was the Jubilee Hall Resolution and that Jubilee Hall Resolution emphatically opposed the perpetual federation with India, in other words, the electorate were induced to believe that they would be allowed to secede at any time, and at their will. We have been told, my Lord, that that resolution was unhappily worded, but there can be no question that that is the resolution which was put before the people of the country, and that was the resolution upon which they voted. In support of that statement, my Lords, if your Lordships will refer to the resolution which was moved or supported by the anti-separationists directly after the elections in the Legislative Council you have the same words appearing, you have the same demand that Burma should be allowed to separate at her own will.

My Lord, if the anti-separationists did, in fact, have a mandate from the country that Burma should enter the federation unconditionally without any right to secede, is it not passing strange, having regard to the fact that they had such a large majority in the House that they were able to put one of their own candidates into the Presidential Chair, that they did not table a clear cut resolution to that effect. But at that Session directly after the candidates had returned from the country no such resolution was put before the Legislative Council in Burma, and no answer, so far as I am aware (no satisfactory answer) has been given by the anti-separationists for not tabling such a resolution if that was the mandate which was, in fact, given to them at the elections.

My Lord, I do think that there should be no further delay in this matter. I venture to think that if, after the Burma Round Table Conference, without referring the question to the people of Burma at all, His Majesty's Government had declared that it was their settled policy to separate Burma from India, that statement would have been received with acclamation in Burma. It was only because the people of Burma were induced to believe that the British Government for purposes of their own wanted Burma to separate from India that the majority of the electors were induced to vote for anti-separationist candidates. I do also agree with Mr. Harper and my Indian friends that the parting should be friendly. I agree that there should be a trade convention, but I do not think that while that trade convention is being arrived at there should be any further delay on the part of His Majesty's Government in making a pronouncement. I think that everyone in Burma and in India too wants to know one way or the other whether Burma is going to be separated or not. Once His Majesty's Government has declared in favour of separation then we can go on and have our trade convention and any other conventions which may be necessary, and I hope that the parting will be as friendly as possible. That is all I have to say, my Lord, upon this point.

Sra Shwe Ba.

My Lord Chairman. I am speaking on behalf of the Karen community of Burma. My community is the second largest indigenous community numbering about one and a half million. In the Memorandum submitted by the Karen community to the Indian Statutory Commission under the head "Suggestions for the future," which is printed at pages 418 and 419 of Volume XVII of the proceedings, we gave reasons for the recommendations that Burma should be separated from India. To save the time of the Committee I will not now repeat the arguments in that Memorandum, to which I respectfully invite the attention

of the Committee and request that this Memorandum be embodied in the proceedings. That Memorandum is as follows:

EXTRACT FROM MEMORANDUM SUBMITTED BY THE KAREN ELDERS OF BURMA.

SUGGESTIONS FOR THE FUTURE.

1. *Entire Separation of Burma from India.*—Note (*c*) of the Appendix to the communique issued by the Secretaries of the Indian Statutory Commission invites suggestions for the future. And we now propose to deal with this aspect of the situation.

Burma should be separated from India for reasons geographical, political and economic. Burma, as a province, forms no part of India. There are indisputable differences in customs, race, religion, language and interests. There can be no question that Burma will grow and develop on gradual and sound lines once she is separated from India.

"Burma is not India. Its people belong to another race in another stage of political development, and its problems are altogether different. For instance, the application to Burma of the general principles of throwing open the public service more widely to Indians would only mean the replacement of one alien bureaucracy by another."

In order to facilitate Separation and to make the transaction fair and equitable to both parties we would humbly request the Indian Statutory Commission to recommend to Parliament that Burma be furnished with accounts showing the amount expended by India on Burma and the amount India has been repaid by Burma during all these past years.

There was a time when the highest Court in Burma was subordinated to the High Court of Judicature at Fort William. In course of time it was felt that we could very well stand on our own legs in this direction and we are so standing now.

Likewise in the matter of Education, our High Schools and Colleges were for a long time affiliated to the University of Calcutta. When, in this matter also, Burma desired to have and work out her own plans for her rising sons and daughters numerous objections (which we need not repeat here) were set up against our becoming a detached entity educationally. The wisdom of our entire separation from the Calcutta University is more than amply justified by numerous incontrovertible facts. Thanks to the parental interest, broad vision and consuming zeal of His Excellency Sir Harcourt Butler, G.C.S.I., G.C.I.E., I.C.S., the first Governor of Burma, our University of Rangoon has won our deepest gratitude and claims the unbounded admiration of her sister universities In this connection, we quote with pardonable pride an extract from "The Anglo-Indian Review" dated Calcutta, March, 1928, which wrote spontaneously as follows:—

> "A great disadvantage under which the Anglo-Indian and Domiciled European Community suffers in India is the absence of a Residential University where the students have the advantage of living a corporate life as in the Western Universities. In fact, it is this disadvantage which deters many of our brilliant young men from going to a University. We have, therefore, much pleasure in bringing to the notice of parents and young men the splendid advantages offered by the University College at Rangoon. The new University buildings are rapidly nearing completion and will be ready for occupation from June this year. The University stands on an estate of 485 acres and is actually a miniature town. It will be one of the finest Universities in the East having every accessory of a modern University and being equipped with its own lighting arrangements, water and sewage equipment, roads, parks, playing fields, rowing and swimming clubs, gymnasium, theatre and a club house."

In the days when we asked for a University of our own, when we demanded the right of shaping and forming our educational policy in accordance with the aspirations and needs of our people and our Province, there were not a few who strongly objected to the severance of our long-established connection with the University of Calcutta, giving all sorts and kinds of imaginary drawbacks and hypothetical disadvantages attendant on the demanded severance. Facts speak louder than words and we are content to leave the facts as they are seen to-day

Now, as we ask the Simon Commission to recommend to the British Parliament, *inter alia*, the separation of Burma from India we foresee that quite a number of people will raise their voices against our conception of the future welfare of Burma. We anticipate that the loudest cry will come from India herself. This would be quite natural as no one desires to kill the goose that lays the golden eggs. Continuing the metaphor, we may add that Burma has laid golden eggs for the benefit of India, but India has neglected Burma, has not considered our interests in the spirit of fair play and all this despite the fact that she has been exacting from us a very large portion of our revenues.

Over and above the considerations we have already advanced, there is another and more weighty reason and we beg to stress very particularly this particular aspect of our case. In our considered opinion the separation of Burma from India and that alone will make it possible for the different indigenous races of Burma — the Burmese, Karens, Kachins, Chins and Shans—to be usefully welded into one solid nation. Unless opportunities are open to the indigenous races of Burma to regard Burma nationally—and Burma as a separate entity under the British Crown is the only way—Burma can never progress nationally. As long as Burma is kept dangling on India's dhoti so long will there be no cohesion among the indigenous races of Burma.

We are firm in the belief that just as Burma has wonderfully progressed in the two definite directions we have indicated above—first, in the matter of our Law Courts and then in the line off our educational institutions—since we stood out independent of India, equally wonderfully or still more so shall our fair country progress when as a separate entity, under the fostering care of the British Government, her indigenous races welded into one nation will think not merely in terms of isolated racial pride but in the larger national consciousness of "Burman" citizens and will accordingly work heart and soul towards a common nationhood and a natural ideal.

At the Burma Round Table Conference the Karen Delegates again made known to the Conference that their mandate was for separation. Nothing has happened since then to make us change our views. On those grounds I wish to urge before the Joint Select Committee that the separation of Burma should be brought about as soon as possible. That is all I wish to say, my Lord.

U Shwe Tha.

My Lord, I wish to make a brief statement in view of the fact that this question has been fully discussed in the Burma Legislative Council. The anti-separationist party came into existence after the General Councils of Burmese Associations Convention held at the Jubilee Hall, Rangoon, in July, 1932. In accordance with Resolution 6 of this convention a new anti-separationist party was formed under the leadership of Dr. U Ba Maw and U Chit Hlaing. The resolution passed at that meeting was to the effect "That this Convention rejects the proposed constitution for a separated Burma, announced by the Prime Minister on the 12th January, 1932, as it falls far short of the aspirations of the people. Secondly, That this Convention opposes the separation of Burma from India on the basis of the proposed constitution for a separated Burma. Thirdly, That the Convention emphatically protests against the permanent and unconditional inclusion of Burma in the Indian Federation." The policies of the two anti-separationist parties were based upon the resolution passed by the Jubilee Hall Convention. At the general election in November, 1932, the two anti-separationist parties placed before the electorate the resolutions passed at the Jubilee Hall Convention. About 42 members of the two parties were returned as Members of the Legislative Council. During the discussion in the Burma Legislative Council on the question of separation from India or federation with India, the two leaders Dr. Ba Maw and U Chit Hlaing explained the definition of "anti-separationist". I think it would be important for me to refer to the statement first of U Chit Hlaing in the proceedings of the Burma Legislative Council, December, 1932, page 339. U Chit Hlaing said in his speech: "I do not like permanent federation" (that is one portion) "and now our demand for federation with India is one of conditional federation." Then Dr. Ba Maw stated in a speech which is reported on page 261, "There are actually influences outside the House as well as inside working to commit a fraud on the country by misusing the term Anti-Separation and

this very long journey, and when they arrive at Delhi they find themselves as four in face of an Assembly of 150. Now, my Lord Chairman, that is a practical fact that has weighed very much with me and my colleagues in the Government.

Next, we have been struck by what appear to us to be the social and religious differences between Burma and India. I need not dilate upon them this morning; I think they are obvious to all of us—social differences of every kind, religious differences of every kind. In Burma, for instance, there is the absence of Caste and, I am glad to think, also, the absence of that very bitter religious communal feeling that we should so much like to see disappear from the Indian picture.

Lastly, we have been impressed by what seemed to us to be substantial economic and financial differences between the two territories. Some of these differences were very ably explained by Mr. Harper in the statement that he made to the Committee last night. To give an illustration or two, the fact that the industrial development of India is much more highly advanced than is the industrial development of Burma; the fact again, to give a second illustration, that hitherto, judged by whatever tests we desire to apply, Burma has come off badly from the financial point of view as a result of its association with India.

Now, my Lord Chairman, those are the facts that have strongly impressed themselves upon our minds. Those are the facts that have led us to make the statements that I have made during the last two years, and that have led us to make the proposals that we have made in the White Paper. Behind those facts, let me say again that there is no ulterior motive whatever in the mind of the Government. Our only desire is, first of all, to face the facts and, secondly, to do the best that we can in the interests of Burma itself. Now it might be supposed that whilst being impressed by these facts in favour of separation, we had ignored the arguments against separation. That is not so. I am very conscious of the strength of some of those arguments. They seem to me to fall into three categories. First of all, there is a feeling—I do not know whether it is in the minds of any of the delegates from Burma, but I am sure from what I hear from Burma itself, it is in the minds of a good many people in Burma—they are afraid lest, under separation, they will suffer and they will be fobbed off with a constitution substantially inferior to any constitution that may be given to India. Indeed, my Lord Chairman, they are so nervous upon this point that I have seen many statements made implying that the result of separation will be Crown Colony Government for Burma. My answer to these doubts and suspicions is a very simple one. I merely point to the proposals in the Government White Paper. Any impartial investigator who looks at those proposals will see that there is no connection in the world between them and anything in the nature of Crown Colony Government. Next, my Lord Chairman, there is a widespread feeling, and it has been very ably expressed to-day and yesterday, this morning, for instance, by the two Indian delegates, the two delegates representing the Indian interests in Burma, and last night by Mr. Harper in one part of his interesting speech. There is evidently a widespread suspicion lest, under separation, the trade of Burma, and, as a result, the economic development of Burma, will be seriously compromised. My Lord Chairman, in my view, there is no more important question than the question of the future of Burma trade and the question of the future economic development of Burma. If I felt that separation need necessarily compromise or injure the trade of Burma and the economic development of Burma, I would say that that was an almost unanswerable reason against separation. I believe, however, that when the Committee and the delegates come in greater detail to consider this part of the problem, they will find that under a system of separation it would be possible to safeguard these economic interests and to avoid the dangers that have been suggested to us this morning and last night. For instance, I think myself that we should investigate very sympathetically the possibility of a trade agreement between Burma and India. I realise as fully as anyone in this room the vital importance of Burman trade to India, and Indian trade to Burma. I was greatly impressed by what Mr. Harper said last night as to the possibility of having a *status quo* for a period of time under which no alteration should be made in the relations; an interim period, that is to say, during which a trade treaty for the future could be adequately negotiated. I also agree with what Mr. Tyabji said

this morning as to the importance of the labour problem upon the economic development of Burma, and I think there again in due course we shall come to consider that question in greater detail and we must take full account of the anxieties that are evidently in his mind and that I know are in the minds of many other representatives of Indian trade. From the point of view both of Burma and of India, I am sure that the less disturbance that there can be to their economic relations the better it will be for both countries. Lastly, there is a third argument that has been used against separation that we have by no means ignored. I have seen it suggested that Burma has on the whole gained political strength by its association with India, and I would not at all dissent from that view; that having gained political strength in the last 15 years, from the point of view of Burma, it would be wiser not to break the situation, but as the result of maintaining this political association with India, Burma in the future will be able to obtain better constitutional terms than she could obtain now. My Lord Chairman, that line of argument seems to me to presuppose two conditions. It seems to me, first of all, to presuppose the right of Burma to secede from the Indian Federation. It seems to me also to assume the right of Burma to obtain preferential treatment as compared with the treatment of the provinces of British India. Now upon both these points I can state my own view, and I can state the view of the Government; upon neither of them do I wish to prejudge the views of my colleagues upon the Committee, but stating my own views and the views of the Government, I can say very definitely that both those conditions strike at the very root of the permanent Federation that we have been considering for India. It is not that we wish to put a pistol at the throats of our friends from Burma and thrust them upon the horns of an impossible dilemma. It is simply this, that those two conditions strike at the very root of any permanent Federation, and, in the interests of permanent Federation, that is what, after all, the Government have been considering incessantly for the last three years, the British Government can never accept them. My Lord Chairman, it is interesting to note that I do not think a single one of the Indian delegates who were here until a few weeks ago would accept them either. There was a little talk based upon misunderstanding at one time of the rights of the princes to secede from the Indian Federation. When we went further into the details of the question, we found that the princes made no such demand, and it was quite clear that if they had made such a demand, not a single representative from British India would have accepted it. I was therefore very glad to note a passage in Dr. Ba Maw's interesting speech when he said that the anti-separationists in this respect demanded no more than the Indian princes. I can tell him that the Indian princes made no such demand and that if they had made such a demand, no Indian delegates would have accepted it. Let me again make it clear that these conditions, namely, that we could not admit either the right of secession or preferential treatment for Federation, are not directed in any way against Burma. They are conditions that are absolutely inherent in any system of government that is likely to remain permanent in India. Now, my Lord Chairman, I hope I have said enough to show that first of all we Members of the Government have tried to face the facts and to face the facts impartially, and that we have tried also to take into account the arguments that are used against separation. Until a short time ago it seemed as if opinion in Burma was unanimous in favour of separation; the Simon Commission, the representatives of Burma who sat with the Commission, and the Despatch of the Government of India (incidentally, from the point of view of finance, it might have been very tempting for the Government of India to oppose rather than to support separation). Until, therefore, quite a short time ago the opinion in Burma seemed to be unanimous. Since then there have been these differences of opinion showing themselves. They have shown themselves, but, even so, it does appear to me, and my view is strengthened by the discussions that have been taking place to-day and yesterday, that scarcely anyone in Burma seems in favour of permanent Federation. The chief argument that has been used to-day and yesterday has been the pledge that the Government is assumed to have given here and the result of the general election that took place last November. Let me remind the Committee exactly

what did really take place. The Government never said that the general election need necessarily be the final word in the controversy. The Prime Minister was very careful to state both at the beginning of his speech and later on in his speech that the opinion of Burma would be asked and that when we had received the opinion of Burma, then the Government would have to arrive at its own decision; but never on any occasion has the Prime Minister or any Member of the Government abdicated the right of the Government or the right of this Committee or the right of Parliament to come to any decision that they thought fit, whatever may have been the result of the general election. I would remind the Committee of the words that were actually used by the Prime Minister on page 178 of the proceedings of the Round Table Conference. I will read one or two of the material paragraphs: "His Majesty's Government are prepared, if and when they are satisfied that the desire of the people of Burma is that the Government of their country should be separated from that of India, to take steps subject to the approval of Parliament," and so on. Then again there is another passage on page 182, the passage at the bottom of the page: "With this material before them, the people of Burma will be in a position to decide whether or not they are in favour of separation from India. His Majesty's Government consider that the decision might best be taken after a general election at which the broad issue had been placed before the Electorate." That passage quite clearly safeguards the right and indeed the duty of the Government and of Parliament to consider the whole problem after the election had taken place. Our difficulty, and it was a very practical difficulty, was that, rightly or wrongly, it did not seem to us that we did get either from the general election or from the subsequent proceedings of the Legislative Council, the explicit answer that we required to our very definite questions. Not having received this explicit answer, we could not obviously let the question drift on for ever. We felt that it was unfair to Burma and that it was also unfair to India (after all the Burma problem is tied up with the India problem) to leave things indefinitely vague and obscure. In face of that situation, we felt it our duty to put forward our views based as I say upon the facts as we saw them and with no ulterior motive in our minds; to put those views before this Committee and to ask you gentlemen from Burma to come to give us the benefit of your advice and assistance.

Now, my Lord Chairman, I have completed the task that I set myself, namely, to attempt to remove any misunderstanding that may still exist, that we Members of the Government are partisans in this controversy; that we are ignoring the interests of Burma, and that we are trying to impose upon Burma a constitution which Burma does not desire, for some ulterior motive in our own minds. My Lord Chairman, speaking for myself I am very grateful to the Delegates from Burma for the part that they have taken in this discussion. I shall take note of the arguments that they have so ably put forward, and I believe that when we come to consider the details of the White Paper, chapter by chapter, we shall find that many of the dangers that loom so large in the minds of certain members of the Delegation in the event of separation need not necessarily be inherent in separation but can be amply safeguarded in a separated constitution for Burma.

Chairman: My Lords and Gentlemen, I should propose to proceed now, subject to the approval of the Committee, by a suggestion that Members of the Committee in turn should put questions to the Delegates upon the statements which we have heard. I should propose that the questions and the answers and any discussion which may follow should be published verbatim. Is that agreed?

(*The same is agreed to.*)

Archbishop of *Canterbury*: I should only like to ask by way of starting these questions a question which is very general, but which might assist the members of the Committee if it could be answered. The impression left on my mind after listening very carefully to the speeches which have been made by the Delegates from Burma, is that the differences between them do not seem to me to be very fundamental, rather due to those misunderstandings which I hope the Secretary of State may have succeeded partially at least in removing. It is rather difficult, my Lord Chairman, to know to which of the

Burmese Delegates to address any particular question, but perhaps I might address this one to Dr. Ba Maw, as he spoke very fully on the anti-separationist issue. I gather that it is common ground that there is no desire for permanence of Federation, but there is a common desire for securing a really full constitution for Burma. The question I should like to put is: Supposing that it is quite clear that no right to secede could possibly be conceded to the province of Burma under the new constitution if it is achieved, supposing on the other side it is made quite clear that there is every desire that the constitution of a separated Burma should be on the lines of the Indian constitution, supposing these two points are made quite clear, would not that enable those who hitherto have been anti-separationists to join with the whole Committee in getting down to a discussion of the actual constitution sketched in the White Paper?

Dr. *Ba Maw*: No, your Grace. On that point, may I refer to the proceedings of the Burma Legislative Council of last April? This matter was brought home to us by a statement made by the Secretary of State for India after the passing of the December resolution. Immediately we realised the realities of the situation, we got together—that is, the anti-separationists got together—and after consulting the various constituencies that support U Chit Hlaing and myself, we drafted a joint resolution to this effect, that if our choice is limited to separation on the basis of the Prime Minister's proposed constitution and an entry into the Indian Federation on the same terms as the other Indian provinces, we unhesitatingly choose the federal alternative as being in keeping with the very clear mandate we obtained from the country. May I add, to elucidate further my meaning, that before and after we had submitted this resolution, I personally toured all the constituencies supporting me and all those constituencies—the various anti-separationist leagues existing in those several constituencies passed resolutions without a single exception completely supporting my attitude.

Archbishop of *Canterbury*: My suggestion is (I think it was partly supported by what U Kyaw Din said) that since then there have been many changes in the situation; there have been many explanations made, many issues have been made more clear partly this morning by what the Secretary of State has said; therefore, is not the situation somewhat different?

Dr. *Ba Maw*: On this point, with apologies to U Kyaw Din, may I submit this fact, that although certain members who obtained election on the anti-separationist ticket have changed, the electors have not changed.

Archbishop of *Canterbury*: There was one question I wanted to ask Mr. Harper about his very interesting speech, if I may say so. When you spoke of the trade convention that you desire, Mr. Harper, I was not quite clear whether what you had in mind was that some trade convention should be agreed upon immediately by the existing Governments, and which should be made binding for a certain number of years, or do you mean that the Constituent Act should provide that until some convention had been agreed upon by the new Governments, the existing trade relations should remain?

Mr. *Harper*: Your Grace, it is the latter that we mean. Our object is to get a trade agreement, naturally on the lines on which we think it should be, in a form which will be the most lasting, the most likely to be renewed from time to time as it expires. We feel that the most likely way to ensure a lasting agreement is to get an agreement negotiated between the two new Governments so that it would be their own work and not imposed upon them. If we were to leave it now to the present Governments, it would be difficult, we think, for them to agree to tie their successors in the way, for instance, of withholding the power for any period to impose revenue tariffs, tariffs for revenue measures. We think that those tariffs would in effect be objectionable but that the present Governments would have great difficulty in imposing any condition of that kind on the new Governments; so we would rather it were left to the new Governments to make their agreement and the non-officials would be prepared to help them with what we considered to be the best advice that we can give them, and that in the meantime until they can make that agreement it should be provided in the Act that the existing fiscal relations should continue.

Marquess of *Reading*: I want just to follow up what Mr. Harper has said. Before I do that I would like to ask, my

Lord Chairman, one question. What we are discussing now, or rather what the Archbishop just put to Mr. Harper, based upon Mr. Harper's speech, is rather more, as I understand it, a measure that he suggests would be required for protection against anything in the nature of commercial discrimination, and also to continue the trade relations existing between Burma and India, and is not part of an argument addressed by him for or against separation. Am I right?

Mr. *Harper*: We regard this point, my Lord, as so important that, although it is a consequence of separation, it becomes, in our opinion, necessary to consider it as an issue. If our point could not be met then we would think that separation would have great dangers.

Marquess of *Reading*: That answers the question I wanted to put. Then I must pursue it a little further with you, in order to understand. You speak of a convention, but it is not quite clear to me what is meant by it. I presume what you have in mind is an agreement in the nature of a treaty (a convention if you choose to use the term), that is, terms arrived at after discussion between Burma and India in relation to all trade matters, or a majority of trade matters. That is what you had in mind.

Mr. *Harper*: Yes, my Lord, that is what I mean.

Marquess of *Reading*: What is not clear to me is, do you also require protection, or some provision in the constitution itself, or are you intending to rely entirely upon agreement. You have had to consider this, I know. The matter has been very carefully considered, but, of course, it differs very much in some aspects. If you have an agreement it is an agreement for a period of years, presumably, and, of course, it is subject to variation by assent between Burma and India—assume for the moment the two Governments. If, on the other hand, you have a provision in the Constitution, then, subject to any special provision in the Constitution, that would only be alterable by the British Parliament. Do I make clear to you what I have in mind?

Mr. *Harper*: Yes, my Lord.

Marquess of *Reading*: You see those are two quite different things, although they are both aiming at a similar kind of protection. Do you follow?

Mr. *Harper*: Yes, my Lord.

Marquess of *Reading*: What I am asking of you is, are you asking for both as a condition upon which you think there should be separation, or are you asking only for a convention which may be reached by agreement. That is what is not clear to me.

Mr. *Harper*: If it were possible (we do not know to what extent it would be possible) to ensure those relations by a specific provision in the Act we think, as we have said, that that would be in the best real interests of the two countries, but we have not asked for that because, if I have understood your question aright, we do not know how far the Committee would be prepared to go, or Parliament would be prepared to go in restricting the fiscal autonomy of the two new countries.

Marquess of *Reading*: I think I follow. You would prefer, if it is practicable, and the Committee thinks it should be done, that these provisions should be in the Constitution?

Mr. *Harper*: Yes.

Marquess of *Reading*: Because, of course, it gives you greater security?

Mr. *Harper*: Certainly, my Lord.

Marquess of *Reading*: But you do not make that a condition as I understand. If that is not possible, then you must depend upon an agreement?

Mr. *Harper*: Yes, that is the position.

Marquess of *Reading*: My Lord Chairman, I did not want to go into these questions because I thought they might come up later under trade relations. They are of extreme importance, I think, and the only reason I am pressing now on the matter of principle is just to understand what Mr. Harper's position is in view of what he has told us this morning, but I do not want to go into details with regard to it. The only thing I want to put to you further on the question of convention, Mr. Harper, is have you in mind an agreement or convention to be made by the Legislatures when they are formed, or have you in mind an agreement to be made before the new Legislatures are constituted?

Mr. *Harper*: After they have been constituted, with a provision in the Act that until that agreement is concluded the existing relations should continue.

Marquess of *Reading*: That is to say, free trade relations?

Mr. *Harper*: Free trade relations, yes.

Marquess of *Reading*: But then afterwards you depend on what the Governments may do, with, of course, the Legislatures, under the Constitution.

Mr. *Harper*: If it is not possible to ensure it in any other way. The surer the way, of course, the better we should be pleased.

Marquess of *Reading*: I will pursue that now. Later, when we come to discuss trade relations, there are some further matters I want to point out to you and those who are interested—the Indian Delegates especially have an interest in this matter and I will resume it later on, or somebody else may. All I wanted for the moment was to understand your position in relation to separation, and that really, as I understand it, in view of what you have said, put quite briefly is that you would not wish to oppose separation, if you could get proper protection for the trade relations.

Mr. *Harper*: That is right.

Marquess of *Reading*: The political part of it you leave aside altogether. That is right, is it not?

Mr. *Harper*: Yes.

Marquess of *Reading*: There are one or two questions I wanted to ask Dr. Ba Maw and U Chit Hlaing in relation to what the Archbishop was putting. The position now, at least as I have understood from what has been said, is that you no longer rely upon the terms of the resolution of December, 1932 I mean you no longer rely on it in this sense: you are not abandoning it?

Dr. *Ba Maw*: No.

Marquess of *Reading*: But I understand your argument to be, and I am only putting it for this purpose, that apart altogether from it, even if you do not accept that resolution and the conditions you seek to impose there, you are still in favour of federation and against separation. That I what I understood you to say.

Dr. *Ba Maw*: Yes, that is so.

Marquess of *Reading*: Therefore, if that is right, the question of the right of secession only arises if it was proposed to give you any such right in the terms that were to be imposed on your entering into the federation. That is right, is it not?

Dr. *Ba Maw*: That is so.

Marquess of *Reading*: I only want to be perfectly clear about it, but I think it follows that even suppose this Committee, after discussing the matter, hearing what the Government have said, and hearing what you have said, came to the conclusion that there could be no right of secession granted, as I understand your point of view now that does not alter your case.

Dr. *Ba Maw*: Quite so.

Marquess of *Reading*: It does not alter it; you still maintain it?

Dr. *Ba Maw*: Quite so.

Marquess of *Reading*: I thought I understood it, but I was not quite clear. There is only one further point that I wanted to put with regard to that. It follows, I think, from the questions that have been put. Does that mean that, leaving aside special conditions, you are prepared to assent to federation on the same terms as are proposed for India subject to any special provisions that may be made for Burma?

Dr. *Ba Maw*: Quite so; we mean that.

Marquess of *Reading*: You leave yourselves in the hands of the Committee for that purpose; is that right?

Dr. *Ba Maw*: Quite so, but may I explain, my Lord, that we do ask for those special terms in the terms of the December resolution, but, if the Committee is not prepared to grant us those terms, that does not interfere with our desire to enter into the federation in preference to the other alternative, the alternative of separation based upon the Prime Minister's Constitution?

Marquess of *Reading*: I rather understood that you were saying that, but you have made it beyond all question now, and I need not pursue it. I do not want to ask any further questions.

Marquess of *Lothian*: Might I just pursue that a little further and ask Dr. Ba Maw or U Chit Hlaing to define it a little more clearly? Have you got the Indian White Paper in front of you?

Dr. *Ba Maw*: Yes.

Marquess of *Lothian*: Would you look at page 113, Appendix VI. That defines 64 matters which are going to be reserved to the Federal Government. On page 116, List II, it defines those powers which are exclusively provincial. Am I right in understanding you to say that in the event of this Committee recommending that there should be no special provisions for Burma either in regard to secession or anything else, you would be prepared to accept a provincial Government with the powers in List II only. Is that your view?

Dr. *Ba Maw*: I did not quite follow.

Marquess of *Lothian*: The point as I understand it is this: You would prefer to have the ordinary powers which, under the Indian White Paper, are going to be given to an Indian Province, rather than the position which is proposed in the Burma White Paper, and you would therefore be content with the list of powers in Burma which are in List II on page 116 of the India White Paper. Is that correct?

Dr. *Ba Maw*: Yes, my Lord. If the Committee decides to give these subjects only to the other Indian Provinces, Burma, from our point of view, will be forced to accept them in the same way as the other Indian Provinces.

Marquess of *Lothian*: In the same way you would have no objection to the special powers of the Governor in Burma, and of the Governor-General as proposed in the Indian White Paper? You would accept those powers in a federation rather than the proposals of the Burma White Paper?

Dr. *Ba Maw*: We should be forced to accept that position if it was imposed upon us—if the Committee decides so.

Marquess of *Lothian*: Your view is, as between the two alternatives of the Burma White Paper and the position of an ordinary province in India, you would prefer the position, without any right of secession, of a province in the Indian Federation? That is your view?

Dr. *Ba Maw*: As between these two alternatives.

Marquess of *Lothian*: Might I ask U Ba Pe a question? You heard yesterday the speech of Mr. Harper, and there have been various documents circulated by the European community dealing with the trade relations between Burma and India. Supposing it did not prove to be possible to arrive at a fiscal convention between India and Burma, and supposing either on the side of India or on the side of Burma the demand was made for full fiscal rights, that is to say, that either side should have and might exercise the right of putting on any tariff against the other, would that affect your demand for separation?

U Ba Pe: No, Sir. I have expressed my view on this question at the First Indian Round Table Conference. If you refer to page 190 of the proceedings you will find that. "The third point is the trade relations between the two countries. As far as possible we want free trade between India and Burma. India wants our rice, our oil, our teak and other timber, and we want things from India. Burma requires manufactured goods from India, and it is in the interests of both countries not to raise tariff walls against each other. We must live peacefully together and devise ways and means for our mutual benefit. I do not see any difficulty in that direction." That was my view. I still hold to this view.

Marquess of *Lothian*: I think all history shows that when a nation obtains fiscal powers it invariably uses them, and the tariffs get higher and higher, and it is that possibility I want you to envisage. In view of that fact you would still be in favour of separation?

U Ba Pe: Yes.

Marquess of *Lothian*: Even if it did mean very high tariffs between India and Burma on both sides?

U Ba Pe: That is right.

Mr. *Isaac Foot*: May I put a question to Dr. Ba Maw and U Chit Hlaing. It is to ascertain as to how the opinions of the Burmese constituents were ascertained? I understand that there was a tour made by Dr. Ba Maw of his constituencies, or the constituencies that had expresesd an opinion on this matter. Was that tour before the election or after the election?

Dr. *Ba Maw*: Both before and after.

Mr. *Isaac Foot*: A reference was made just now by you to a meeting of your Association in which the question was put: Would they prefer federation or separation in the terms of the Prime Minister's statement. The Prime Minister's statement was the one that was made at the conclusion of the Burma Round Table Conference.

Dr. *Ba Maw*: Quite so.

Mr. *Isaac Foot*: And I suppose the terms that were then considered were those that had been explained in the book that was published. You had before you that book showing the recommendations of the Burma Round Table Conference?

Dr. *Ba Maw*: Quite so.

Mr. *Isaac Foot*: You had not been able to put before them, of course, the proposals that are contained in the new White Paper?

Dr. *Ba Maw*: I did, because my last tour took place about two months ago. After the April resolution, when there was some dispute in our country about the right of the Anti-Separationist Party

to table those resolutions, I took the trouble of touring several parts of the country and I placed before them the paper containing the proposed Constitution by the Secretary of State for India, The last meeting that I held was a mass meeting at Mandalay, which is the capital of Upper Burma. I also asked all the various Anti-Separationist Leagues in all my constituencies to consider the new Constitution, and they unanimously decided that, of the two alternatives, they preferred the Federal alternative.

Mr. *Isaac Foot*: You have put before us your tour, both before the election and after.

Dr. *Ba Maw*: Quite so.

Mr. *Isaac Foot*: The meeting where they decided for federation decided for federation rather than for separation in the terms of the Prime Minister's statement. Have you had another meeting in which they have specifically decided for federation as against separation in the terms of the White Paper Proposals?

Dr. *Ba Maw*: They have had the White Paper explained to them. What was explained to them at a place called Sagaing and Mandalay was that the proposed Constitution was based on the Prime Minister's statement and that there were no material departures. We also took care to explain both these Constitutions to them and, after careful consideration, they decided as I have just explained.

Mr. *Isaac Foot*: I would like to ascertain further about these meetings. You have been to a meeting. Has the meeting been an extended meeting, or how long has it lasted?

Dr. *Ba Maw*: As regards the Mandalay meeting, it took three days according to our custom. The Wunthanus Associations have annual meetings where we discuss every subject that we consider to be important.

Mr. *Isaac Foot*: That would be the meeting of your Association, but I am trying to ascertain (I do not want to interrupt your answer) as to your appeal or your inquiry from the several constituencies. When you have visited a constituency, how long have you had for discussing the matter with the people of that division?

Dr. *Ba Maw*: I personally visited certain constituencies and in the case of other constituencies the fact is this: In my Party there are representatives of these several constituencies. After the last April and August Sessions we decided that each of these Party Members should convene meetings in their respective constituencies and obtain a decision from the constituency on this very strictly limited question of a choice between separation on the proposed Constitution and federation as contained in the Indian White Paper. I, as well as the other Members of my Party, undertook this task in all the constituencies supporting us.

Mr. *Isaac Foot*: I have some knowledge of appealing to a constituency in this country, and I am sorry to have to press the question, but I want to know what happens when you have been to a constituency in Burma and you have ascertained their opinion upon the Burma White Paper: what opportunity have those constituents of making up their minds upon the virtues or demerits of the White Paper? Do they take the description entirely from you?

Dr. *Ba Maw*: Immediately the Burma White Paper was sent to Burma, the Burma Government undertook the task of translating it into Burmese and each of the Legislative Council Members was supplied with a copy of the proposed Constitution, both in English and in Burmese. There were also several other copies available and we made full use of those available copies.

Mr. *Isaac Foot*: I understand that the representatives of the Legislative Council, of course, would have this paper themselves and would be able to give to it the very long time necessary for its understanding. You understand it. It is very complicated. It extends over a very wide area and demands a very exhaustive inquiry before any opinion can be expressed. I want to know if you can tell me what opportunity the average Burman constituent had of forming an opinion upon that detailed statement.

Dr. *Ba Maw*: The Burma White Paper is substantially a reproduction of the Prime Minister's proposed Constitution. At the time of the recent General Election everybody who worked for us and with us undertook the task of very carefully explaining the terms of the proposed Constitution to the Burma electorate. It was on those explanations that we conducted our election, and, of course, when the Burma White Paper appeared and when we discovered that it was substantially a reproduction of

the Prime Minister's proposed Constitution, we made them understand that fact, and we further undertook the task of explaining any little departure that we happened to discover.

Mr. *Isaac Foot*: I have only one further question. I am sorry to take up the time of the Committee. There was one further thing you said. You said the decision of your Association was for federation rather than for separation, in the terms of the Prime Minister's statement.

Dr. *Ba Maw*: Quite so.

Mr. *Isaac Foot*: Was that because you did not consider the Prime Minister's statement was adequate to the Burman demand for independence, or because, whatever was proposed, federation would be the desire?

Dr. *Ba Maw*: No. May I explain this, because it is extremely important? Our position is this: We consider the Prime Minister's proposed separation to be a non-Burmese idea of separation, and, as I tried my very best to explain yesterday, of course, "separation" has so far been very loosely and very dangerously used. The term "separation" has meant a mass of loose things to the average Burman. To a considerable number of people it still means an independent and a royal Burma. Separation to another section means Burma for the Burmans; and separation for a third section, that is, the economic section, means purely the doubtful economic advantages of expelling the foreigners and of effecting the restoration of all the lands to Burmans. Therefore, we faced the problem in a concrete and practical way. We say that we oppose the Prime Minister's separation because it does not conform with our ideas of separation, and as this form of separation is unsuitable to us we oppose it.

Mr. *Isaac Foot*: Following upon that, a supplementary question is this: In appealing to your constituencies you had, of course, not only the spoken appeal, you had the written appeal?

Dr. *Ba Maw*: To a certain extent.

Mr. *Isaac Foot*: There would be some written appeal, would there not?

Dr. *Ba Maw*: Yes.

Mr. *Isaac Foot*: You were only able by your voice to reach a certain number of the electorate. There must be a great number to whom you can only send your literature.

Dr. *Ba Maw*: Yes.

Mr. *Isaac Foot*: Can you give us your appeal or address or your written appeal made to your constituents, setting out this question of federation as against separation? Have you got any general form of address that can be handed in to the Committee? Was there a common form of address sent out by you?

Dr. *Ba Maw*: I am afraid I have not brought any copies.

Mr. *Isaac Foot*: Was not there a manifesto of your Party?

Dr. *Ba Maw*: Yes, there was a manifesto.

Mr. *Isaac Foot*: Did that manifesto set out your case?

Dr. *Ba Maw*: We did set out our case.

Mr. *Isaac Foot*: And can we be supplied, in English of course, with the manifesto?

Dr. *Ba Maw*: I am afraid we shall have to write to Burma for it; that will take some time.

Mr. *Morgan Jones*: Has the India Office got it?

Sir *Samuel Hoare*: I understand we have got one or two of these manifestos at the India Office, but I am not quite sure whether it is the manifesto that you refer to. I will look them up and see if they are the kind of thing which you evidently desire. We could then circulate it to the Committee and to the Delegates.

Mr. *Isaac Foot*: All I would like to have is how the question upon which the answer has been given was put before the electors.

Sir *Samuel Hoare*: I will look and see what we have got.

Earl *Winterton*: If we are going to peruse electoral manifestos there is considerable room for doubt as to the interpretation to be put on the particular words of all manifestos of all parties in all countries.

Mr. *Isaac Foot*: Seeing that a very plain answer has been given, I would like to know how the question was put before the electorate.

Marquess of *Lothian*: On both sides.

Earl *Winterton*: On both sides.

Dr. *Ba Maw*: If you wish to pursue this matter, may I request one thing, that as a General Eelection is a General Election all the world over, there were all kinds of influences, and in order to understand the real position I submit

that the manifestos of both sides in every constituency should be seen in order to see how the Separationists obtained their voes and how the Federationists obtained their votes. I am speaking from bitter personal experience.

Mr. *Isaac Foot*: We have all got that.

Dr. *Ba Maw*: I am afraid I shall have to mention one fact, that as the leader of the Anti-Separationists, as the person who was doing the greatest amount of work for the Anti-Separationists, the principal argument against me was that I was a Non-Buddhist, and therefore, as a Non-Buddist, they should not vote for me. That was the principal argument on which I could enlarge further with all kinds of unpleasant details, but I shall refrain from doing so. Whenever I made an attempt to enter any constituency, I was immediately met either at the wharf or at the railway station with huge placards containing all kinds of most violent language against me, attacking me for my religion. On this particular point U Kyaw Din will support me, because he happens to be a Non-Buddhist.

Marquess of *Zetland*: My Lord Chairman, I just wanted to ask a question arising out of something that Mr. Campagnac said. I understood you to say that you thought it was very desirable that whatever the conclusions of this Committee might be on the question of Federation or Separation, an announcement of those conclusions should be made at the earliest possible moment: was not that so?

Mr. *Campagnac*: That is so.

Marquess of *Zetland*: Had you in mind that it was desirable that this Committee should come to its conclusion on that point before the Delegates conclude their deliberations with us?

Mr. *Campagnac*: I think that would be desirable.

Marquess of *Zetland*: Then might I put the same question to U Ba Pe?

U Ba Pe: That is so.

Marquess of *Zetland*: Do you think it is desirable that this Committee should come to its conclusions on the issue of Federation or Separation before you leave us, and that a pronouncement should be made?

U Ba Pe: Certainly.

Marquess of *Zetland*: May I put the same question to U Kyaw Din?

U Kyaw Din: The same thing.

Marquess of *Zetland*: And U Chit Hlaing.

U Chit Hlaing: Yes.

Marquess of *Zetland*: In fact there is general agreement upon the point that the Committee should try to come to its conclusions at the earliest possible moment and that a statement should then be made.

U Chit Hlaing: Yes.

Sir *Austen Chamberlain*: Lord Zetland, will you ascertain (I am not quite certain from the form of your questions) whether it is the wish of all the gentlemen who have answered you that we should reach this decision early in our discussions with them, or whether it will satisfy them if before they leave us the Committee has reached the decision?

Marquess of *Zetland*: Would you answer Sir Austen's question?

Mr. *Campagnac*: I think the decision should be arrived at as early as possible, because if the Committee were going to recommend that Burma should be federated with India, then we would have to discuss the Constitution on quite different lines.

Marquess of *Zetland*: I presume that is the general view.

U Chit Hlaing: That is the general view.

Mr. *Tyabji*: And we also hold that view.

Marquess of *Zetland*: In fact, as far as I can judge, the Delegates are unanimous on that point.

U Chit Hlaing: Yes.

Marquess of *Zetland*: Then a different point. Might I ask Mr. Tyabji this question? I understood, Mr. Tyabji, that while you admitted the financial disabilities from which Burma in common with other provinces of British India has suffered under the Meston Award, you think those disabilities would disappear under a system of Federation? Was not that your point?

Mr. *Tyabji*: To a certain extent, yes.

Marquess of *Zetland*: Could you tell us what grounds you have for supposing that these disabilities would disappear under Federation? My view of these difficulties is that they have been due really to the fact that there has not been enough money to go round. Do you think that there would be more money to go round amongst the Provinces under Federation?

Mr. *Tyabji*: Under the Federation Financial Scheme certain of the taxes,

a portion, for instance, of the income tax, and certain excises, would revert as soon as possible to the provinces.

Marquess of *Zetland*: As soon as possible.

Mr. *Tyabji*: Yes.

Marquess of *Zetland*: Could you go a little further and tell us how soon you think that would be likely to take place?

Mr. *Tyabji*: That, of course, is impossible to say.

Marquess of *Zetland*: Then there was only one other question I wished to ask, and that was also arising out of something that Mr. Tyabji said. He attached great importance, as I think everybody does, to the maintenance of the trade relations between Burma and India. If I understood him rightly, he thought that a trade agreement might secure those relations for a period of years, say, for 10 years, but he thought that they might be disturbed when the trade agreement came to an end. If experience showed that it clearly was in the interests of Burma and of India that the trade relations should continue on the some footing, why does he suppose that the Indian and Burmese Governments would alter the treaty?

Mr. *Tyabji*: From my point of view, the dependence of India on the Burmese trade is not so great as the dependence of Burmese trade on India. Therefore, the danger lies in the fact that in India, perhaps, conditions might emanate out of the separation which later may make it difficult for a trade convention on a free trade basis to be agreed upon.

Marquess of *Zetland*: In other words, you are afraid that under separation the Indian Federal Government might impose tariffs against the Burmese trade? Is that your real fear?

Mr. *Tyabji*: No. For instance, it is not a question of India imposing a tariff wall against Burma, but it might be a question of the development of India or Indian industries or Indian products. For instance, at the present time rice going from Burma is Indian rice, but when Burma is separated it does not remain an Indian product, and the desire might be cultivated to become more self-contained in that respect.

Marquess of *Salisbury*: In India?

Mr. *Tyabji*: In India.

Marquess of *Zetland*: But how do you suggest the Indian Government would set about making themselves more self-contained? You do not apparently fear that the Indian Government would impose a tariff against Burma's rice; at the same time you think India might want to become self-contained in the matter of the production of rice.

Mr. *Tyabji*: In the production of rice and the production of timber, for instance.

Marquess of *Zetland*: Yes. Let us take rice as an example. How do you suggest that the Indian Government is going to achieve its supposed object?

Mr. *Tyabji*: By an increase of agriculture—cultivation.

Marquess of *Zetland*: You are only afraid that the Indian Government may undertake an advanced agricultural policy under which it would produce more rice? Is that not likely to happen in any case?

Mr. *Tyabji*: It may not. So long as Burma is a Province it may not; so long as it supplies cheap rice, it may not happen, but if it becomes a separate entity it may.

Lord *Middleton*: There is one question I would like to ask U Ba Pe. Supposing that legislation based on this Committee's recommendation had not a scheme for Federation—I do not, of course, suggest that it is a probability—would your views on Separation remain unchanged? Do you wish to separate from India in any case?

U Ba Pe: Of the two alternatives, yes.

Marquess of *Salisbury*: Dr. Ba Maw, might I just, merely to clear up one or two answers which you have been kind enough to give to the questions, ask you this: as I understand you prefer Federation to separation on the terms of the Burmese White Paper; but if you got separation on your own terms, which would you prefer—separation or Federation?

Dr. *Ba Maw*: If we got separation on our own terms, any Burman would accept it on those terms. After all, we are approaching it as a very practical proposition, as I submit any other part of the British Empire would approach it. So that, on the basis of that argument, if the terms that we require are guaranteed to us under separation, we would accept separation.

Marquess of *Salisbury*: I thought you would give that answer, only I wanted to make it quite clear. Now might I ask just one question of Mr. Harper? I am afraid I was unlucky enough, owing to causes which I could not control, not to

hear his speeches yesterday, but I gathered enough this morning to know how to put the question, I think—it is with reference to what Lord Reading asked him. As I understand it, you think a trade agreement between Burma and India in the case of separation, of the greatest importance?

Mr. *Harper*: Yes, of the greatest importance; rather, may I say, we consider the maintenance of the trade relations as of great importance.

Marquess of *Salisbury*: Yes. I ought to have said so. Do you think it is a *sine qua non* or that you could not agree to separation on any other terms?

Mr. *Harper*: There you are asking me a question which I am in rather a difficult position to answer on behalf of the European community, because, as I said yesterday, the European community have never been unanimous on this subject. Some of them have thought that this question of the trade relations is so important that as Federation is the only way of maintaining them, that is to say, the trade relations with India, it would be in the best interests of Burma to remain with India. The other view is that no constitution, no decision on this subject which really runs counter to the real wishes of the people will be a success; that the new constitution must be supported by the people of Burma. Therefore it would be no use, or it would not be wise to put on to them for the sake of their trade relations which they might not be able to assess, because if they were not allowed to go wrong, they would not have realised what it would have meant if they had gone wrong—so it would not therefore be wise to make a choice which is against their will and their wishes. In that event the position comes down to this, that we want to get the best of both worlds; we want to get what the Burmese people want.

Marquess of *Salisbury*: That is separation?

Mr. *Harper*: If it is separation; and we want to ensure that the consequences of separation will be, as far as the trade relation question is concerned, adjusted as we want them to be adjusted.

Marquess of *Salisbury*: I quite understand that that is your aspiration, but you think that precautions should be taken by this Committee so that in the final act the possibility of the alteration of the trade relations between Burma and India should be prevented?

Mr. *Harper*: Precisely.

Marquess of *Salisbury*: And to that purpose, I think you suggested in answer to Lord Reading, that there should be some clause inserted in the Constitution Act under which, pending an agreement between the two new Governments, the *status quo* should continue?

Mr. *Harper*: Yes.

Marquess of *Salisbury*: Have you thought of the consequences of such an arrangement? If the *status quo* continued it would not be possible for either Government to deal with their trade relations elsewhere freely until the period was over. May I explain my meaning? It is quite clear that if the Burmese Government or the Indian Government were free to make treaty relations elsewhere in respect of matters of trade which affected the two countries, then it would not be possible to continue the fiscal *status quo*.

Mr. *Harper*: The suggestion is, my Lord, that the *status quo* should be continued until the new Governments have arrived at a trade agreement. We contemplate that that trade agreement should not merely deal with the Indo-Burma trade, but there is room in that for reciprocal arrangements with regard to outside tariffs of both countries.

Marquess of *Salisbury*: That is a very complete and reasonable answer, but that means that until the agreement has been made the fiscal position would be stereotyped.

Mr. *Harper*: So far as the Indo-Burma trade is concerned.

Marquess of *Salisbury*: And not only trade between India and Burma, but all trade elsewhere which deals with the same commodities as the trade between India and Burma.

Mr. *Harper*: We have not asked for the fiscal policies relating to outside trade to remain in the *status quo*.

Marquess of *Salisbury*: But it would have to be so, would it not, because if the Burmese and Indian Governments make different fiscal arrangements with regard to the outside trade it will not be possible to maintain the *status quo* as between themselves.

Mr. *Harper*: We should hope they would consider this trade agreement between themselves as the first item to be adjusted.

Marquess of *Salisbury*: But we have got to consider how we arrange this clause in the Constitution Act. It

appears to me that, upon your footing, we should have to say, supposing we followed the policy you were good enough to suggest, that, as far as the commodities which are in trade between Burma and India are concerned, the fiscal position should be stereotyped, not merely as between Burma and India alone, but elsewhere, until the new trade agreement had been come to.

Mr. *Harper*: We do not regard that as being absolutely necessary. If the Committee thinks so, then we should still consider that our Indo-Burma trade is the more important question to be adjusted.

Marquess of *Salisbury*: I must not press you but I wonder whether you would think over the point as to whether that is not a necessary conclusion of the argument.

Mr. *Harper*: I certainly will do so.

Marquess of *Zetland*: I am not quite clear. Why could not there be a free trade arrangement between India and Burma apart from other trade arrangements?

Marquess of *Salisbury*: It was pointed out by Lord Peel the other day, because then the trade from elsewhere would naturally flow to the market which had the lower tariff, and therefore it would pass to Burma or India, as the case may be, and, once there, it would pass freely straight across the boundary, because there would be free trade between the two; so you could not have it.

Sir *Samuel Hoare*: My Lord Chairman, the problem is a very intricate one, and I have several comments which I would like to make upon the conclusion that Lord Salisbury has just drawn, but I would prefer to make them when we deal with the question as a specific question.

Marquess of *Zetland*: I apologise for having butted in.

Marquess of *Salisbury*: Not in the least. Only one further question. Apart from this trade agreement, you heard the speech which I think Mr. Tyabji made this morning; he said that there ought to be a labour agreement as well as a trade agreement between the two new Governments; is that your view?

Mr. *Harper*: Yes, it is, that point has been dealt with actually in the memorandum which the European community have issued.

Marquess of *Salisbury*: And you think that is also of very great importance?

Mr. *Harper*: Of very great importance.

Marquess of *Salisbury*: You do not put it quite so high as the other.

Mr. *Harper*: I am not so directly concerned, my Lord. I think it is of enormous importance; I think they are both necessary in Burma's interests as well as in India's interests.

Lord *Rankeillour*: I think I must ask a question or two about the convention and the *status quo*, because it is even now not quite clear. I understood you wanted it put in the Constitution Act that the *status quo* should be maintained for a certain number of years.

Mr. *Harper*: We have not suggested any number of years. We have suggested that the *status quo* should be preserved until the new Governments can make their trade agreement.

Lord *Rankeillour*: Until that comes about?

Mr. *Harper*: Until they have concluded their trade agreement.

Lord *Rankeillour*: And if it does not come about the *status quo* would still remain. That is an obvious difficulty.

Mr. *Harper*: It is, my Lord.

Lord *Rankeillour*: But you are assuming all the time that there are separate Governments of India and Burma.

Mr. *Harper*: It would of course force the two Governments to come to an agreement, would it not?

Lord *Rankeillour*: Exactly, and they would have, as regards the outside world, the right to impose what duties they pleased.

Mr. *Harper*: That would be possible.

Lord *Rankeillour*: They might be different, and probably would be different.

Mr. *Harper*: Yes.

Lord *Rankeillour*: Whatever goods were affected by the one and were landed in the one country would be able to go on to the other without any further duty or hindrance.

Mr. *Harper*: I think that is a matter which could be adjusted also, surely, in the Act?

Lord *Rankeillour*: If it was not so it would not be the *status quo* still.

Mr. *Harper*: Not entirely, no; not in that respect, certainly. But it was not intended that anybody should be able to import through the country of the lower tariff; that is not the idea.

Lord *Rankeillour*: If you maintain the *status quo* that must happen. You would have to modify it, otherwise.

Mr. *Harper*: Yes, it will have to be modified to that extent.

Lord *Rankeillour*: And it might happen that the consumers of one country would be benefited at the expense of the consumers of the other country.

Mr. *Harper*: By the tariffs of their own country, yes.

Lord *Rankeillour*: Not necessarily by their own country. It might work to the disadvantage of the other partner, might it not? If Indian producers had a tariff which benefited that produce and that produce was not made in Burma, that is to say, the production of Indian producers, the Burmese consumer might suffer.

Mr. *Harper*: As he does now.

Lord *Rankeillour*: The only other thing is that you do not suggest that the convention shall be made permanent by an Imperial statute?

Mr. *Harper*: We have not suggested that, no.

Lord *Rankeillour*: But then, of course, if it were not, it is liable to be denounced by either party.

Mr. *Harper*: Our view on that was that it would be made by the new Governments and have a greater chance of being renewed at the end of its period.

Lord *Rankeillour*: But, of course, it would be liable to attack from either Legislature.

Mr. *Harper*: It would, yes.

Lord *Rankeillour*: You do not suggest that it is possible for the Constitution Act in advance to contain some provision which would stereotype that convention so that it could only be repealed by a new Imperial Act?

Mr. *Harper*: It would be possible to do so. I have not asked that, but if it were possible to do so——

Lord *Rankeillour*: You would like it if it were possible?

Mr. *Harper*: Yes.

Major *Cadogan*: I must apologise to Dr. Ba Maw for again returning to his speech. He has answered so many questions already, but there is only one I want to ask him. I may be wrong, but his historical analysis of the birth and progress of the anti-separationist movement seemed to me to conflict with the experience of the Royal Statutory Commission. Dr. Ba Maw referred to the vote taken on the motion of U Ba Pe in December, 1929, on the subject of separation, and incidentally I may say that Dr. Ba Maw is quite wrong in saying that that was the only ground upon which we made our recommendation. That is only by the way. But Dr. Ba Maw discounted the effect of that vote on the grounds that the non-co-operators, that is, those not working the Montagu-Chelmsford reforms, were to a man anti-separationists. Is that really so? When we were on the work of the Commission in Burma, we went a long way beyond merely the members of the Council to discover what the feeling was in Burma, and I can refer the Committee to page 184 where we say: "Some may ask whether the verdict of the Council is the verdict of the country as a whole. We ourselves have little doubt from what we heard and saw in Burma, that, so far as there is public opinion in the country it is strongly in favour of separation." I do put it to Dr. Ba Maw that it was not the case that all the non-co-operators then were anti-separationists. I suggest to him that the anti-separationist movement grew some time after the visit of the Royal Statutory Commission to Burma.

Dr. *Ba Maw*: May I submit that what I have stated is literally true, though I admit that there is a small section of non-co-operators who are separationists. I admit that, but the position of the anti-separationists later was conclusively proved by the fact that anti-separation was adopted by the general body of non-co-operators and that they decided to lift the boycott in order to vote against separation. I am referring to the origin of the Jubilee Hall Meeting. That meeting was convened by the three non-co-operating associations, U Chit Hliang's Association, U Soe Thein's Association, and U Su's Association. These three associations admittedly represent the non-co-operating section.

Major *Cadogan*: At that time, in 1929, were they then definitely anti-separationists? That is the point of my question.

Dr. *Ba Maw*: Yes.

Major *Cadogan*: They have not become anti-separationists since the visit of the Statutory Commission? That is what I am asking.

Dr. *Ba Maw*: Anti-separation formed part of their policy. U Chit Hlaing will be able to give us the date because

he worked for it in those days. I was not in politics in those days.

Major *Cadogan*: I understood your point was that when the Statutory Commission visited Burma all the non-co-operators were separationists.

Dr. *Ba Maw*: With the exception of a very small section of non-co-operators.

Sir *Reginald Craddock*: All the questions I was going to ask I think have been covered by the replies already given.

Miss *Pickford*: I would like to ask U Kyaw Din whether he associates himself with the answers that have been given by Dr. Ba Maw?

U Kyaw Din: No, I do not.

Miss *Pickford*: May I ask you a little further. You do not agree with him in favouring federation with India on an equality with other Indian Provinces, without the right to secede?

U Kyaw Din: That is so.

Miss *Pickford*: If that was the alternative you would prefer separation on the lines of the Burmese White Paper?

U Kyaw Din: May I explain my position? Dr. Ba Maw has stated that he was one of those who started this Anti-separationist League. May I also add that I was one of them with him as my trusted colleague in starting this Anti-separationist League. When we started that League it never entered into our minds that we would ever federate with India. We were Anti-separationists on the basis that we would not separate from India on the basis of the Prime Minister's statement. At that time, I wish to make it plain, we had no other White Papers or any scheme of constitution, except the one that was made by the Right Honourable the Prime Minister, at the end of the Burma Round Table Conference. The Indian White Paper was not out then. At that time we were satisfied (I was satisfied at least) that the constitution that would be given to India would be in advance of any constitution that would be given to Burma. On those bases I joined Dr. Ba Maw, or rather Dr. Ba Maw joined me—at least the two of us worked together—that we would go out for a constitution that would be equal at least to that of India. On those bases we worked and started this Anti-separationist movement. If I may recall the speech I made, I made my position extremely clear as to what I mean by "Anti-separationist." This was in the Legislative Council—the speech on Anti-separation was first led by me; I led and Dr. Ba Maw and others followed me. These were my words: "Therefore Anti-separation does not necessarily mean federation. Anti-separation, as far as we are concerned, means this, that we are not satisfied with the constitution, but we are prepared to consider any constitution that would be satisfactory to the people of Burma." Then the White Paper for India comes. The White Paper for Burma comes. I compared the two. I was satisfied in my own mind that the constitution as promised to Burma, or as outlined for Burma, if I may put it that way, is equal to the constitution as outlined for India. To my mind there was no object in holding back when we would be under the same constitution. I have been accused of turning somersaults. I never turned somersaults in my life. On the other hand my other Anti-separationist friends who supported me in the Council turned somersaults. They said they would never agree to permanent federation. That was our war cry. That is how I got that big majority. That is my position.

Miss *Pickford*: May I ask Dr. Ba Maw just one question. He said in reply to Lord Salisbury that he would prefer separation on Burmese terms. I take it that that is the ultimate ideal which he holds out.

Dr. *Ba Maw*: That is so.

Miss *Pickford*: Could he tell me in a few words what are his reasons for thinking that he will reach that ideal by means of federation?

Dr. *Ba Maw*: I am not thinking of what is going to happen in the future. I am at present restricting myself, as the British Government required us to do, to the two alternatives placed before us, and, facing these two alternatives as a practical man, I say that I prefer the federal alternative.

Sir *John Wardlaw-Milne*: My Lord Chairman, I am in a little difficulty because the question I want to ask has already been touched on, and it may have been answered, and, if it has, of course, I withdraw it. The point that

has interested me particularly is in connection with the remarks which were made yesterday regarding the election. U Chit Hlaing, for example, I think particularly said that the matter had been put to the Burmese people, and they had given their decision. I am paraphrasing his words, but I think that was in effect what he said. I want to ask this: Would these Delegates who support federation, and also those who are in favour of separation, answer me this question: Was the choice put before the electorate of Burma of separation, on the one hand, and permanent federation on the other?

U Kyaw Din: Never.

Sir *John Wardlaw-Milne*: May I finish the question to make it perfectly clear. Or was it, in fact, thus put before them, of separation on the one hand, and federation, possibly leading to better terms with some right of secession, whether stated or implied?

U Kyaw Din: That is so.

Sir *John Wardlaw-Milne*: I want to know which was put before the people of Burma?

U Kyaw Din: I can explain myself, my Lord Chairman, with your permission. When this propaganda was started it was started by Dr. Ba Maw and myself. I have spoken to as many meetings as Dr. Ba Maw did, sometimes in the same places, and sometimes in different places. I have always put forward that we would oppose permanent and unconditional federation at all costs. Dr. Ba Maw could not deny that.

Sir *John Wardlaw-Milne*: Does Dr. Ba Maw agree with it?

Dr. *Ba Maw*: May I explain, I do not agree because, realising the responsibility placed upon me in giving answers to the Committee I do not wish to make statements that I cannot support. I am appealing to actual records and actual facts. I want these facts to speak for themselves, whatever claims U Kyaw Din may make. I suppose he has reasons for making claims before this Committee which he would never have made in Burma.

U Kyaw Din: You have made claims.

Dr. *Ba Maw*: Fact No. 1 is that when we started the League we called ourselves Anti-Separationists. Now this is an extremely important fact; we never called ourselves conditional Federalists; we never called ourselves by any other name. We called ourselves "Anti-Separationists," and the Jubilee Hall resolutions will bear me out on that point. That is Fact No. 1. Fact No. 2 is: At every meeting where we did pass resolutions the first resolution always related to an unconditional opposition of separation on the basis of the Prime Minister's proposed constitution.

U Kyaw Din: That is right.

Dr. *Ba Maw*: Then, after having made clear these points, we go to the other points, namely, we say that we want a constitution acceptable to Burma; secondly, that we are opposed to an unconditional and perpetual federation. I am sure the Committee will fully appreciate this political situation because naturally, particularly in our part of the world, we start with certain fundamental propositions, and we go to propositions which are not primary but secondary, inasmuch as they merely proceed from the first propositions. But our first and foremost propositions are propositions embodied in our very name, that we are anti-separationists. While I am answering this question may I proceed further, because I feel that I owe a duty to explain these things. Up to now, of course, U Kyaw Din has also tried to stress the fourth resolution, and entirely ignored the first, second and third resolutions, and U Kyaw Din has given as his reason for doing so namely the appearance of the Indian White Paper and the Burma White Paper. I wish to submit one objective fact, that U Kyaw Din changed his colours months before the Indian White Paper and the Burma White Paper appeared.

U Kyaw Din: You are not correct.

Dr. *Ba Maw*: Here is a fact. U Kyaw Din stood for election at Henzada South as a Member of my party, and, within a fortnight of the election, he left the Party and made that speech after he had left the Party. A further fact (it is a painful fact, but I must mention it) is that we unfortunately have not the salutary convention that protects the integrity of Parliament in Britain. In other words, when people change their position on fundamental questions, they do not consider it their moral obligation to seek the sanction of their constituency, with the result that in spite of all those statements made by U Kyaw Din before this Committee he has not made them in his constituency.

U Kyaw Din: I protest.

Dr. *Ba Maw*: With the result that the Anti-separationist League of his constituency unanimously passed a vote of non-confidence against him.

U Kyaw Din: That is not so.

Sir *John Wardlaw-Milne*: I am sure the Committee are interested in what has been said, but I wonder if Dr. Ba Maw will be kind enough to tell me the answer to my question? With great respect, what he has told me is extremely interesting as to his own view and the view of some of his colleagues here, but the question I want to ask him is one of fact, quite apart from any view he may himself hold, whether he is able to say as a mere onlooker that the question which was put to the electorate did give them the impression that the choice was between separation and permanent federation or not?

U Kyaw Din: I never gave that impression, my Lord. I always preached that separation, on the Premier's statement, is not good enough for us. But, on the other hand, I preached as strongly that permanent federation was detrimental and death to Burma's aspirations. In my constituency, and in the constituencies I spoke in, there was not one man, and there is not one man who will say "We will go in for permanent federation." I may inform this Committee, Sir, why U Chit Hlaing's party was separated from Dr. Ba Maw's party. U Chit Hlaing's party was for permanent federation; Dr. Ba Maw's party was not. That was the reason why there was this division at the beginning of the new Council.

Sir *John Wardlaw-Milne*: Then you would agree that that choice was not put before the people of Burma?

U Kyaw Din: Absolutely.

Sir *John Wardlaw-Milne*: U Ba Pe, would you agree with it?

U Ba Pe: Quite so.

Sir *John Wardlaw-Milne*: You agree it was not put before them?

U Ba Pe: Yes.

Sir *John Wardlaw-Milne*: I want to ask Mr. Harper a number of questions on details which I will reserve till we come to the question of trade relations, but there is one main question, and that is in connection with your proposal for a convention or agreement. You suggested, I think, to the Committee, that it was perhaps desirable, and I think we would all agree with that if it were possible that such an agreement or convention should be made between the new Governments.

Mr. *K. B. Harper*: Yes.

Sir *John Wardlaw-Milne*: Firstly, are you prepared to run the risk of leaving it to the new Governments (that is really one part of the question) and, secondly, supposing the new Governments cannot agree, what then? Is your idea of a continuation of what I will call, for the sake of brevity, the present Free Trade position, that that should *continue until in fact the two Governments* can agree, so that if, by any chance, one Government could not agree with the other, or stood out, Free Trade would continue for ever. How are you to be safeguarded?

Mr. *K. B. Harper*: I tried to answer this question this morning. I agree it is a point of great difficulty.

Sir *John Wardlaw-Milne*: If it has been answered, do not trouble to repeat your answer.

Mr. *K. B. Harper*: First of all, we think that the Government will be forced into some kind of an agreement by having that rather indefinite provision, but in all these matters of trade agreements we have been advised that it is impossible to make any provision which will last for ever, and that a period of some kind, in some form, will have to be put.

Sir *John Wardlaw-Milne*: On the whole, you are prepared to leave it to the goodwill of the two Governments?

Mr. *K. B. Harper*: We are prepared to do so.

Sir *John Wardlaw-Milne*: As I understand, you have already answered this to some extent, at any rate, I will not pursue it, but I want to get this point clear. Are you pinning any faith to the continuation of the present system until in fact the two parties to an agreement come together?

Mr. *K. B. Harper*: Yes, we are, in the sense that we think that when the new Governments have really considered their opinion, they will want to continue the present relations.

Sir *John Wardlaw-Milne*: And if they do not agree, you are safeguarded that the present conditions must continue until they do agree. Is that it?

Mr. *K. B. Harper*: That is as our proposal is worded, but I would not like to say whether that was our intention.

Lord *Eustace Percy*: I do not want to go further into the past politics of Burma at all, but I should like to get

clear what Dr. Ba Maw's views really are. I thought I understood him, until his reply to Miss Pickford, in which he said he was not concerned with the future, but only with the present choice placed before the people of Burma by the Prime Minister. Surely, if one of those alternatives is permanent federation, you cannot say that you are or are not in favour of permanent federation without thinking about the future. Is Dr. Ba Maw in favour of a permanent federation with India on the terms of the Indian White Paper?

Dr. *Ba Maw*: I thought I made myself completely clear on this point. I am against both the terms of the separation as contained in the Burma White Paper as well as the terms of Federation as contained in the India White Paper. That is my complete attitude towards the constitutional part of the question, but if I am faced with these two alternatives on the principle of the lesser evil, I and U Chit Hlaing prefer the Federal alternative.

Lord *Eustace Percy*: And you prefer committing yourselves at this moment to permanent federation?

Dr. *Ba Maw*: If I have no choice. As I explained, the December resolution still contains our complete demand. If we cannot get the terms of the December resolution we are forced by circumstances to accept the next best thing: that is the federal alternative.

Lord *Eustace Percy*: But, Dr. Ba Maw, you say, "the federal alternative" in general terms.

Dr. *Ba Maw*: Exactly.

Lord *Eustace Percy*: But you choose that, knowing that it means permanent federation.

Dr. *Ba Maw*: With all its consequences.

Lord *Eustace Percy*: May I explain, in order that I may not appear to be laying a trap for you, what is in my mind? It has been obvious, I think, from all our discussions on the India White Paper that whatever may be the views of various sections of Indian opinion as to developments in the future, no section of Indian opinion anticipates that the Provinces, as against the Centre, will have wider powers or a wider autonomy in the future than they would have at the beginning of the Federation. Therefore, Burma in entering Federation on a permanent basis, would be permanently committed to a restriction to the Provincial powers as laid down in the White Paper. I am not now bringing into the question anything about the Governor's Special Responsibilities or the degree of responsible government. I am only talking of the powers of the Province as compared with the powers of the Centre. Therefore, you would be permanently committing yourselves to the Burma Legislature having no more power than is provided for a Province in the India White Paper *permanently*. Are you prepared to accept that as what you call the next best alternative.

Dr. *Ba Maw*: Yes.

Lord *Eustace Percy*: My Lord Chairman, I had wished to ask Mr. Cowasji some questions on his financial statement, which I confess I did not follow, but I think perhaps it would be best to postpone that until we have the figures before us in writing.

Chairman: I quite agree.

Major *C. R. Attlee*: Just to follow up that last question, Dr. Ba Maw, would you say briefly why you think that is the lesser of two evils?

Dr. *Ba Maw*: Because, first of all, it is the mandate of the country. The feeling of the country is——

Major *C. R. Attlee*: I have got that part. I was really asking for your personal point of view as a practical politician, looking at the thing—not what the verdict of the country was; but in what respects you thought it was better.

Dr. *Ba Maw*: Because, to give a short answer to that, we feel that it is safer to be in the Indian Federation than to separate on the proposed terms.

Major *C. R. Attlee*: Safer for whom?

Dr. *Ba Maw*: Safer economically, politically, and in various other respects.

Major *C. R. Attlee*: Safer economically: Do you think Burma cannot run itself financially; is that right?

Dr. *Ba Maw*: I am absolutely certain.

Major *C. R. Attlee*: You think there will be more money to spend in Burma if you belong to the Federation.

Dr. *Ba Maw*: I think that we will get more benefit out of the moneys actually spent.

Major *C. R. Attlee*: Do you anticipate that the finances of Burma are likely to improve, or is this a reason for permanent Federation, because you think that Burma is so constituted that it never can stand alone?

Dr. *Ba Maw*: Because at present, to my mind—I may be taking a very dark view of things—as things are, Burma is an entirely agricultural country. We are entirely dependent, as far as the masses go, upon rice, and in the present world conditions I think that it will take us very many more lean years before we can recover from the present depression, and during that time and in the years to follow, if we are in the Federation, Indian credit and Indian trade will save the situation.

Major *C. R. Attlee*: Do you mean with the credit of the Government of India behind you?

Dr. *Ba Maw*: Exactly.

Major *C. R. Attlee*: Is not it a fact that at present Burma pays a considerable contribution to the Government of India which suggests on any financial adjustment she would pay less?

Dr. *Ba Maw*: That is a question that has received various answers. My point of view is that the money we are actually paying is not to India but to the Central subjects in India. The Central subjects will always be there and under the proposed Constitution in the Burma White Paper those Central subjects will be directly under the control of the Governor and the financial adviser. Therefore, whether those Central subjects are in India proper or whether they are in Burma, we must contribute these revenues towards their control, and so long as those Central subjects are not in Burmese hands we shall not have much say in their management. So long as that is a fact, which will be so under the proposed Burma White Paper Constitution, Burmans do not have much of a choice between the two. Whether the Central subjects are managed in India or in Burma they will not be under popular control. Therefore the moneys that we pay will, whether it be federation or whether it be separation, not be controlled by our popular Legislature under the proposed Constitution.

Major *C. R. Attlee*: I take your answer. I could not quite agree, perhaps, on the financial settlement. Your second point was that it would be politically better for Burma to be in the Indian Federation. What did you mean by that?

Dr. *Ba Maw*: Politically, looking to the future, it is my personal conviction that it will be the day for federations; that the position of the bigger and the stronger countries will be very appreciably better than the position of the smaller and isolated countries; and my statement is based upon that personal conviction, that we shall receive better protection and we shall feel greater benefit all round in a federation, unless, of course, decidedly greater benefits than what we can derive from a federation are guaranteed to us in our Constitution. I am approaching the subject entirely as a practical man. If I have to choose between two things, I say, as a practical man, that a proposition that ensures greater benefits to my country is the proposition that I must accept.

Major *C. R. Attlee*: Of course, you have ruled out independence altogether on financial grounds, so we can leave that aside, because you have said that Burma cannot stand alone financially. So with you it is merely a question whether you would like to join up with this Federation or that Federation. Is not that so?

Dr. *Ba Maw*: In our present circumstances.

Major *C. R. Attlee*: How do you mean?

Dr. *Ba Maw*: So long as we do not have effective control of all the subjects, particularly finance, I consider that it will be more advantageous for Burma to be in the Indian Federation.

Major *C. R. Attlee*: Do you suggest that your financial resources would be increased if you were entirely independent, and therefore you could manage, if you were entirely independent, while you could not manage as long as there was any other control than your own?

Dr. *Ba Maw*: My personal conviction is that if we had effective control of the subjects we could very easily balance our Budget, and as long as we could balance our Budget and ensure two full meals a day to our agriculturists, to our masses, I should be very happy.

Major *Attlee*: That seems to me rather to conflict with your last point, that as a purely agricultural country you never could expect to stand by yourselves.

Dr. *Ba Maw*: I am talking of the present circumstances, where our finances are not under popular control; facts are facts; with the result that before we can talk about our money, half of it or more is expended upon subjects over which we have absolutely no control.

Major *Attlee*: Which subjects are those?

Dr. *Ba Maw*: The Services, the administration of which is our most expensive item in the Budget.

Major *Attlee*: I suppose you will still come under the Central Government as far as the Indian Civil Service is concerned?

Dr. *Ba Maw*: Quite so.

Major *Attlee*: Would you prefer that to be Burmanised or Indianised?

Dr. *Ba Maw*: Naturally I prefer it to be Burmanised.

Major *Attlee*: Which do you think it will be under the Federation?

Dr. *Ba Maw*: What is actually taking place in our country now is that the Government has interpreted the term "Indianisation" applied to Burma as "Burmanisation."

Major *Attlee*: Supposing it was interpreted the other way would you have any objection to your Services being Indianised?

Dr. *Ba Maw*: Most certainly so, and I am perfectly certain any Indian Province would have the greatest objection to members of other Provinces coming into its Services. I stand on exactly the same level with the rest of the Indian Provinces. Bengal would have the strongest objections to recruitment to its Services being made in Madras.

Major *Attlee*: It was only asking about All-India Services.

Dr. *Ba Maw*: At present under the present system we are recruiting in Burma to a certain section of the All-India Services.

Major *Attlee*: One point you made was economic, the other was political. What was the third point?

Dr. *Ba Maw*: These are the two points.

Major *Attlee*: Thank you.

Lord *Hardinge of Penshurst*: Mr. Tyabji this morning referred to Indian immigration and you mentioned the necessity for a labour convention. Is there at present any system of control of Indian immigration into Burma?

Mr. *Tyabji*: No, there is no control at present.

Lord *Hardinge of Penshurst*: Why is Indian immigration into Burma necessary at all? Are there not sufficient labourers from the backward classes that would make immigration unnecessary and would even contribute to the civilisation of these backward classes?

Mr. *Tyabji*: My Lord, the position in Burma is this: It is a very large country, very sparsely populated. It has, I think, about 68 persons to a square mile, and it is a country which is still undeveloped and has a very small population of about 1,45 lakhs. The cultivation in Burma has increased enormously, and, therefore, all the fresh population is taken up in agricultural pursuits. Therefore, the industrial labour that is required in Burma is supplied mainly by the Indian immigrant labour. Also the work of the Indian labour, the industrial work in Burma, is very much seasonal, that is to say, the rice mills, and the rice mills particularly, which employ quite a large amount of labour, work only for certain months in the year, and after the labour has done its work in the rice mills it goes over to the fields and does a certain amount of agricultural labour. Then again it comes back, a certain amount of it, and does work which is called casual work on the wharves and in the city for transport work, so it rotates during the year. At the present time, and for many years to come, it does not seem possible that there would be any amount of Burmese labour which would be available for industrial work. It is also considered that the agricultural expansion of the country would take up almost all the increase in the population. Therefore, the Indian labour is considered to be a necessity in Burma.

Lord *Hardinge of Penshurst*: Then the backward classes do not work at all?

Mr. *Tyabji*: There are no backward classes in Burma.

Lord *Hardinge of Penshurst*: I meant the tribal classes.

Mr. *Tyabji*: The tribal classes are all agriculturists.

Lord *Hardinge of Penshurst*: They do work in the fields?

Mr. *Tyabji*: They do work in the fields.

Lord *Hutchison of Montrose*: I would like to ask Dr. Ba Maw a question. I understand when the Statutory Commission under Sir John Simon visited Burma in 1929, the opinion then expressed, as expressed on page 184 of the Second Volume of that Report, was the almost unanimous opinion in Burma then in regard to their favour for separation.

Dr. *Ba Maw*: The opinion expressed?

Lord *Hutchison of Montrose*: At that time in 1929.

Dr. *Ba Maw*: In 1929 the witnesses who appeared before the Statutory Commission did make statements to that effect.

Lord *Hutchison of Montrose*: I understand also that in the Council the question there was carried almost unanimously?

Dr. *Ba Maw*: Quite so, my Lord. In those days, the present anti-separationists were non-co-operating with dyarchy.

Lord *Hutchison of Montrose*: Might I ask you what has caused this reversion of opinion that has now come along, in your view and in your friends' view, that Federation will be better for Burma than separation?

Dr. *Ba Maw*: First of all, may I submit that there has been no reversion; that the non-co-operating section has consistently held to the view that separation on any terms less than Dominion status would be unacceptable for Burma. Rightly or wrongly they have consistently adhered to that point of view and consistently with that and with their policy of non-co-operation, they refused to have anything to do with the dyarchical councils and also with the Statutory Commission when it visited Burma. It was only when His Majesty's Government, through the Prime Minister, gave us a definite pledge that the decision will be according to the result of a General Election that U Chit Hlaing and I persuaded the non-co-operating element to vote and to enter the Council merely for the purpose of registering a protest against separation, as offered by the Prime Minister.

Lord *Hutchison of Montrose*: Then may I take it that the result of the recent elections has altered your opinion in Burma?

Dr. *Ba Maw*: I should put it this way, my Lord: The result of the election has brought out the real opinion of Burma on the issue.

Lord *Hutchison of Montrose*: I only want to bring out the point that of course we here, in the British Parliament, are somewhat in a fog as to the reasons for the change of view as expressed in this Report and as expressed by yourself yesterday and to-day.

U Chit Hlaing: There was no change at all.

Earl *Peel*: I would just like to ask two questions only. The first is from Dr. Ba Maw. He has told us, I think, that the separationists are only in favour of separation on the basis of Dominion status. That is so, is it not?

Dr. *Ba Maw*: And for that I am quoting two authorities. One is taken from a speech made in the Burmese Legislative Council by the accredited leader of the separationists, U Ba Pe in August, 1930, and the other is the first part of the December Resolution.

Earl *Peel*: I am not questioning your statement; I only wanted to found a question on it. In that case, if you do not have that you prefer to join the Indian Federation?

Dr. *Ba Maw*: Quite so, if we do not get the terms stated in the December Resolution.

Earl *Peel*: If you do not get your full terms?

Dr. *Ba Maw*: Yes.

Earl *Peel*: After all, compromise we all hate, do we not? In that case, as I say, you are prepared to enter the Indian Federation, but, of course, if you do that, do you not sacrifice any chance you might ever have of obtaining Dominion Status for Burma, either to-day or years ahead? You give up that ambition altogether?

Dr. *Ba Maw*: I am prepared to admit that to a certain extent, but at the same time what is much more vital to us is the immediate future rather than the remote future.

Earl *Peel*: You do not bother about posterity at all?

Dr. *Ba Maw*: I do, my Lord, but our first duty is to safeguard the immediate future.

Earl *Peel*: But when you are looking to the immediate future you are cutting yourselves off from something in, I will not say the remote future, but in the middle future. Is that not so?

Dr. *Ba Maw*: With due respect, I am not in a position, neither am I prepared, to discuss things that will occur in the next generation, whatever they may be.

Earl *Peel*: You want to stand on what you said, do you?

Dr. *Ba Maw*: Quite so.

Earl *Peel*: There is only one more question I want to ask. I am not quite sure to whom I should address it. I think it was Mr. Tyabji who said that there would be some risk in separation because the great bulk, or anyhow a very large percentage, of the rice export on which Burma depended so much went to India?

Mr. *Tyabji*: Yes, that is so, my Lord.

Earl *Peel*: I think it was you who said that the whole export of Burma to India, though large from the point of view of Burma, only represented 5 per cent. of the total production of India?

Mr. *Tyabji*: Yes.

Earl *Peel*: Therefore I think your fears were that India, by increasing its production, might very seriously injure Burma by not requiring the rice from Burma, and that Burma would not be able to get another market for its rice?

Mr. *Tyabji*: That was my point.

Earl *Peel*: But is it not the fact (you have been speaking about the seasonal immigration of Indians into Burma for certain purposes) that it is very much to the interests of India that, as it were, her surplus labour should migrate for certain periods to Burma in order to get employment?

Mr. *Tyabji*: That is so, my Lord.

Earl *Peel*: If that is so, Burma has got a very strong hand, has it not, in any negotiation with India? She can say to India, "Well, you must take our rice because otherwise we might wish to cut off the supply of this labour to Burma." Therefore you would be negotiating on fairly equal terms with India, would you not?

Mr. *Tyabji*: May I say this, my Lord, that although the Indian labour coming to Burma is about 3 lakhs per annum, still the number is not such a large one that if it did not find an outlet in Burma it would be impossible for those people to live. The improvement in agriculture and the improvement in industries in India itself would probably be providing a certain amount of work for the labour which at present goes out of India. It has, at the same time, outlets in different parts or other parts of the world, such as Ceylon, Singapore, Shanghai, Mauritius and Kenya, and therefore the outlet is not restricted only to Burma as the outlet of rice is restricted to India.

Earl *Peel*: I suppose it is likely also that although, as we know, Burma depends so much on its rice at present, equally with India it will probably develop its industries as well, and the demand for labour from India will probably increase. Of course, a certain amount will be taken up, no doubt, by the Burmese themselves, but it is likely to increase, is it not, and therefore the surplus labour is not likely to be absorbed by emigration to other places?

Mr. *Tyabji*: Looking at the present, and, say, for five or ten years ahead, it does not seem that there will be such a very large demand for an increase of labour in Burma.

Earl *Peel*: Therefore you think on the whole that the interests in the two countries, as it were, would not be so evenly balanced, as I suggested?

Mr. *Tyabji*: Yes, my Lord.

Chairman: My Lords and Gentlemen, I understand that the Secretary of State desires to put no further questions. Does any member of the Committee desire to put any other questions?

I should propose now that the Committee and Delegates should proceed to examine in detail the proposals of the Burma White Paper in accordance with the detailed programme which has been circulated. Subject to the approval of the Committee, I do not propose to cause to be taken a verbatim report of this next phase of our inquiry.

May I at this stage say to the Burma Delegation—and I should like these words to go upon the Note—that during our work together it is, of course, understood that a Delegate who happens to be an anti-Separationist must not be held to prejudice in the slightest degree his case upon the main issue of Separation versus Federation by reason of the fact that such Delegate is prepared to make his contribution towards an examination of the scheme of Constitutional Reform in Burma as set out in the Burma White Paper.

Ordered, That this Committee be adjourned to to-morrow at half-past Ten o'clock.

RECORD B.2

[15TH MARCH, 1934.]

The following Memoranda were handed in by Burma Delegates after their discussions with the Committee had terminated

I.—Memorandum Submitted to the Joint Committee on her departure by Dr. Ma Saw Sa on Wifehood Franchise and the proposal to reserve Seats for Women

As the representative of Burmese women in the Burma Delegation I welcome the recommendation of literacy and age qualifications for women by the Indian Franchise Committee. But this does not widen the franchise enough for practical purposes. We cannot accept the recommendation that the wife of a man with property qualification be not granted the vote in Burma on the ground that it would bring the number of women voters into practical equality with the number of male voters. Even though equal numbers be enfranchised, we cannot hope for a full voting strength in operation at the beginning before things settle down. Even later, women for reasons peculiar to them and for reasons of household duties may be prevented from taking full advantage of their vote.

Apart from that, we claim that, in the case of votes given to a man on property qualification, the wife is equally entitled to vote, on the same ground, because she is, in Burma, the joint owner of property. The claim is so clear, asking only a fair treatment of men and women alike, that I feel that there should be no question about it.

We claim wifehood franchise for the wives of all men who vote on other qualifications, also, for the same reason.

On the principle of equal status with men, we are not at all in favour of having seats reserved for women.

The Burmese women are fully emancipated and are regarded by men in our land as equal partners with them in home, economic and political matters, as borne out by their unanimous and full support of our claims.

As Burma is expected and is hoping to make a definite forward move, under the new Constitution, we feel that it is only in keeping with the tradition of Burma that women should keep pace with men and that therefore it is important and necessary that we be given our own rightful place and a fair share in the working of the Constitution. If, by narrowing down the franchise, women are not given their natural place, our national progress and our constitutional advance will be set back.

I trust that the rights and claims of women, forming practically half the population, may have adequate importance given to them, and that mere increase of work in preparing electoral rolls and running the elections would not be accepted as an excuse for denying them their just rights and claims.

RECORD B.2 (*continued*)

II.—General Memorandum submitted to the Joint Committee on his departure by U Chit Hlaing on the Position of Burma

1. Burma is at present a part of the Indian Empire. She has her own Legislative Council and has her representatives in the Indian Council of State and Legislative Assembly.

2. From the point of view of Government, Civil Service, police, trade, fiscal policy and foreign policy, she is, and for generations has been in fact, part and parcel of the Indian Empire. Not only so but the people of Burma have come to look on themselves and their country as part of the Indian Empire and as sharers in its destiny.

3. It is true that the Government of Burma has made in recent years many moves towards the separation of Burma from the remainder of the Indian Empire, but these have been official actions and preparations and have not received the sanction of the people of Burma.

4. The majority of people in Burma were opposed to the diarchical constitution inaugurated by the Montagu-Chelmsford Reforms and for ten years (until the last General Election) took no part either in the elections or in the legislatures. They were opposed also to the Statutory Commission presided over by Sir John Simon and gave no evidence before it.

5. The only people who took part in the elections, sat in the legislatures at Rangoon and Delhi or Simla, and gave evidence before the Statutory Commission, were the so-called co-operators and it was from the ranks of this minority only that representatives were invited to serve on the First Indian Round Table Conference.

6. We who wish to continue as part of the Indian Federation never accepted them as acting or speaking for the majority of the electors of Burma whom I, Dr. Ba Maw, and others represent, nor do we accept them now as speaking for any except a minority of the people and electors of Burma.

7. On their statements, backed up by the Government of Burma and the India Office, it was assumed that Burma would wish to be separated from India. A Burma Round Table Conference was held in London, at St. James's Palace, from 27th November, 1931, to 12th January, 1932.

8. At that Burma Round Table Conference we, the Burman majority, who desire to remain in the Indian Federation, were represented for the first time.

9. In spite of our statements there, most of the time of that Conference, as most of the time that we have sat as Delegates with this Joint Select Committee, was spent in discussing the kind of constitution Burma should have *if she were separated from India.*

10. It was agreed on all sides, at the Burma Round Table Conference, that the decision of separation from or continued federation with India should be decided by the people of Burma by their votes on this distinct issue at a General Election to be held after our return to Burma following the conclusion of the Burma Round Table Conference.

11. At the final session of that Conference the Prime Minister made the matter crystal clear. He read a statement which he was "authorised to make" by his "colleagues of His Majesty's Government." *

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* Cmd. 4004 of 1932 p. 182.

12. The chief points in the Prime Minister's Declaration were contained in these words:—

"The first step is to *ascertain whether the people of Burma* endorse the provisional decision that separation should take place. . . .

"*The people of Burma will be in a position to decide* whether or not they are in favour of separation from India. His Majesty's Government consider that the decision might best be taken after a general election at which the broad issue had been placed before the electorate. . . .

"*That decision will determine* whether, on the one hand, Burma should be independent of India with a Constitution on the lines set forth above or, on the other hand, should remain a Province of India with the prospects indicated in the proceedings of the two Sessions of the Indian Round Table Conference—and in this connection it should be remembered that if an Indian Federation is established it cannot be on the basis that members can leave it as and when they choose." *

(*My Italics.*)

13. The Prime Minister's statement was translated into Burmese, printed as a booklet (a copy of which was exhibited to the Joint Select Committee), and circulated by the Government of Burma by thousands in every village in Burma. It is impossible, therefore, to argue that the electors of Burma were not fully cognisant of the issue to be voted on at the General Election, of their responsibility in casting their votes, and of the express statement made by the Prime Minister that Burma's decision on this question of federation or separation was final and conclusive.

14. The issue put before the electors of Burma was further emphasised and made clear by a statement, made by the Secretary of State for India in the House of Commons on 20th March, 1933, after the General Election had taken place. In this statement the Secretary of State for India used these words:—

"*In the event of Burma electing for separation from India*, His Majesty's Government hope that it will be possible for the Joint Select Committee to examine their proposals for a Constitution for a separated Burma, and to do so in consultation with representatives of Burma, in the same way as it is proposed that representatives of India should be taken into consultation on the Indian proposals.

"The second of *the two alternatives open to Burma* is to remain a province of British India and be included as a Governor's Province in the Indian Federation. It has been explained more than once in this House, and also in the Legislative Council in Burma, that no differentiation in favour of any one Province in respect of conditions of inclusion in the Federation is possible. The constitutional proposals for each and every Governor's Province are now shown in detail in the White Paper that has just been laid.

"*If Burma chooses to remain a Province of India* in the Indian Federation, the proposals contained in this White Paper for the structure of the Provincial Constitutions, for the relations between Provinces and the Federal authority, and for the allocation of revenue between Provincial and Federal Exchequers, will be applicable to her as to all other Provinces; and the inclusion of Burma will necessitate no modification of these proposals. Her inclusion would, however, involve some revision of the Federal proposals, in respect, particularly,

* Cmd. 4004 of 1932, Pages 182-183.

of the composition of the Federal Legislature. His Majesty's Government contemplate that, *if Burma elects for inclusion in the Federation* while the present proposals are under consideration by the Joint Select Committee, the adjustments involved by her inclusion might be made at the Committee stage; but it is evident that the longer that Burma delays a choice between the only two alternatives that are open, the greater will be the delay to the prospects of her own constitutional development." *

(*My Italics.*)

15. If after that Election, fought on the issue fixed by His Majesty's Government, Burma is now separated from India against the clear expression of their wishes given by a large majority of the people of Burma at the General Election, it will shake the faith of the Burman people in the sanctity of British pledges. I dread and am unable to anticipate what the possible reactions in Burma may be. This is a matter that affects the people of Burma vitally in their economic and financial future. They look to His Majesty's Government to fulfil the pledge given to them by your Prime Minister. They feel no doubt that such pledges are as sacred to you as they are to us. I pray you not to force our people into the belief that a promise given to them by His Majesty's Government is not to be relied on to be carried out to the full. We have trusted you and pray that the trust of a people 8,000 miles away from your shores may not be misplaced.

16. There is no party or section in Burma or in the Legislative Council—not even the Separationists represented by the People's Party led by U Ba Pe—which has not refused to accept the separated constitution for Burma outlined by the Prime Minister at the conclusion of the Burma Round Table Conference. Indeed, all parties have voted against such a constitution as being quite unacceptable to Burma.

17. The General Election, for the election of 80 members to the Burma Legislative Council, *on the issue fixed by the British Cabinet*, was held in Burma in November, 1932. The final results were as follows:—

Anti-Separationists	42
Separationists	29
Neutrals	9

The figures were given by me in the Discussion between the Joint Committee and the Delegates from Burma on 6th December, 1933, as Anti-Separationists over 500,000; and Separationists 270,000. The voting was therefore nearly 2 to 1 in favour of continuing the association with India and against separation.†

The "Morning Post" of London, commenting upon this, said that "the Burmans have now to all appearances voluntarily voted themselves into the proposed Federation of All-India." That exactly sums up the position.

18. We were astounded, in the course of our earlier discussions with the Joint Select Committee on 7th December, 1933, to hear the Secretary of State say that—

"*The Government never said that the general election need necessarily be the final word in the controversy.* The Prime Minister was very

* HANSARD. Vol. 276. No. 53. 20th March 1933. Cols. 3 & 4.

† RECORD OF DISCUSSIONS. B1 [Joint Committee on Indian Constitutional Reform. (Session 1933-34.) Volume II, p. 119.]

careful to state both at the beginning of his speech and later on in his speech that the opinion of Burma would be asked and that when we had received the opinion of Burma, then *the Government would have to arrive at its own decision;* but never on any occasion has the Prime Minister or any Member of the Government abdicated the right of the Government or the right of this Committee or the right of Parliament to come to any decision that they thought fit, whatever may have been the result of the general election. I would remind the Committee of the words that were actually used by the Prime Minister on page 178 of the proceedings of the Round Table Conference. I will read one or two of the material paragraphs: 'His Majesty's Government are prepared, if and when they are satisfied that the desire of the people of Burma is that the Government of their country should be separated from that of India, to take steps subject to the approval of Parliament,' and so on. Then again there is another passage on page 182, the passage at the bottom of the page: 'With this material before them, the people of Burma will be in a position to decide whether or not they are in favour of separation from India. His Majesty's Government consider that the decision might best be taken after a general election at which the broad issue had been placed before the Electorate.' That passage quite clearly safeguards the right and indeed the duty of the Government and of Parliament to consider the whole problem after the election had taken place."*

(My Italics.)

19. The whole burden of the Prime Minister's speech was to lay the onus of decision on the people of Burma to vote as to whether they elected to be separated from India or to continue as part of the Indian Federation.

20. The portion of the Prime Minister's speech quoted by the Secretary of State as quite clearly safeguarding "the right and indeed the duty of the Government and of Parliament to consider the whole problem after the election had taken place" refers *not* to the decision of His Majesty's Government but to the decision of the Burma Legislative Council after the election.

It was so understood by us at the time the statement was made by the Prime Minister, and it was so understood in Burma. Indeed, it is difficult to see how any other meaning could be read into the words.

21. It is true that no clear decision was given by the Burma Legislative Council but it is equally true that no party is in favour of the proposed constitution as outlined by the Prime Minister and all parties voted against it.

22. In view of the Prime Minister's statement on behalf of His Majesty's Government, it seems to be clearly promised to us that Burma cannot be treated as outside the proposed Indian Federation *unless she specifically votes for separation.* This she has not done. It would seem therefore as if the logical course would be for His Majesty's Government to continue to treat Burma as a Province of the Indian Federation.

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* RECORD OF DISCUSSIONS. B1 [Joint Committee on Indian Constitutional Reform. (Session 1933-34.) Volume II, p. 157.]

GENERAL MEMORANDUM BY U CHIT HLAING.

23. The Secretary of State presented a Memorandum on Burma to the Joint Committee on 10th October, 1933.* In view of the results of the General Election in November, 1932, it is surprising to read in his Memorandum:—

> "I have come to two conclusions that were reached by the Statutory Commission, namely, that Burma should henceforth be separated from India, and that the general body of Burman opinion supports separation."

How he arrived at this conclusion we are unable to understand. There is certainly no ground for it in the result of the last General Election.

24. On 29th November, 1933—on the eve of our meeting with this Joint Select Committee—an article occupying a column and a half appeared in the middle pages of the "Times" newspaper in London under the heading "The Choice for Burma." That article, "From a Special Correspondent" gave, in our view, an entirely misleading picture of the present political position in Burma. Although I replied to this article at once, the Editor of the "Times" did not and has not published my reply giving the real facts and figures. That is only one example of how difficult it is to have our true position realised or appreciated by the British public.

25. Of the Delegates from Burma who have been asked to sit with this Joint Select Committee, only 4 out of 12 represent the majority on the Burma Legislative Council elected at the last General Election. The others represent other "parties and interests in Burma"—to quote from the Secretary of State's Memorandum.†

26. It does seem to us as if the strength of our position and case was not realised in this country in regard to the question of federation and it is to be regretted that it was not possible to devote more time to the discussion of this problem.

27. I ventured to outline the special provisions that, in our view, should be included in the Constitution Act. To the points in that speech I would humbly request the members of the Joint Select Committee to pay special attention.

28. We earnestly pray that the decision of the majority of the electors of Burma, given so clearly at the General Election held in November, 1932, may be accepted by His Majesty's Government and that we may be included in the Indian Federation. If this Joint Committee should decide otherwise the faith of an Eastern people will be seriously shaken with repercussions that no one can foresee.

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* RECORD. VI. [Joint Committee on Indian Constitutional Reform (Session 1932–33.) Volume III, p. 135.]

† RECORD. IV. [Joint Committee on Indian Constitutional Reform. (Session 1932-33.) Volume III, p. 53.]

RECORD B.2 (*continued*)

III. — Joint Memorandum submitted to the Joint Committee on their departure by U Ba Pe, U Shway Tha, Dr. Ma Saw Sa, U Thein Maung and *U Kyaw Din on the Scheme of Constitutional Reform in Burma if separated from India

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* Subject to a separate memorandum attached hereunto.

JOINT MEMORANDUM BY U BA PE, U SHWAY THA, DR. MA SAW SA, U THEIN MAUNG AND U KYAW DIN.

INTRODUCTION.

The aspiration of the people of Burma is to attain "Dominion Status," i.e., full responsible self-government on equal footing with other Dominions within the British Commonwealth of free nations. The constitution as sketched in the Burma White Paper proposals is not full responsible self-government. It does not come up to the aspirations of the people of Burma.

We are told that it is an attempt to lay the foundation of Burma's future full responsible self-government. However, there are so many reservations, checks and safeguards that unless modifications and improvements are effected as suggested in the following pages, it will not serve its purpose.

In suggesting them we have the following in view:—

(*a*) That transfer of power and responsibility as regards departments other than those that are reserved should be real and effective.

(*b*) What is kept back from popular control at present should be transferred within reasonable time. With this end in view there should be provisions to train the people of Burma in the reserved Departments, to keep the reserved Departments in close contact with the Legislature and to facilitate transfer to popular control without necessity for further Parliamentary legislation.

(*c*) There should be provisions enabling the Burmese people to protect their interests.

(*d*) The safeguards should be provided and used only in the interests of the people of Burma.

(*e*) To apply the principle of reciprocity immediately as between India and Burma or as between the United Kingdom and Burma would be highly unfair, as Burma is comparatively young, inexperienced, and ill-equipped, and therefore unable to hold her own against others at present. The new Constitution should give her a fair opportunity for commercial, economic and political growth.

It is stated in para. 24 of the Introduction to the Burma Proposals that the question of continued recruitment by the Secretary of State to the Superior Medical and Railway Services is under examination. It is also stated in para. 38 (3) of Appendix II to Record A1 (II) (Joint Committee on Indian Constitutional Reform, Session 1933-34, Volume II, p. 51) that a lengthy investigation as to what should be qualifications for Labour constituencies will be necessary. We hope that the results of the said examination and the proposed investigation will be placed before the people of Burma, and that we shall be given an opportunity to express our opinion thereon.

We were assured that we could submit a memorandum expressing our views on Mr. Harper's memorandum on trade relations, etc., and we shall do so when he supplies us with a copy.

The King Emperor.

We welcome the suggestion that His Majesty might be pleased to adopt the title of King-Emperor of Burma after the separation of Burma from India.

The Governor-General of Burma.

(1) The head of the Executive in Burma should be designated Governor-General.

(2) He should always be a man who has had appreciable Parliamentary experience, held high political office or had experience in the working of full responsible Government.

(3) He should never be a military man, a member of the Civil Service nor a man who is not acceptable to the Ministry of Burma with which he would have to work. (*Cf.* the case of the Dominions.)

The Working of the Executive.

PROPOSAL 10.

A.—*Defence.*

(1) *Military Council.*—There should be a Military Council for Burma on the lines of the Imperial Defence Committee. (*Cf.* Report of Sub-Committee VII, Defence, Indian Round Table Conference, pages 46-47 and 86-87, and Burma Round Table Conference Report, para. 69 at page 127.)

(2) *Training the people to defend themselves.*—The Governor-General and the Military Council should be charged with the duty of raising a Burmese army and training the Burmese people to defend themselves, e.g., by opening schools on the model of British Army Schools, by having Burmans trained to be Army officers in India or the United Kingdom, by making provision for Officers' Training Corps in the University and High Schools and by raising citizen forces.

(3) *Periodical Reports.*—The Governor-General should be required to report periodically of the progress made in Burmanization of the army, including the Military Police.

(4) *Military Estimates.*—There should be close consultation between the Defence Member and other immediate advisers of the Governor-General on the one hand and the Council of Ministers on the other before the Military estimates are submitted to the Governor-General for final approval and for presentation to the Legislature.

(*Cf.*—Sub-Committee's Reports, Indian Round Table Conference, page 44.)

(5) *The Legislature and military affairs.*—The Legislature of Burma should be kept acquainted with military matters and it should have the right to discuss them.

(Burma Round Table Conference Report, paras. 69 and 71 at pages 127 and 128.)

B.—*External Affairs.*

These should be confined to the subject of political relations with other countries. Commercial, economic and other relations should be within the purview of the Legislature of Burma and Ministers responsible thereto.

(*Cf.*—The Fourth Report of the Federal Structure Committee, para. 11, quoted at page 165 of the proceedings of the Burma Round Table Conference.)

C.—*Ecclesiastical Affairs.*

It should be made clear that the ecclesiastical affairs are only those of the European Civil and Military services in order to dispel all doubts and apprehensions which have arisen as regards Buddhism, etc. (*Cf.*—Burma Round Table Conference Proceedings, pages 176-177.) Expenditure on them should be placed under Defence. (*Ibid.*)

JOINT MEMORANDUM BY U BA PE, U SHWAY THA, DR. MA SAW SA, U THEIN MAUNG AND U KYAW DIN.

D.—*Schedule A (Excluded Areas).*

1. All areas in this Schedule except the Federated Shan States should be transferred to Schedule B; and there should be express provision for removal of areas from both Schedules by Orders in Council as proposed by the Secretary of State for India. (Appendix of Record A.1 [III], [Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 102].

2. The contribution from Burma revenues to Federated Shan States, viz., the subvention referred to in the Report of the Statutory Commission, Vol. I, at page 82, should be stopped immediately and they should be required to pay their share of the costs of defence and general administration.

3. The claim made by them for financial settlement between them and Burma should be referred to an impartial tribunal—like the tribunal proposed for such settlement between India and Burma—and should not be left to be dealt with by the Governor-General. (Burma Round Table Conference Report, pages 109-110, para. 4.)

4. Government of Burma should be charged with the duty of adopting and carrying out *a definite policy to remove the backwardness* of the areas excluded partially or otherwise in order that they may be qualified for a share in representative Democratic Government with the rest of Burma in the near future.

5. *Legislation.*—Clause (C) in the Appendix of Record A.1 [III] [Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 102], should be so amended that the Governor-General should have to act on the advice of the responsible Minister as regards areas in Schedule B, inasmuch as the Minister is to be primarily responsible for their administration.

6. *Legislature and Scheduled Areas.*—The Legislature of Burma should not be altogether prohibited from discussing or asking questions about the administration of areas in Schedule A. The Governor-General's power to disallow any question or resolution about them should be regarded as sufficient safeguard as in the case of areas in Schedule B.

(*Cf.*—Burma Round Table Conference Report, para. 64 at page 126.)

Monetary Policy, Currency and Coinage.—The reservation of these subjects should be for the period of transition only. The Secretary of State for India observed at a meeting of the Indian Round Table Conference that "the British Government have fully accepted the fact that there can be no effective transfer of responsibility unless there is an effective transfer of financial responsibility." (Indian Round Table Conference, 3rd Session, page 79) and transfer of financial responsibility cannot be effective so long as currency coinage and monetary policy are reserved.

2. The Government of Burma should have liberty to introduce a separate currency system for Burma as recommended by Sir Henry Howard and Mr. J. C. Nixon in para. 7 of their Memorandum on the Financial Questions arising out of the proposed separation of Burma from India.

3. Burma should have liberty to establish a central reserve Bank of her own either as a State Bank or a shareholders' bank as recommended by the Burma Provincial Banking Enquiry Committee, 1929-30 (para. 804 at page 350). (*Cf.*—The recommendation of the International Financial Conference at Brussels in 1920.) We do not suggest that Burma should have

a separate currency system and a separate reserve bank straight away. However, we must insist upon her right to have them in future should the Government of Burma consider it to her advantage to do so.

E.—*Reserved Subjects generally.*

It should be made quite clear at least in the Instrument of Instructions to the Governor that Burmans should be associated with the administration of all the reserved subjects, e.g., as Parliamentary Under-Secretaries or by increased employment in responsible posts in the departments, so that they may get the necessary training to take over the full responsibility of administering them in future.

Financial Adviser.

PROPOSAL 11.

The Financial Adviser should not be eligible for appointment as a Counsellor. He should be an independent expert who is not connected with any political or financial interests in India, Burma and the United Kingdom; he should not have any executive power (*Cf.* the Report of the Financial Safeguards Committee, 3rd Indian Round Table Conference, p. 35) and he should not be allowed to develop into a rival Finance Member. He should be under statutory obligation to give such financial advice to the Legislature of Burma as it may require.

Council of Ministers.

PROPOSALS 12, 13, 14.

1. The Prime Minister should be a person who commands the largest following in the House of Representatives and he should be asked by the Governor-General to form the Ministry. We are of opinion that no nominated member of the Upper House should be in the Ministry. However, we are prepared to leave it to the discretion of the Prime Minister. We would insist upon it only if the Governor-General actually *chooses* his Ministers.

2. The Council of Ministers should be collectively responsible for all matters concerning departments of state administered by members thereof.

3. The Council of Ministers should retire or be required to retire from Office should it cease to retain the support of a majority in the House of Representatives.

4. The maximum number of Ministers should not be fixed in the Constitution Act, inasmuch as there must be provision for future replacement of Counsellors by Ministers as and when reserved subjects are transferred.

5. The Council of Ministers should have the right to reduce or surrender their salaries during their term of office.

6. The Prime Minister should have the right to appoint Parliamentary Secretaries for Ministers. (*Cf.*—Government of India Act, 1919, S. 52.)

Financial Adviser's Salary and conditions of service.

PROPOSAL 16.

Financial Adviser's salary and conditions of service should be fixed by the Governor-General after consultation with Ministers.

JOINT MEMORANDUM BY U BA PE, U SHWAY THA, DR. MA SAW SA, U THEIN MAUNG AND U KYAW DIN.

Special Responsibilities of the Governor-General.

PROPOSAL 17.

Commercial discrimination in clause (*e*) should be confined to what falls within Proposals 58 and 59 only or proposals superseding them, viz. Record A2 (I) [Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 108].

The Governor-General's decision as to whether any of the special responsibilities are involved by any given circumstances should be reported immediately to the Secretary of State and shall be subject to cancellation by him. It shall also be subject to revision by the Judicial Committee of the Privy Council at the instance of the Ministry.

Instrument of Instructions.

PROPOSAL 20.

In addition to what is in para. 23 of the Introduction to Indian Proposals, the Instrument of Instructions should contain the following:—

(1) Instructions on the points raised above under the heading " Defence ".

(2) Instructions to foster the growth of healthy constitutional conventions in the direction of full responsible self-government.

(3) Instructions for automatic growth of the constitution to ensure the advance of Burma through the new constitution to full responsibility for her own government.

(*Cf.*—The Prime Minister's speech at page 177 of the Burma Round Table Conference Proceedings and para. 5 of the Introduction to the Burma Proposals.)

The Legislature.

PROPOSAL 21.

The Legislature should be unicameral. A second chamber is not necessary for the following reasons:—

(1) Burma is not being granted full responsible self-government yet and it is doubtful whether a second chamber would be necessary with it even, there having been a decided tendency in the Dominions to create single chamber Legislatures in the place of the original bicameral system. (*Keith* on Responsible Government in the Dominions, page 391.)

(2) There are ample checks and safeguards on the little power that is being transferred in the form of Governor's powers and special responsibilities and provisions against commercial and administrative discrimination.

(3) The composition of the House of Representatives would be such, having regard to the proposed representation of minority communities and special interests, that it would in itself be an insurance against rash legislation.

(4) The case of Burma is different from that of India inasmuch as the Government must be unitary and not federal.

The Special Commission on the Constitution of Ceylon observed at page 39 of their report " However the question may be approached it can hardly be denied that the creation of a Second Chamber, even with a scope less wide and with powers less extensive than those assigned to the Lower House, would

neutralize to a large extent the transfer of responsibility to the elected representatives of the people. It would be the height of timidity as of inconsistency to recommend a transfer of responsibility while devising means to render that transfer not fully effective." And these remarks apply to the Burma proposals with greater force having regard to the proposed composition and powers of the Upper House.

PROPOSAL 22.

The Governor-General should exercise his powers to summon, prorogue and dissolve the Legislature ordinarily on the advice of Ministers.

The Composition of the Chambers.

PROPOSAL 25.

The Senate, if there must be one at all in spite of our protest, should be constituted as follows:—

Half by direct election, each Division and the Rangoon Town District being treated as separate constituencies for the purpose;

Quarter by indirect election by the House of Representatives; and

Quarter by nomination—not by the Governor-General in his discretion, but by the Governor-General on the advice of the Council of Ministers.

PROPOSAL 28.

Senators returned by direct election should not be required to retire by rotation. They should be allowed the full period of eight years.

As regards members elected indirectly, those who polled the smallest number of votes should be required to retire first (*Cf.* the rules of the Bar Council, Rangoon). Government nominees should also be placed in serial order and those who are at the bottom should be required to retire first. One third of the nominated and indirectly elected Senators should retire at the end of the 5th year, another third of them should retire at the end of the 6th year, and the remaining third at the end of the 7th year.

PROPOSAL 29.

The numbers should be subject to variation by a constitutional resolution or by an Order in Council having regard to the fact that areas which are excluded at present must have representation when they are allowed to come in.

PROPOSAL 33.

Conviction of election offences and suspension from legal practice should be disqualifications for five years only, subject to the proposed proviso.

Legislative Procedure.

PROPOSAL 37.

There should be no deviation from the well-known parliamentary practice and procedure nor from the Indian Proposals as regards Money Bills and they should not be allowed to be initiated in the Upper House.

In this connection the promise made to Burma by the Secretary of State for India* that her prospects of constitutional advance would not be prejudiced by separation from India should be borne in mind.

* In the House of Commons 20th January, 1931.

JOINT MEMORANDUM BY U BA PE, U SHWAY THA, DR. MA SAW SA, U THEIN MAUNG AND U KYAW DIN.

PROPOSAL 40.

The Governor-General should not be merely empowered but required to call a joint session of the Houses in case of a deadlock; or in the alternative a certain number of the members of either House should have the right to requisition a joint session of the Houses.

PROPOSAL 41.

The Governor-General should be required to take Ministers into his confidence and to consult them before he exercises his discretion as proposed. Furthermore, Governor-General's Acts should come into force only with the assent of His Majesty in Council and they should not be presented for such assent "until copies have been laid before each House of Parliament for not less than eight days on which that House has sat." (*Cf.* Government of India Act, S. 72E (2) and (3).)

PROPOSAL 43.

The Governor-General should have no right to stop proceedings in the Legislature as regards matters which are within its competence. His power to refuse assent to the Bill and to reserve it for signification of the pleasure of His Majesty in Council are sufficient safeguards. The proposal strikes at the very root of liberty to discuss matters and propose measures in the Legislature.

Procedure with regard to Financial Proposals.

PROPOSALS 44 AND 45.

It should be made clear that Governor-General always means Governor-General with his Council of Ministers and that even where he is to act "at his discretion" or "in his discretion" he would have to act after consultation with his Ministers.

Proposal 45 should also require budgets for excluded areas other than the Federated Shan States to be prepared separately from those for the Federation and the rest of Burma for the reasons stated under Proposal 47.

PROPOSAL 47 (iii).

We have urged above that the Military Estimates should be prepared in close consultation with the Ministers.

As regards expenditures on Excluded Areas (other than the Federation of Shan States) they should be met out of the revenue therefrom and any contribution that the Governor-General might require out of the general revenue should be votable by the Legislature of Burma.

Salaries.—The Legislature ought to have the right not only to discuss but also to reduce salaries of all except the Governor-General—not for political but for financial reasons. There has been grave dissatisfaction in the country that the salaries of high officials cannot be reduced even in these days of serious economic depression and financial stringency.

Emergency Powers of the Governor in relation to Legislation.

PROPOSAL 51.

1. Ordinances and not mere renewals thereof should be required to be laid before both Houses of Parliament as soon as possible.

2. They should not only be subject to disallowance as an Act passed by the Legislature but should also be controlled or superseded by any such Act. (Cf.—Government of India Act, S. 72).

JOINT MEMORANDUM BY U BA PE, U SHWAY THA, DR. MA SAW SA, U THEIN MAUNG AND U KYAW DIN.

Powers of the Legislature.

PROPOSAL 55.

The words in italics have given rise to disputes as to the real purport of the entire proposal, but we have been assured that it would be made clear that the intention is only to provide for enforcement of the Naval Discipline Act, the Army Act, the Air Force Act, and similar Acts as regards members of Indian public forces in Burma.

Constitutional Resolutions.

Sufficient power should be given to the Legislature of Burma to amend the constitution by constitutional resolutions (Cf. Art. 68 of the Constitution of New Zealand which reads "It shall be lawful for the said General Assembly (*i.e.*, the New Zealand Legislature) by an Act or Acts to alter from time to time any provisions of this Act.") Redistribution of constituencies, revising their delimitations, revision of the franchise, rearrangement of the methods of election and the alteration of the size of legislature should be within its power subject to safeguard by prescribing a definite majority say of two thirds (Cf. Indian Statutory Commission's Report, Vol. II, paras. 94, 95 and 109. We however object to the suggestion of restriction for ten years therein).

PROPOSALS 58, 59, 60, 61 AND 62.

These have been superseded by Record A. 2 (I) [Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 103], and attention is invited to our remarks thereon.

Financial Powers and Relations.

PROPOSAL 64.

There is a consensus of opinion that financial settlement between India and Burma should be referred to an independent tribunal.

The Government of India in their Despatch on Proposals for Constitutional Reforms, dated 20th September, 1930, observed "We believe that a Committee of the Privy Council would be the sort of tribunal most likely to satisfy Indian opinion. Their decisions could be given on evidence placed before them, assisted by expert witnesses or possibly assessors, from India and from Burma". Sub Committee No. IV (Burma) of the Indian Round Table Conference considered that it should be dealt with in the manner recommended by the Government of India; and we are of the same opinion. We only wish to add that the Tribunal should be appointed or declared as soon as the decision to separate Burma from India is arrived at and that financial settlement between Burma proper and the Federated Shan States should also be referred to the same tribunal.

Statutory Railway Board.

PROPOSAL 68.

Record A. 2 (II) [Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 109] and the Sketch Proposals for the future administration of the Burma Railways attached to the Record.

Para. 4 (b) of the Sketch Proposals.—1. The Chief Commissioner, *i.e.*, the General Manager of the railways, should not be President of the Board of Management. He should be only a member in executive charge of the affairs of the Board which should have the right to elect its own President

JOINT MEMORANDUM BY U BA PE, U SHWAY THA, DR. MA SAW SA, U THEIN MAUNG AND U KYAW DIN.

from among its non-official members. It is highly desirable to have an independent President who would see that the Chief Commissioner places the necessary items on the agenda with all the necessary information thereon, that the Chief Commissioner carries out all the resolutions of the Board with due despatch and who would conduct the business of the meetings fairly. We have had experience of difficulties and dissatisfaction where members in executive charge are Presidents.

2. The President of the Board—and not the Chief Commissioner—should have the right of access to the Governor-General of Burma, and that right should be exercised in consultation with the Minister in charge of Railways. It is not at all proper to let the President have access to the Governor-General behind the back of such Minister.

3. The Governor-General should appoint the Chief Commissioner after consultation with the Minister in charge of railways

4. The Governor-General should determine the Chief Commissioner's salary after consultation with the Minister.

Para. 4 (*c*)—1. The Financial Adviser should not be a member of the Board. He should be only an independent adviser thereto in order that there might be no cause for suspicion that he has pet schemes or ideas of his own or that he is taking sides.

He should be required to attend meetings of the Board to give it the benefit of his financial advice, but should not be at liberty to vote upon, or to make, any proposition at any such meeting. (Cf. The position of the Inspector of Schools with reference to the Rangoon Education Board under Burma Act VI of 1922, Schedule I, Chapter VII, S. 8).

2. Non-official members should be appointed by the Governor-General after consultation with the Minister.

3. Remuneration of the non-official members of the Board should not be fixed in the Constitution Act but should be left to be fixed by the Governor in consultation with the Minister.

Para. 5. Please add "ordinarily" after "shall" in the third line. We agree that the Board should adjust rates, fares and other charges to meet the necessary outlay; but it is not always practicable nor expedient to do so. e.g., during a period of trade depression, like the one through which Burma is passing, rates and fares cannot be increased at all and if they are increased the revenue will rather decrease than increase. The Board should have power to raise loans through the Government of Burma to meet the deficits during such periods.

Para. 7. The railways should be entitled to contribution from general revenue only as regards such new lines as may be required by Government to be constructed for purely defence purposes; and such contributions should cease as soon as these lines become self-supporting.

General. 1. The Constitution and powers of the Board should be subject to variation by Orders in Council.

2. Disqualifications for non-official members of the Board should be the same as those for the Indian Railway Authority (Joint Committee on Indian Constitutional Reform, Session 1932-33—Vol. III.—page 41).

PROPOSAL 71.

Further provision should be made for preparation of separate Budgets for Burma proper and areas (if any) in Schedule A other than the Federated Shan States. (Please see observations on Proposal 47 (iii)).

JOINT MEMORANDUM BY U BA PE, U SHWAY THA, DR. MA SAW SA, U THEIN MAUNG AND U KYAW DIN.

The High Court.

PROPOSAL 73.

1. The Judges should be appointed by His Majesty on the recommendation of the Governor-General, and the latter should make the recommendation after consultation with the Minister in charge of Law and Order.

2. The age limit, having regard to climatic conditions, should remain 60 and should not be raised to 62.

PROPOSAL 74.

There was remarkable unanimity of opinion among the members of the Burma Delegation at the Burma Round Table Conference

(1) that the Chief Justice should always be a Barrister (or Advocate) Judge and

(2) that the quota of Indian Civil Service Judges should not be increased beyond one-third (Burma Round Table Conference Proceedings, pages 125-136), and the members of the Burma Delegation before the Joint Select Committee are in unanimous agreement with them.

In fact, we do look forward to the day when we shall be drawing on the legal profession for all Judges of the High Court.

PROPOSAL 75.

It should be open to the Legislature of Burma to discuss the scales of pay, pension, leave and other allowances for all Judges and generally to make recommendations for reduction thereof for financial reasons, especially during the days of trade depression and financial stringency.

PROPOSAL 76.

Temporary appointments very often lead on to permanent ones and there is no reason why in these days of quick communication, temporary appointments should not be made by the Crown in the same manner as permanent ones.

The Secretary of State's Advisers.

PROPOSAL 80.

Burma should have a Secretary of State for Burma separately from India. We would prefer a separate Secretary of State; but if that be not possible, we would like the office of Secretary of State for Burma to be held by the Secretary of State for Dominions. We object to the Office being held by the Secretary of State for India, as we feel that it would be impossible for him to hold the balance evenly between India and Burma, and that we should have a member of the British Cabinet to stand up for Burma when there are disputes or differences between the two countries.

PROPOSAL 83.

The Secretary of State for Burma should in no case be required to consult members of the Indian Council in any matter relating to Burma.

General.—There should be a separate High Commissioner for Burma with a separate Burma House in London.

JOINT MEMORANDUM BY U BA PE, U SHWAY THA, DR. MA SAW SA, U THEIN MAUNG AND U KYAW DIN.

The Public Services.

PROPOSALS 86 AND 88.

The last sentences in these proposals are too vague. They should be deleted. The rest of these proposals are wide enough to cover all legitimate claims for compensation.

PROPOSAL 87.

The last sentence should be deleted since a statutory inquiry is contemplated (Proposal 93) and the Inquiry Commission or Committee is to have power to recommend rules and regulations *re* conditions of service, etc.

We assume that the determination of cadre, conditions of service, salaries, etc. of the other services would be entirely within the power of the Government of Burma.

PROPOSAL 93.

The statutory inquiry should be made within a year or two after the new Constitution Act comes into force, it should be by a committee of equal numbers appointed by Parliament and the Legislature of Burma, and appointments to services should not be made *in advance* before the Committee have reported.

Public Services Commission.

PROPOSAL 100.

We appreciate the desirability of the Public Services Commission being free from political influence. However, we feel that it would be too drastic to disqualify the Chairman of the Commission permanently from holding any office under the Crown in Burma. Disqualification for a period of five years would serve the purpose.

The members of the Commission should be appointed by the Governor-General in consultation with Ministers, and the majority community should always be represented thereon.

GENERAL.

I.—*Automatic Growth.*

We wish to repeat the observations made by Sir Oscar de Glanville (now President of the Legislative Council of Burma) " We ought to have a constitution with safeguards which will enable us without further legislation or Round Table Conferences or Statutory Commissions gradually to attain full responsible self-government." (Burma Round Table Conference Proceedings, page 50.) Major Graham Pole also stated thereat " I am also of opinion that the new constitution must be such as will automatically develop into full self-government without the necessity of coming back for another Act of Parliament. I am strengthened in this view by the opinion expressed by the Simon Commission." (*Ibid* page 165.) The Prime Minister remarked at the end of the said Conference " You are not only getting to-day, you are getting to-morrow as well, and what you have got is not merely the Constitution as may be laid down in the Act of Parliament very shortly; but with that you have got the potentialities of that Constitution, and the potentialities, the chances of advance, of broadening, of widening, of extending are with you etc." (*Ibid* pages 177-178.)

JOINT MEMORANDUM BY U BA PE, U SHWAY THA, DR. MA SAW SA, U THEIN MAUNG AND U KYAW DIN.

The Burmese people attach great importance to provisions for automatic growth and they are anxious that the period of transition should be short. (Resolution of the Burma Legislative Council of the 22nd December, 1932.) And there has been great stress laid on the seeds of growth in the Constitution before the Joint Select Committee. We accordingly submit (1) that the Legislature of Burma should have ample powers to deal with constitutional matters by means of constitutional resolutions as suggested by us under Proposal 55, and (2) that provision should be made for transfer of reserved subjects by Orders in Council on the recommendation of the Legislature of Burma.

II.—*Excluded Areas.*

With reference to Clause A in the Appendix to Record A 1 [III] (Joint Committee on Indian Constitutional Reform, Session 1933-34) we wish it to be made clear that subsequent Orders in Council would be passed to take the areas out of the Schedules (in the case of the Federated Shan States when the Sawbwas wish to fall into line with Burma and in the case of others when they have made sufficient progress to take part in a responsible representative form of government along with Burma proper) and to amalgamate them with Burma proper. We make this submission as it has been suggested in some quarters that some of these areas might be amalgamated with areas outside the Burmese territory, *e.g.*, to form a North East Frontier Province of the Indian Empire. We strongly object to these suggestions and we are glad that no such suggestion has been made to us by Government.

III.—*Burmanization of the Army and Military Police.*

We wish to make it quite clear that we are not asking for duplication of the Forces for Defence by raising a Burmese Army. The Indian troops and the Military Police should be replaced gradually as and when Burmese forces are raised.

IV.—*Trade Convention with India.*

The Trade Convention should be between the Governments of India and Burma under the new constitutions. However, as this is a matter of vital importance, the progress of negotiations therefor should be reported, and the terms proposed therefor should be submitted to the Legislature of Burma for approval.

V.—*Financial Settlement between India and Burma.*

The Government of Burma should place their case before the Legislature of Burma through the Finance Committee thereof before it is submitted to the independent tribunal for adjudication.

APPENDIX 'A'

Discrimination in Burma

A.

[*Vide page* 1297, *Vol. II B, Minutes of Evidence given before the Joint Committee on Indian Constitutional Reform* (*Session* 1932-33).]

Clause 3 (i).—There should be a reciprocity clause as against the rest of the British Empire inasmuch as such a clause is there even in the case of the United Kingdom. Equality or mutuality is equity and it is absolutely unfair to compel Burma to recognise the rights of citizens of other countries in the British Commonwealth which do not similarly recognise the rights of her people. Besides, there is no reason why they should not be satisfied even with the same terms and conditions as the United Kingdom. This protest is made on principle. In actual practice there may not be any Burman to take advantage of reciprocity in the matter for some considerable time.

Clause 3 (ii) (*b*).—It should be made quite clear that a certain percentage of labour to be employed on any particular job being required to be Burmese (with a view to helping indigenous labour and thereby alleviating unemployment) would not be within the mischief of this sub-clause.

Clause 3 (iii).—It should be made quite clear that prescription of the following conditions for contracts with or concessions by Government or local public bodies would not be within the mischief of this sub-clause so far as companies to be incorporated hereafter are concerned:—

(1) Requirement to offer a certain percentage of the share capital to the Burmese people in the first instance;

(2) Requirement that the Burmese people should be represented on the Directorate;

(3) Requirement that facilities should be given for training Burmans; and

(4) Requirement that a certain percentage of labour employed should be Burmese.

It is but fair that new companies seeking contracts with or concessions from the Burma Government and the local public bodies should throw their shares and directorate open to the Burmese public, provide facilities for their training and employ some Burmese labour.

Clause 3 (iv).—Add "and contracts with or concessions by the Burma Government and local public bodies" after "bounties and subsidies of clause (vii) (2)" for the reasons set out above.

Clause 3 (vii) (2).—It should also be lawful to require that companies incorporated after the passing of the Bounty Act should first offer a certain proportion of their share capital to the Burmese public. As regards companies already trading in Burma, it should be lawful to require as a qualification for the benefit of the Bounty or Subsidy Act that they should offer unsold shares or debentures to the Burmese public, make arrangements for representation of the Burmese people on the Directorate and provide facilities for the training of Burmans and that a certain percentage of labour employed by them should be Burmese, subsidies being usually intended not only for particular trades but also for the people of the country through them.

Clause 3 (viii).—It should be lawful to requisition facilities for the training of Burmans in shipping and navigation.

Clause 4.—It should be clearly declared in the Constitution Act itself that the clauses against discrimination should not affect freedom of contract in any way.

Clause 6.—It should be clearly declared in the Constitution Act itself that it is open to Burma to require additional qualifications from new entrants to professions which are justified by the special needs of conditions in Burma.

General.—It should be within the competence of the Burma Legislature to remove such commercial and administrative discrimination as may have been in existence before the Constitution Act comes into force.

B.

[*Vide Record A2* (1) *Joint Committee on Indian Constitutional Reform* (*Session* 1933-34), *Volume II*, *p.* 103.]

The proposals in the Annexure to this Memorandum are open to the same criticism as those in the Memorandum by the Secretary of State dealt with in part A of this Appendix.

We note with some satisfaction that no protection of the right of entry into Burma is contemplated in favour of British subjects domiciled in India and we were glad that the Secretary of State for India observed before the Joint Select Committee that any restriction on the right of Burma to control immigration would strike at the very roots of self-government. (*Cf.* Sir Hari Singh Gour quoting Resolution XXII of the Imperial War Conference, etc., on page 1321 of Volume II B of the Evidence of the Joint Committee on Indian Constitutional Reform (Session 1932-33).)

However, we find serious restrictions actually proposed. It is proposed in paragraph 15 that the introduction of any legislation regulating immigration should be subject to the Governor or Governor-General's prior consent and might also be reserved for signification of His Majesty's pleasure and we strongly oppose these proposals.

With reference to paragraph 14, it should be made quite clear in the Act that the Government of Burma should have complete control of its own land policy.

With reference to paragraphs 18, 19 and 20, the principle underlying S. 13 (1) of the Indian Medical Council Act, 1933, should be applied in favour of Burma and the Government of Burma should be at liberty to negotiate with authorities in India and other countries for the settling of a *Scheme of Reciprocity* for the recognition of medical qualifications. The proposal in paragraph 20 that Indian qualifications recognised under the Indian Medical Council Act should be accepted ad interim pending arrangements with the said Council is objectionable inasmuch as it would interfere with the Burma Government's discretion and put it under a handicap in the negotiations. The proposal in the same paragraph that there might be an appeal to the Privy Council is unacceptable both on principle and on account of time and expenditure involved in appeals thereto.

APPENDIX 'B'

Franchise, Composition of Legislature and Representation of Minorities and Special Interests

[*Vide Record A1 (II) Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 9.*]

A.—*Communal Representation.*

1. There should be no communal representation for the following reasons:—

(*a*) "We regard any system of communal electorates as a very serious hindrance to the development of the self-governing principle"—Report on Indian Constitutional Reforms, 1918, para. 231.

"*Division by creeds and classes means the creation of political camps* organised against each other and teaches men to think as partisans and not as citizens, and it is difficult to see how the change from this system to national representation is ever to occur."—*Ibid.*, para. 229.

(*b*) In surveying the situation in Ceylon the special Commission on its constitution "have come unhesitatingly to the conclusion that communal representation is, as it were a canker in the body politic, eating deeper and deeper into the vital energies of the people, breeding self-interest, suspicion and animosity, poisoning the new growth of political consciousness and effectively preventing the development of a national or corporate spirit. . . . There can be no hope of binding together the diverse elements of the population in a realization of their common kinship and an acknowledgment of common obligations to the country of which they are all citizens so long as the system of communal representation, with all its disintegrating influences, remains a distinctive feature of the constitution."—(See the Report page 39, *cf. ibid.*, pages 91, 99 and 100). Communal representation has been abolished in Ceylon as a result of this report.

(*c*) The communal problem in the Indian sense does not exist in Burma. (See the Footnote under Burma Proposal 20.)

(*d*) If the criterion of the existence of a minority adopted by the League of Nations be applied viz.: that a minority must constitute at least 20 per cent. of the total population, there are no minorities in Burma.

(*e*) The minority communities have gained representation through general constituencies in the past and they are influential enough to do so in future, e.g.

Mr. Lamb, a European, was returned for Magwe General Constituency.

Mr. Wellington, an Anglo-Indian, was returned by the Tavoy General Constituency.

U San Baw, a Karen, was returned by Tharrawaddy General Constituency.

Mr. Eusoof, an Indian, was returned by Moulmein General Constituency.

(Attention is invited to Appendix B 1. for a list of non-Burmans returned by general constituencies.)

Besides, even as regards the Indian Legislature, where the whole of Burma forms one constituency, Indians like Messrs. Munshi, Chari, Naidu and Hamid, have been returned.

(*f*) In some constituencies the minorities are compact enough to be able to secure the seats to themselves, e.g., the Indians in Rangoon, the Chinese in West Rangoon, and the Karens in Thaton and Amherst districts.

(*g*) Two of the communities are to be represented through special seats for commercial interests, such seats being provided for the European and Indian Chambers of Commerce.

(*h*) Protection of the legitimate interests of the minorities is a special responsibility of the Governor-General; and

(*i*) There are provisions against trade and administrative discrimination.

For further criticism of minority claims please see Burma Round Table Conference Report, page 115, para. 26, and cp. page 164 of the Proceedings and pages 55 to 64 of the Burma Round Table Conference Proceedings of the whole Committee.

2. We would make the following submissions with reference to the various communities:—

(a) *The European Community.*—There are 11,651 Europeans in Burma, divided as follows:—

British subjects:	
Races of British Empire	9,998
Other races	629
Total	10,627
Foreign subjects	1,024
Total	11,651

If the number of British troops is deducted, there will be 9,858, consisting of Europeans in Government service, commercial firms, and in the other professions. Those in service will be amply protected by provisions in the Act. Those in the professions will also be on the same footing as members of other communities. The commercial interest will also be protected by the proposals against discrimination. There will also be seats for European Commerce. In addition to these the Governor, the Counsellors, the Financial Adviser, and many members of the Superior Services will, for some time to come, be Europeans and they can very well look after the interests of the community. If the European Community is given communal seats on the population basis like the other communities, and no special weightage is allowed for their commerce inasmuch as it is to get special representation, the community would be entitled to about ·08 of the seats. (See para. 2 and 5 (3) of Appendix II to Record A1 (II) Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, pp. 36-38.) That being so, there is no justification to provide communal seats for the European Community.

(b) *The Anglo-Indians.*—There is no justification for the provision of communal seats for the Anglo-Indians. According to the 1931 Census Report on Burma, they number 19,200 in the whole of Burma and 18,447 in the areas that will be made into constituencies. The Community is divided into three sections, viz.:—

(a) Those with European and Indian blood.

(b) Those with European and Burmese blood.

(c) Those with no European blood but pure Burmans or Indians who adopt European names, customs and manner.

Anglo-Indian members of Section (b) are out for a merger with the Burmese people and are opposed to communal representation and separate electorates. Section (c) is also against communal representation. The agitation for communal representation is only by a section of Section (a), consisting mainly of Anglo-Indians serving in the Railways, Post and Telegraphs Departments. They have no abiding interest in the country and they will return to India on completion of their term of service in Burma. They have also no special commercial interest to be protected. As regards members of the various services, their prospects and position will be fully secured by proposals under the caption of Public Services. They will also enjoy equal rights and liberties on the same footing as the Burmese people. There is therefore no justification to provide communal seats for the Anglo Indians.

(c) *The Karens.*—According to the 1931 Census Report on Burma there are 1,367,673 Karens. But in the areas that will be made into constituencies there are only 1,100,226. In the proposed Karen constituencies, however, there will be only 749,700. The Karens are divided by religion as follows:—

Buddhists	1,049,547
Christians	218,890
Animists and others	98,959
Muslims	287

The Christian Karens are again sub-divided as follows:—

Baptists	168,935
Roman Catholics	41,294
Anglicans	7,817
Other sects	744

A few months ago out of 168,935 Baptist Karens some 7,000 Karens gave up Christianity and formed a new religion under the leadership of Sao Durmay Thompson.

The demand for communal representation is made by the Baptist Karens only. The Buddhist and Animist Karens live peacefully with the Burmese and they do not want communal representation. Among the Christian Karens neither the Roman Catholics nor the Anglicans want it. At the last general election among the five Karens returned to the Burma Legislative Council, there are two Buddhist Karens. One joined Dr. Ba Maw's Party and the other U Chit Hlaing's Party. They are against communal representation. In the Burma Legislative Council, therefore, three Baptist Karens only are for communal representation. The vast majority of the Karen community does not want it. The Karens are in a strong position in at least half a dozen constituencies and without communal representation they can always find seats in the Legislature.

(d) *The Indians* in Burma numbered 1,017,825 according to the 1931 Census. In the areas that will be made into constituencies there are 955,338 only. But of this number 683,433 are born outside Burma and 376,905 are temporary residents. Of the 955,338 Indians 320,319 will be in the proposed Indian constituencies. Again in the 955,338 Indians are also included members of what are known as Indo-Burma races. The members of these Indo-Burma races are opposed to communal representation as they always get seats in the Council through general electorates. In the 955,338 Indians also are included very large numbers of Indian coolies—estimated in Rangoon town alone between 65,000 and 70,000. It is proposed to allot two seats to Indian Labour. If the Labour votes and the votes of the members of Indo-Burma races are deducted from 955,338, the actual number of Indians who are clamouring for communal representation on separate electorates will be very small indeed. If the deduction of Indian Labour votes and votes of the Indo-Burma races be effected from the Indians in the Indian communal constituencies, i.e., from 320,319, the actual number of Indians who are clamouring for communal representation will be confined to members of the India-Burma Association, India-Burma Chamber of Commerce, and Nattukkottai Chettiar Association. They are temporary residents with no abiding national interests in the country. The Indians are in a strong position in Rangoon, Mandalay, and other places, and they will always find seats in the Legislature through the general constituencies. It is, therefore, very unfair to the people of Burma to provide communal seats to a section of Indians in the name of the whole Indian community.

3. We have shown above that there is no justification to provide communal seats in that legislature. The people of Burma are opposed to it. The Burma Government did not recommend communal representation in its *Memorandum submitted to the Burma Reforms Committee* in 1921 (vide para. 6 of the Report). The Burma Reforms Committee also came to a similar conclusion and stated that it is undesirable to segregate them completely from the general electorate (para. 21). Communal representation was forced on Burma by the Government of India to pacify Indian agitation. As a result of the communities who received this kind of representation have clamoured for more. To satisfy this demand it is now proposed to allot them more seats. The following table will show the one-sidedness of the proposed allotment of seats:—

Communities.	*Present Seats.*	*Proposed Seats.*	*Gain. Per Cent.*
Karens	5	12	140
Indians	9	12	33.3
Europeans	4	7	75
Anglo-Indians	1	2	100
Chinese	1	1	Nil
	20	34	70
Non-communal	83	98	18
	103	132	

It will be seen that the seats for the Burmese Chamber and University are included in the non-communal seats while the seats allotted to Burmese labour are not taken into consideration. The 23 nominated official and non-official seats in the present Legislative Council are also included in the non-communal seats as they are not meant for any particular community.

From the table below also it will be seen the increase in communal and special representations is unjustifiable.

	Total Number.	*Communal and Special.*	*Per cent.*
Present	103	20	19.4
Proposed	132	34	25.7

The following observations of the Special Commission on the Constitution of Ceylon, who ultimately recommended the abolition of communal representation, apply with special force to the claims now advanced by various communities.

> "We found, however, that not only did those who already had communal seats desire that the number of these should be increased but also that a number of other communities, religions, castes and special interests, not at present represented, came before us claiming that it was necessary for them to have seats in the Legislative Council and that they were as much entitled to this privilege as those who already possessed it. The result was that, so far from the demand being reduced, increased and new claims were put forward which would have made the number of communal seats more than 50, instead of the 10 already existing. Our investigations show that the desire for communal representation tends to grow rather than to die down, and in these circumstances, it being in itself admittedly undesirable, it would seem well to abolish it altogether while the number of seats involved is still comparatively small."

4. If there must be communal representation and if there must be an Upper House at all, such representation should be in the Upper House. Minorities are bound to be represented therein as a result of the elections, direct and indirect, proposed by us; and on default representatives for them can be nominated by Government.

5. It is not fair that members of the minorities who receive communal representation on separate electorates are allowed to stand for election in the general constituencies. They should not be allowed to stand for election in any constituency other than their own.

6. Such communal representation as is allowed should be only for a definite period of ten years or until a substantial majority of the representatives in the Legislature of any community so protected declare themselves in favour of change whichever is earlier. (*Cf.* Report of the Burma Round Table Conference, para. 26 at p. 115.)

B.—*Plural Member Constituencies.*

All general constituencies should be single member constituencies so that the areas might be smaller and members might be able to keep themselves more in touch with their respective constituencies. This is the general desire of the people, witness discussions in the Burma Legislative Council on the 10th August, 1933 (Burma Legislative Council Proceedings, Vol. 26, p. 119). The Government of Burma is prepared to satisfy this desire. [See para. 27 of Appendix II to Record A1 (II), Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 47.] Besides, there is ample time to have new general constituencies delimited as single member ones for the first election under the new constitution.

C.—*Special Interests.*

It is proposed to allot seats to the following special interests:—

(*a*) European Chamber of Commerce.

(*b*) Indian Chamber of Commerce.

(*c*) Chinese Chamber of Commerce.

(*d*) Burmese Chamber of Commerce.

(*e*) Indian Labour.

(*f*) Burmese Labour.

(*g*) University.

As regards the European Chamber of Commerce, it is proposed to allot four seats. We consider this is too much. The Governor, the Counsellors, the Financial Adviser will be Europeans for some time to come. There will be provisions in the Act against trade or administrative discrimination. The Superior Services in all branches will contain Europeans for some time to come. Besides it cannot be said that the European interests in trade and commerce are separate from or are above the interests of the whole country in these matters. In actual fact, however, the interests of the people of Burma in these respects are much wider and more abiding. We therefore consider that the present representation by two seats is quite adequate.

As regards the Indian Chamber of Commerce, their interest is not more than that of the European, and considerably less than that of the people of the country. One seat to the Indian Chamber is therefore quite adequate.

As regards the Chinese Chamber, we do not consider that any seat should be given to it. The majority of the members of this Chamber are non-British and are Chinese subjects and there is no justification for providing seats for non-British subjects in Burma. Besides, the Chinese community has always won a seat for West Rangoon constituency.

As regards the Burmese Chamber we consider that it should at least be placed on the same footing as the European Chamber seeing that the people of Burma, whose abiding interests in the country cannot be denied, have predominating interest in the trade and commerce of the country.

No Reservation of Seats for Women.

The proposal to reserve seats for women has been made by the Secretary of State for India very tentatively. It is expressly stated in paragraph 32 of Record A1 (II), Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 24, that it is not proposed to press the suggestion if the women of Burma do not wish reservation of seats.

The women's delegate at the Burma Round Table Conference disclaimed any requirement by the women of Burma for special means of representation. She made herself quite clear, saying, "We do not claim special treatment or special electorates. . . . I definitely say we want to stand in the open field with our men demanding equal responsibilities with equal rights." (Burma Round Table Conference Proceedings, page 163.) The lady member of the present Burma Delegation has also stated definitely that the women of Burma ask only for a fair field and no favour and that they object to reservation of seats for them on principle. Besides no one on the same Delegation has supported the proposal to reserve seats for them.

The people of Burma have always treated their women very well, and a lady was returned to the Burma Legislative Council by a general constituency as soon as one sought election after removal of the sex disqualification. There is every likelihood of women faring better without reserved seats.

Seats for Labour.

Since two seats for Burmese labour are counted against the majority community, i.e., the Burmese people for the purpose of calculating seats for minorities, Burmese labour should be represented by Burmans only. At the same time there should be provisions to prevent representation of labour by employers thereof.

Rangoon Trades Association.

We strongly support the recommendation of the Government of Burma that there should be no special seat for the Rangoon Trades Association in the House of Representatives. [Appendix II 6 (5) of Record A1, Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 39.] The Chairman of the Burma Reforms Committee, 1921, and two members thereof, Mr. Smyth (now Sir S. A. Smyth) and U. Myin, would have preferred (in 1921) to withhold representation on the ground that if the comparatively unimportant interests of the retail trade in Rangoon are entitled to representation there are many similar interests such as co-operative societies who ought to receive at least equal, if not prior, treatment. And this reason remains valid and will gain more and more force in the course of time.

General Rural Constituencies.

Akyab District West, Bassein District, and Prome District, each with a population over 360,000, should get three seats each instead of two as proposed by the Government of Burma in para. 27 of Appendix II to Record A1 (II) [Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 47].

Franchise for the Lower House—(Appendix II, para. 37)—
Enfranchisement of Women.

The Indian Franchise Committee recommended wifehood franchise for India.

They observed, "We think that it is a reasonable view that marriage gives a community of interest and that in it a woman enters into a partnership with her husband which may well confer civic rights as well as domestic duties." And these observations apply with greater force to Burma where, according to Burmese Buddhist Law, women enjoy equal rights with their husbands and where husbands and wives own properties jointly and in co-partnership irrespective of the manner in which they have been acquired. In the vast majority of cases, wifehood franchise would mean not a concession but only removal of an anomaly by due recognition of the wife's property qualification or payment-of-tax qualification, the properties having stood and the taxes having been paid in the name of the husband only. The suggestion that recognition of wifehood franchise might mean that more women than men are enfranchised is not borne out by the statement of the Government of Burma (Record A1 (II) Appendix II, para. 37, Joint Committee on Indian Constitutional Reform,

Session 1933-34), and there should be no objection to the number of women voters being practically equal to that of male voters. At any rate, men have not raised any objection thereto and purely administrative difficulties, which can be surmounted with a little effort on the part of Government, shoul dnot be allowed to stand in the way where such an important question as enfranchisement of women is concerned.

Without wifehood franchise, only 700,000 women will be enfranchised as against 2·3 millions of men in a population of 12·9 millions (ibid., para. 39).

Qualifications for members of the Upper House.

(Appendix II, para. 46, page 53.)

The Burma Delegation is unanimous in the opinion that the proposed qualifications are too high. We submit that the present qualifications for members of the Indian Legislative Assembly should be accepted as qualifications for members of the Upper House and that there should be no sex disqualification. We also submit that the present franchise for the same Assembly without sex disqualification should be accepted as franchise for direct elections to the Upper House.

We further submit that apart from property qualification and qualification by service in public appointments, qualification by having been a graduate or a member of a learned profession for a certain number of years or by having been member of the Burma Legislature or President of local self-governing bodies should be recognised.

The qualifications proposed by Government recognise only very high property qualifications and distinguished public service, and they can only produce an organ of class-government which is objectionable from all points of view.

APPENDIX 'B1.'

List of Members of Minority Communities returned by General Constituencies to the Legislative Council of Burma

First Term, 1923.

1.	W. S. Lamb, Magwe West	European.
2.	U Po, Kyankse	Indo-Burmans.
3.	U Sulaiman, Mandalay Town	
4.	Ebrahim Mohamod, Morgui	
5.	U La Ba, Tavoy Town	Karens.
6.	U San Baw, Tharrawaddy South ...	
7.	H. C. Khoo, Tavoy Rural	Chino-Burmese.
8.	U Mya, Myingyan North	
9.	L. Ah Yain, Rangoon West	

Second Term, 1926.

1.	K. Beng Chong, Rangoon West ...	Chino-Burmese.
2.	U Mya, Myingyan North	
3.	L. Soo Doon, Tavoy Rural	
4.	H. Kim Seng, Pegu North	
5.	L. H. Wellington, Tavoy Town ...	Anglo-Burmans.
6.	U Ni, alias E. Pritchard, Prome Town	
7.	E. G. Maracan, Akyab West	Indo-Burmans.
8.	U Shwe Yun, Mergui	
9.	U Mya, Meiktila West	
10.	U Maung Maung, Sagaing East ...	

Third Term, 1928.

1. U Aung Thin, Mandalay Town	Indo-Burmans.
2. M. Eusoof, Moulmein Town	
3. U Ba Yin, Meiktila East	
4. U Mg Mg, Sagaing East	
5. L. H. Wellington, Tavoy Town	Anglo-Burmans.
6. U Ni, Myingyan North	
7. H. Kim Seng, Pegu North	Chino-Burmese.
8. U Po Aye, Yamethin North	
9. Chan Chor Khine, Rangoon West ...	
10. U San My, Pakokku East	Burmese Christian.
11. U Tun Pe, University	

Fourth Term, 1932.

1. H. C. Khoo, Tavoy Town	Chino-Burmese.
2. L. C. Khoo, Tavoy Rural	
3. L. Choon Fong, Rangoon West	
4. U Po Khine, Akyab West	Indo-Burman.
5. U Ni, Myingyan	Anglo-Burman.
6. U Kyaw Din, Henzada South	Burmese Christians.
7. U Tun Pe, University	

APPENDIX 'C'

Memorandum on Arakan by U Shway Tha

Arakan is a narrow fertile strip of territory lying along the Western coast of Burma. It has an area of about 18,000 square miles and a population of about a million. On the north it is bounded by a conglomeration of hills of Chittagong Hill Tracts and Manipur. On the north-east it is separated from Chittagong District of Eastern Bengal by the Naaf river, on the west and on the south by the Bay of Bengal, and on the east it is separated from the mainland of Burma proper by the lofty ranges known as the Arakan Yomas. Thus the country is more or less shut in by natural barriers throughout the year. Arakan owing to its geographical position is cut off from the rest of Burma. Her needs in communication, roads and education are neglected in comparison to other divisions in Burma which pay about the same revenue as Arakan. To remedy this, provision for appointment of a Parliamentary Under-Secretary for Arakan may be made in the Constitution Act. His duties will be to look after the interests of Arakan and advise the Ministry.

When Arakan's aim is accomplished, i.e., after communication by way of roads and railways with Burma proper and formation of schools to the satisfaction of the Arakanese public, the post of Parliamentary Under-Secretary may be discontinued.

APPENDIX 'D'

On Memorandum by Lord Eustace Percy and others on Education in Burma (*See* Appendix D(1))

Comment, para. (1).—No case for additional safeguard has been made out. It is quite clear that there has been no pressure, political or otherwise, brought to bear on the heads of the schools and that there has been no threat nor suggestion to reduce the grants. If there be any reduction—other than pro rata with other schools—and if such reduction be not justifiable, the Governor-General of Burma would have ample powers to interfere under Proposal 17 (*c*) and (*e*).

Comment, para. (2).—There is no case for additional safeguard. School Boards usually act on the advice of Education Officers known as Inspectors of Schools and they are subject to control by the Deputy Commissioner, the Commissioner, and the Ministry of Education. The right of appeal already provided is ample. To allow minority communities to appeal to the Governor-General of Burma in any case of dispute between them and a local education authority would make the position of the local education authority and the Ministry of Education impossible and it might lead on to serious political and constitutional consequences.

As in the case of English schools, the Governor would have ample power to intervene on behalf of minorities if there be administrative discrimination against them under Proposal 17 (*c*) and (*e*).

Comment, para. (3).—No case for an inquiry has been made out. There is no indirect motive and no discrimination. The standard of English is being raised for non-Europeans just as the standard of Burmese is being raised for English schools. The Government of Burma and the University of Rangoon should be free to deal with the standards of education in Burma and the University. At any rate the consultation should not imply a gesture for lowering those standards.

APPENDIX 'D1'

Memorandum on Education in Burma by Lord Eustace Percy and others

(1) *Admission of Students to English schools.*—The schools have no complaint to make against any existing law or regulation. They enjoy freedom to admit or exclude what students they please. Their complaint is that they have sometimes felt obliged in the past to act contrary to their better judgment in this matter because they have feared that their Government grants might otherwise be reduced. They ask, therefore, that the grant regulations now in force, both as to the amount and conditions of grant, shall not be altered to the prejudice of existing schools without the consent of the Secretary of State.

(2) *Registration of minority vernacular schools as subsidised schools.*—The complaint here is that District Boards have been unable to register new Indian or Karen schools for subsidy, or even to "recognise" them so that their students may enter for government examinations. These minorities, therefore, ask that in any district where there are a minimum

number of children belonging to the community concerned that community should have a constitutional claim to a fair proportion of local grants and, in case of dispute, a right of appeal to the Governor acting under his special responsibility. They suggest that the Governor's special responsibility in such matters should be more precisely defined, on the lines sketched in paragraph 85 of the Report of the Burma Round Table Conference; and that, in deciding appeals, he should consult representatives of the minority communities.

(3) *Language.*—The complaint here is that the Government, in pursuit of the bi-lingual policy which it has recently adopted, is so raising the standard of Burmese as a compulsory subject in High Schools and for University matriculation as to prejudice the interests of non-Burmese students. The English schools would not object to the recognition of Burmese and English as twin official languages (as in the South African constitution), or to both languages being taught in the schools, as in South Africa. Nor do they object to Burmese being made a compulsory subject for examinations for entry into locally recruited public services for which a knowledge of the language may be considered necessary by the Public Services Commission. They would, however, urge that, as in South Africa, the second official language should not be a compulsory subject of school or university examinations for English students, or at least that English students should be able to pass in the second official language at a lower standard (as in the optional subjects for matriculation in South Africa). Similar objections are raised by the Indian and Karen communities, though they fully recognise the necessity for their communities to attain a reasonable standard in Burmese.

The decision on these complaints and suggestions must lie with the Joint Select Committee, but the following comments on each of the above three heads may be of service to the Committee in reaching a conclusion:—

(1) If it is considered necessary to safeguard the position of the English schools, such a safeguard might take the form of a statutory provision on the lines of that proposed in regard to Anglo-Indian schools in India in the first part of paragraph 4 (*a*) of the Report of Lord Irwin's Committee: *i.e.*, that there should be no reduction in existing educational grants-in-aid for these schools other than a reduction *pro rata* with a reduction in the general educational grants-in-aid.

(2) The Governor's special responsibility for the legitimate interest of minorities might provide a sufficient safeguard for minority vernacular schools if it were made clear in his Instrument of Instructions (*a*) that, in the area of any local education authority, a fair proportion of grants to vernacular schools should be applied to Indian and Karen schools, if fit for recognition and desiring it, and (*b*) that he should give the minority communities an opportunity of appealing to him in any case of dispute between them and a local education authority. The question by what means the Governor should be enabled to enforce decisions taken under his special responsibilities in matters of local administration, having regard to the nature of the existing local government legislation in Burma, may require further consideration by the Joint Select Committee. It should be added that, in the view of the Burmese delegates, a fair proportion of grants is already being applied to minority vernacular schools, recent difficulties having been solely due to the financial straits of local authorities, which have affected Burmese vernacular schools no less than minority vernacular schools.

(3) Apparently the minorities have little complaint to make against the position in regard to language teaching as it existed up to about a year ago. That position was that a lower standard of English was accepted in high school examinations in Burmese Anglo-vernacular schools and a lower standard of Burmese in English schools and in Indian and Karen Anglo-vernacular schools; and Burmese was not, at any rate in practice, a universally compulsory subject for university matriculation. It is understood that within the last year or so the university has made Burmese a compulsory subject in its matriculation examination, and both the Government and the university have announced their intention of requiring an equally high standard in both English and Burmese for all high school final examinations and for university matriculation in about five years' time. In these circumstances, it might be desirable to consult the Government of Burma as to whether the *status quo* of a year or so ago might not be restored and perpetuated.

IV.—Memorandum by Sra Shwe Ba on behalf of the Karen Community

Introduction.

The Karens form a second important indigenous race in Burma. To acquaint the Joint Select Committee with the situation of the Karens, who are an entirely different race from the Burmese, and their claims in the proposed constitution for Burma, I would respectfully invite references to the Memorandum submitted to the Indian Statutory Commission by the Karen Elders of Burma and to the various Census Reports of the Government. I would also invite a reference to the claims put forward by the Karen delegates at the Burma Round Table Conference, *vide* Burma Round Table Conference Proceedings, pages 60 and 61, 86 and 87, and 141-143.

1. As my right to represent the claims of the whole Karen Community and my statement that the Karens as a body are in favour of separate electorates for the Karens has been challenged, it seems necessary for me to make my position clear on this matter. Some statements of my position and of the basis of the claims of the Karens seem therefore to be called for at this juncture.

2. I endorse the statement made by the Secretary of State for India [*vide* Para. 23, Record A1 (II), Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 18], that the difference between the Karens and the Burmese is "entirely racial." As further stated therein it is true that "Religious differences seem to be an unimportant factor." I might also add that the Karens and Burmese have in many cases a different outlook, too. This fact has been greatly recognised by the Government of Burma in their Memorandum to the Indian Statutory Commission, page 10, paragraph 24. The Karens have always maintained a racial solidarity forming a highly individualised group and withstanding assimilation into the Burmese.

3. I also agree with the statement made by the Secretary of State in the same Memorandum on page 13, paragraph 7: "But the Karens, though belonging to the same main branch of family are a different race from the Burmese proper, speaking a different language and holding aloof from the Burmese in many ways." I wish to lay special emphasis on the words "in many ways." But I fear that space would not permit me to mention them.

4. It has been contended that the claim for separate representation for the Karens did not represent the unanimous view of the Community. This must be emphatically repudiated. If there is any matter on which there is a unanimity of opinion on the part of the Karens, this is the one. The history of the political activities of the Karens furnishes irrefutable evidence that the demand for separate representation is the foremost one of all.

(*a*) Successive Karen deputations have waited upon the various Parliamentary Committees and representatives of the British Government to express their desire and enforce the claim for separate representation since the introduction of Reforms in Burma. In 1917 a deputation of the Karens crossed over the Bay of Bengal and waited on Mr. Montagu, the then Secretary of State for India, and Lord Chelmsford, the then Viceroy of India, and made a representation on behalf of the Karens for a grant of their own

representation by separate electorates in the new constitutional scheme for Burma. Another Karen deputation came over to London in 1919 to give evidence before the Joint Select Committee presided over by the Earl of Selborne in a committee room of the House of Lords. This deputation again reiterated the same request. Further the representatives of the Karens of which I was one, expressed this same desire in their evidence before the Whyte Committee in 1921.

The Karens have thus unanimously and consistently maintained their view on the matter of separate representation for themselves.

(*b*) It may be further pointed out that I have been given a mandate to press for the grant to the Karens of representation by separate electorates in the proposed scheme for the government of Burma both on the occasion of the Burma Round Table Conference and also before the present Joint Select Committee. A meeting of the General Council of Pwo Karen Associations was held in Rangoon on the 12th of October, 1931, prior to the departure of the Karen delegates to the Burma Round Table Conference and passed a unanimous resolution to instruct the Karen delegates to demand nothing less than representation of Karens by separate electorates. This was mentioned by my colleague, Mr. Loo Nee, before the Burma Round Table Conference. This mandate was given us with a hint of liability to be regarded as traitors to the Karen cause in the event of default to put forward this claim. The meeting which gave this mandate, it may be mentioned, was attended by the Karens irrespective of creed, denomination or tribe.

On the 9th September, 1933, a Representative Karen meeting was held in Rangoon [*vide* Appendix III (IV) B, Record A1 (II) Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 71] and unanimously accepted the proposal of separate representation for Karens. Again on the 6th November, 1933, a meeting of representatives of the Karens was held prior to my departure to England to sit with the Joint Parliamentary Committee. I was reminded in a farewell message to accept no alternative but separate electorates for the Karens. Thus, the Karens have been unanimous and have never shown a cleavage of opinion on this point.

5. The suggestion has been made that I voice only the opinion of the Karens of the Christian section to which I belong. This statement, made by those with little knowledge of the desires of the Karens, is entirely untrue. I was elected to the Burma Legislative Council on the last three occasions by Karen Buddhists, who form the majority in my constituency. As the President of the General Council of two Karen Associations, Burma, whose membership comprises mostly non-Christians, I can boldly say that I am actually voicing the attitude of the whole Karen Community in demanding separate electorates. I may further mention that there has never been an occasion since the Reforms were introduced in Burma on which the contest for Karen seats in the Legislative Council was along religious lines. The doubts cast on the representative character of the Karen delegate on account of his religious affiliation must be strongly repudiated. The following extract from a letter from a Karen Buddhist member of the present Legislative Council, representing Amherst Karen Rural, will convincingly show that not only my own co-religionists but Buddhist Karens also regard me as their leader and spokesman and that religious affiliation is not a disqualification of my expression of the views on behalf of the Karens.

MEMORANDUM BY SRA SHWE BA ON BEHALF OF THE KAREN COMMUNITY.

Dated Kawkareik,

5th September, 1933.

DEAR U SHWE BA,

I am very much thankful to your letter of the 1st instant and I understand that my knowledge and experience is not as wide as yours. So I should say that I will agree to all the views made by you for the Karens . . . Sorry, I could not furnish you with my view as requested by you and I solely rely on your views.

* * *

Yours sincerely,

(Sgd.) HTUN BAW, M.L.C.,

Kawkareik.

I would point out that during the whole period occupied by the present review of the constitutional position, no section of the Karen community has recorded views on this subject conflicting with those now urged by me.

6. The demand of the Karens for an adequate representation by separate electorates stands upon a stronger ground than that of other minorities. Unlike the others the Karens are the aborigines of Burma, claiming a history in the country longer than even the Burmese. The interests of the Karens are more closely bound up with Burma than that of the other minorities, the Indians and the Europeans, whose residence is mostly temporary conditioned mainly upon commercial interests.

7. It is the considered opinion of the Karens that they cannot obtain adequate representation in the government of the country except through separate representation by their own elected members in the Legislature of Burma. A statement has been made that since the Karens had been elected from general constituencies in the first Council they need not be given separate communal representation in the new constitution. However the facts seem to be against such a possibility. Three Karens were elected to the first Burma Legislative Council under very special and exceptional circumstances. In the later elections no Karen member was returned from the general constituencies, although seats were contested by them. The elections have been run on racial lines and there is no guarantee that it will not be so in future. Hence the Karens stand no chance of being elected in the general electorates. The sentiments of the majority party show clearly a racial outlook and bias. It is therefore obvious that an adequate representation of the Karen interests in the new Legislature can only be made through separate communal electorates.

8. In the matter of the representation of the minorities generally, the Karens are in favour of an allotment of seats on population basis. For this reason, they have accepted the award of 12 seats for their community although their claim was for 16 seats. The allotment to the Indian and European communities of more seats than they are qualified for on this ground cannot be agreed to. Other considerations besides that of representation on population basis, would give these communities larger representation than the sons of the soil who have permanent interests and full rights of the country. The Indians and the Europeans have their mother countries, India and England, respectively. All political advantages, rights and privileges are theirs. If they are not content with all this, which they do not share with us, and make extravagant claims in respect of Burma, they are certainly asking too much for the "best of both worlds."

I would in this connection support the views expressed by the Independent Party, Appendix III, of Record A1 (II), Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 55.

9. Reference has been made to my provisional view tendered to the Government of Burma as contained in the Record A1 (II), Appendix III (IV), Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 71, that the Karens and Burmans can easily hold the reins in their hands. This statement does not mean that the Karens are in every way of one accord with the Burmese. As stated in paragraph 27 of Record A1 (II), Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 20, the Karen members of the Legislative Council "did not tend to form a solid bloc but voted according to the matter in debate." The statement was intended to show the possibility of an increase in the strength of the representation of the indigenous races by acceding to the claim of the Karens for separate representation.

10. Regarding the number of seats to be allotted to the Karens, the proposal of the Government of Burma to allot 12 seats to the Karens on population basis has been accepted by the Representative Karen Meeting —[*vide* Record A1 (II), Appendix III (IV) Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 71]. A slight correction (to make up 12) should be made in the last paragraph of page 39, to which should be added Tharrawaddy and Prome with Karen population of 31,300. However, in the matter of their distribution the Karens have felt it necessary strongly to urge that the representation should be distributed over a wide area instead of being concentrated in a comparatively small area. This proposal is deemed necessary in view of the need for political education in the democratic methods of election and for better service to the new Government of Burma.

11. It is to be hoped that the position of the Karens in the matter of representation by separate electorates has been made clear.

12. I must also not forget to mention that in the Burma Army it is the desire of the Karens for the creation of a Karen regiment, the officers of which should comprise a proportion of Karen officers.

13. The Karens are a peculiar race in Burma, speaking a language of their own, and their traditions, culture, manners and customs are unlike the Burmans, by whom they were once oppressed. The Karens have always been loyal to the British Government. The fact that during the Great War the Karens furnished more men (who also saw active service) in proportion to their numbers and contributed more men to the Burma Military Police for the defence of Burma than did the Burmese community proper, must avowedly deserve concrete recognition and a grant of adequate measures to obtain their legitimate rights and privileges, consonant with their sentiments, wishes and aspirations, for their future progress and prosperity, politically, socially, and economically, in order to enjoy their rightful place in the administration of the country in which they have peacefully lived.

I hope that I have made the case for the Karens clear, and have made it without fear or favour in order that the Committee may realise our true and earnest desire for the privilege of serving our homeland as a separate entity, strongly maintaining that in so doing we will be promoting the true interests of our motherland.

I would, in conclusion, add that without adequate safeguards to preserve the legitimate rights of the Karens racially, educationally, economically, and religiously, and a grant of adequate representation through separate

electorates which is the only means of education for the Karens of Burma in the democratic government, the seed of automatic growth cannot be said to be provided in the proposed constitution for Responsible Government of Burma.

Communal representation for the Karens is not a menace to progressive democratic government. The Karens, being the true sons of the soil, wish to share the burden of the government of the country in which they live and die. In the past no opportunity has been given them to take their proper place in the life of the province. They have always been downtrodden and oppressed. Needless for me to mention all the details of our past sad history. As only the wearer knows where the shoe pinches, so the Karens have sufficient experiences in the past. We do not want to obstruct the reforms which we would not only welcome but work in co-operation with the majority for the betterment of Burma.

The Karens further ask for adequate statutory safeguards in the matter of administrative services, education and religion, etc. This we ask as there has been a tendency during the past few years for nationality and religion to be considered more important than efficiency.

In this connection I would refer to the statement by my colleague, Mr. Loo Nee, on this subject before the Burma Round Table Conference (Proceedings, pp. 60-61) in which he asked for separate Karen electorates, representation on public bodies, and in the Public Services, with statutory provision for the protection of Karens, with reserved rights to the Governor to intervene to remedy any injustice.

It is the desire of the Karens that at least three seats may be allotted to the Karens by the nomination of the Governor in the Upper House.

RECORD B.2 (*continued*)

V.—"A" Memorandum by Mr. K. B. Harper on Trade Relations between India and Burma in the Event of Separation

I.—*Introduction.*

In my statement to the Committee on the Separation issue on the 6th December (which is reported in Record B1, Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 140), I pointed out that the European Community in Burma attach the utmost importance to the preservation of the existing fiscal relationship in respect of the exchange of indigenous articles of trade between India and Burma in the event of Burma being separated from India. I think I am right in saying that all the other members of the Burma delegation share the European Community's view of the importance of preserving these relations. This Memorandum does not enlarge on the need for preserving this relationship but, accepting that, deals with the practical question of giving effect to it.

II.—*Description of "Existing Relations."*

The articles of trade exchanged between India and Burma are at present subject to the following fiscal conditions:

1. India and Burma at present form one fiscal unit and there are no *export or import customs* duties payable on goods exchanged between India and Burma.

2. There are certain indigenously produced articles which are subject to Central Excise duties, namely, Petrol, Kerosene, Silver and Salt.

3. Cigarettes are subject in Burma to a *Provincial Luxury* Duty which applies to imports from India and of Indian made cigarettes and to cigarettes manufactured and consumed in Burma.

4. Matches are subject in Burma to a *Provincial Consumption* Duty which applies to all matches sold in Burma, whether Burma, Indian or foreign made.

5. The Excise Duties on Petrol and Silver are at the same rates as those of the Import Duties on Petrol and Silver imported from other countries. The Excise Duty on Kerosene is at present $11\frac{1}{4}$ pies per gallon less than the Import Duty. The Excise Duty on Salt is at present $2\frac{1}{2}$ annas per maund less than the Import Duty.

III.—*Suggested Formula.*

In my statement on the 6th December I ventured to ask the Joint Committee, if it were not found possible to enact that in spite of political Separation the "existing fiscal relationship" between India and Burma shall be maintained, to adopt alternatively a three-fold course; firstly, to record an emphatic view that it would be in Burma's and India's interests to maintain the "existing trade relations" and that those relations should be regulated by a Trade Agreement; secondly, to record the view that in order to avoid so far as possible interfering with the fiscal autonomy of the new Governments the Agreement should be negotiated between the new Government of India and the new Government of Burma; and thirdly, to recommend that the Constitution Act should provide that until that Trade Agreement has been concluded by the new Governments, "existing trade

relations" should be continued. Whether for this status quo period or for a longer period, if it is decided to enact the preservation of this existing relationship, it will be necessary to define the principle in the Constitution Act. While claiming no ability as a draftsman I venture to attempt below a formula designed to cover the principle involved.

1. There shall be free trade* between India and Burma in all indigenous articles and products:

Provided that where any article or product was on the day preceding the date of Separation subject to a Central Excise Duty or a Provincial Consumption or Luxury Duty, such article may be charged on importation from India into Burma or *vice versa* to a corresponding duty being neither (i) higher than the rate of the Excise Consumption or Luxury Duty as the case may be from time to time chargeable in respect of similar indigenous articles or products of the importing country; nor (ii) in the case of an article or product on which, on the day preceding the date of Separation, the rate of Excise, Consumption or Luxury Duty in the importing country was lower than that of the Import Duty on similar foreign articles or products, at a lesser differential below the rate of Import Duty from time to time chargeable on such foreign articles or products than was in force on that day.

2. India and Burma shall each be free to alter its tariffs in respect of its trade with other countries:

Provided (*a*) that if the rate of import duty on any article is altered by either country such rules may be made by the country of the higher tariff as may be necessary to provide for the payment of the due rate of import duty on such articles re-exported from the country of the lower tariffs; and

(*b*) further that the articles listed in *Schedule A* (*India*) shall not be made subject to any reduction of duty by the Government of Burma except with the agreement from time to time of the Government of India, and articles listed in *Schedule B* (*Burma*) shall not be made subject to any reduction of duty by the Government of India except with the agreement from time to time of the Government of Burma.

With regard to the last provision it is suggested that the two Governments should agree upon two lists to be scheduled to the Act—Schedule A being a list compiled by India of articles of Indian manufacture, e.g., Cotton Piece Goods, on which Burma would agree to maintain the preference afforded by the existing rates of import duty; Schedule B being a similar list (including, e.g., Teak) compiled by Burma *mutatis mutandis*. These lists would presumably have to be agreed by the present Governments, but could be added to or amended from time to time by agreement between the two countries.

IV.—*Points the Formula should cover.*

It is suggested that it would be necessary for the Formula to fulfil the following subjects:

(*a*) to cover all aspects of "existing relations" as described above in Section II.

(*b*) to leave India and Burma general freedom of action as regards their respective tariffs on their trade with other countries.

* By "free trade" is meant freedom from both Import and Export Duties.

(*c*) to allow for the possibility of a reduction of outside tariffs by either country having the effect of adversely altering "existing relations."

(*d*) in the event of either country altering its import duty on any article, to prevent the re-exportation from the country of the lower tariff of such article free of duty into the country of the higher tariff.

(*e*) in the event of either country reducing its export duty on any article or products, to prevent the re-exportation from the country of the lower tariff of such article or product imported free of duty from the country of the higher tariff.

(*f*) to avoid undue restriction of the working of Imperial Preference.

V.—*The Formula analysed.*

The Formula suggested in Section III is intended to cover the desired objects in the following manner:

(*a*) "Existing Relations" as defined in Section II;

1. The basis of free trade relations between India and Burma is preserved by Part 1 of the Formula.

2. The Central Excises in force on certain indigenous products are covered in the Proviso to Part 1.

3. The Provincial Luxury Duty on cigarettes is covered in the Proviso to Part 1.

4. The Provincial Consumption Duty on matches is covered in the Proviso to Part 1.

5. The differential between the rates of Import Duty and Excise Duty on kerosene and salt are covered in the Proviso to Part 1.

(*b*) Freedom to both countries in respect of their outside tariffs is covered in Part 2.

(*c*) Adjustments for a reduction of outside tariffs adversely changing "existing relations" are provided for in Part 2 (*b*).

(*d*) Adjustments for re-exports from the country of the lower import duty into the country of the higher import duty are provided for in Part 2 (*a*).

(*e*) Re-exports from the country of the lower export duty of articles and products imported free of duty from the country of the higher export duty would be dealt with under Part 2 (*b*).

(*f*) Working of Imperial Preference. In respect of articles on either schedule referred to in Part 2 (*b*) of the Formula, the fixing of Imperial Preferential rates would be subject to agreement between India and Burma. In respect of all other articles Part 2 imposes no restriction.

Finally, the whole Formula is designed to impose the minimum of interference with the fiscal freedom of either country consistent with the fulfilment of the main principle.

VI.—*Certificates of Origin.*

Part 2 (*a*) of the Formula provides that if the rate of Import Duty on any article, other than an indigenous article, is altered by either country, such rules may be made by the country of the higher tariff as may be necessary to provide for the payment of the due rate of Import Duty on such articles re-exported from the country of the lower tariff. In order to distinguish between re-exported and indigenous articles for this purpose it would be necessary to adopt some device, e.g. for the importer to furnish

a Certificate of Origin of the article in question. In an Annexure to this Memorandum I have discussed possible alternatives to procedure by Certificates of Origin. I have arrived at the conclusion that no other alternative would be satisfactory, and that the possible inconvenience of the system of certificates would present no serious obstacle to the fulfilment of the proposal to maintain the "existing trade relations."

VII.—*Comparative Bargaining Power of the two countries.*

Although it is suggested that in practice there should be no insuperable difficulty in defining satisfactorily the existing fiscal relationship which it is desired to preserve between India and Burma, pending the conclusion of a Trade Agreement between the two countries, it is by no means certain that it will be found possible to conclude an Agreement which will be satisfactory to both parties. The success of any negotiations must depend to a large extent on that intangible factor "goodwill" and not merely on the respective bargaining powers of the two countries. It is to be sincerely hoped that the goodwill of neither country will be strained by the act of Separation but there is no point in being blind to the possibility of this not being the case.

In considering the respective bargaining powers of India and Burma there can be no doubt that the whip hand lies with the larger country. Taking the average figures of recent years, it will be seen that of Burma's Exports 48 per cent. go to India, while of India's Exports the proportion which goes to Burma is no more than 5 per cent. Prima facie therefore India is much less dependent on the Burma market than Burma is on the Indian. If we take the rupee value of exports from both countries it will be seen that, if Rice be excluded, Burma's Exports to India amount to about Rs.16 crores per annum and India's to Burma to about Rs.12 crores per annum. On this basis it might be argued that if it could be assumed that India would not in any event want to tax Burma rice the bargaining powers of the two countries are fairly evenly balanced. Indeed, in any such bargain, the deciding factor is Rice—the crop on which it is estimated 60 per cent. of the population of Burma directly depend for their livelihood and prosperity. The total Rice production of India, excluding Burma, varies between 22 and 28 million tons per annum. Burma's annual exports of Rice to India have in recent years varied between 900,000 and 1,300,000 tons per annum. So long as Burma has been part of India, India has not hesitated to take annually from Burma all but a few thousand tons of the country's requirements of rice in excess of its own production. India has gone even further than this, for, thanks to its call on Burma rice, it has been able to export Patna rice in larger quantities than the total of its imports of foreign rice from other countries than Burma. With Burma no longer Indian territory, it may be that India's rice policy will change. No great expansion would be needed to increase India's own production from 22/28,000,000 tons by the 1,000,000 tons now imported from Burma. It is always difficult to say with certainty who would pay an import duty on any particular article. Ultimately the tendency is for it to be recovered from the consumer. If an import duty on Burma rice imported into India were to raise the price of rice in India, this would provide the encouragement needed to agriculturalists to produce the extra million tons. At present the world's production of rice is slightly ahead of consumption. In these circumstances, it might not be possible for the seller of Burma rice in India to recover the duty in his price, in which case India might welcome the opportunity to impose such a duty and be assisted in getting the support of the Legislature by the expectation that its burden would fall on the Burma agriculturalist.

So long, therefore, as there can be any possibility of Burma rice becoming vulnerable to an Indian import duty, and in to-day's conditions it would be so, the balance of bargaining power in negotiations for a Trade Agreement will be heavily with India. It is true that it is proposed to give Burma the power to restrict immigration of Indian Labour, and that this power will be available for use as a bargaining counter whether Indian Labour is an item for inclusion in the Trade Agreement or in a separate ad hoc Convention. But it would be dangerous to assume that this power will be entirely and only in Burma's hands. As a weapon, it may be two-edged. One of the main reasons for the employment of Indians in Burma hitherto has been that Indians are, in many of the tasks on which they are employed, more efficient than Burmans.

Following upon riots between Burmans and Indians in May, 1930, an agreement was drawn up whereby 50 per cent. of the stevedore labour in the Port of Rangoon was to be allotted to Burmese labour gangs, where it had formerly been almost entirely Indian. Even now, when Burmese labour has had three-and-a-half years of training and experience, its outturn of work is so much below that of Indians that shipping companies have to pay to their stevedores when Burmese labour is employed 20 to 25 per cent. more than they pay when the labour employed is Indian. In the wharf labour of the Port, which is more arduous than stevedore work, the Commissioners for the Port of Rangoon have given a trial in the last few years to Burmese labour. After a reasonable period of trial it was estimated that the Burmese gangs, employed as "casual labour," had turned out 45 per cent. less work than Indian gangs. A further year's trial was undertaken with Burmese gangs on continuous employment. Careful records of the results were kept and it was found that their outturn of work was still 45 per cent. less than that of Indians under similar conditions.

The effect therefore of employing Burmans in the work of the Port of Rangoon has been very considerably to increase the cost of handling cargo, and it is logical to assume that this extra cost is, and in normal times will continue to be, borne by Burma—by the consumer in the case of imports and by the producer in the case of exports. Even the present degree of reduction, therefore, and certainly any further reduction of the quota of Indian labour in Rangoon, are not matters to the disadvantage of India only.

Further, there are certain classes of work for which training is necessary, and in which few Burmans have so far sought employment. These include river engineering works and maintenance, river survey, and work as crews of inland steam vessels. There is also a class of specialised labour known as "busta" coolies, who are employed in the shipment of bagged cargo. Burma's exports of rice, all of which is packed and shipped in gunny bags, are handled at the rice mills by this class of labour. These are all instances of work for which in present conditions Indians are indispensable. It may be accepted that no future Burma Government would restrict the entry of these classes of Indian labour into Burma, but if for any reason India were to prohibit their emigration, the effect would be seriously to hold up the business of the Ports of Burma.

VIII.—*Possibility of India and Burma not being able to come to an Agreement satisfactory to both Parties.*

If the arguments in the foregoing Section are accepted, it follows that in any negotiations for a Trade Agreement, Burma may find itself in the position of having to accept terms which in themselves put Burma at a disadvantage; or alternatively of having to hold up the conclusion of the

Agreement. If, therefore, the Joint Committee decide to recommend the Separation of Burma from India politically, I would respectfully urge that they not only endorse the vital need for not breaking the internal economic connection of the two countries, but also recommend that Parliament accept the responsibility of ensuring that any Trade Agreement which may be negotiated between them will be fair to both parties. Whether this object could be best achieved by the inclusion of special provisions in the Constitution Act, or by granting a right of appeal by either party to the Privy Council or by some other means is a matter of constitutional practice which I am not qualified to judge, and which I confidently commend to the wisdom of the Joint Committee and Parliament.

ANNEXURE.

CERTIFICATES OF ORIGIN.

In Section VI of the Memorandum it is stated that if there is to be free trade between India and Burma in indigenous articles, it will be necessary to be able to distinguish indigenous from re-exported articles. Wherever a similar necessity has arisen from the adoption of a system of preferential tariffs, I understand that the device usually employed is that of Certificates of Origin. Before resorting to this procedure the Governments of India and Burma will no doubt wish to consider whether there is any simpler method of attaining the object in view in the case of India-Burma trade.

One suggestion is that there might be a provision on the lines that, subject to the proviso to Part 1 of the Formula,

> there shall be free trade between India and Burma in all articles except those on which there are, in respect of imports from other countries, different rates of duty in India from those prevailing in Burma; on such articles imports into the country of the higher tariff shall be subject to duty at a rate equivalent to the difference between the rates of duty in force in the two countries.

The differential rate of duty would, under this provision, apply equally to indigenous and re-exported articles. Taking, for the purpose of argument by a particular case, the instance of rice, it would be possible under this proposal for India to put a Customs Duty on imports of non-Burma rice into India in which event the same rate of duty would automatically become applicable to imports of Burma rice into India. This is precisely the kind of situation which it is desired to avoid. This duty differential suggestion would, therefore, not act satisfactorily in the case of increases in duty or of the imposition of a duty where none formerly existed. To confine the operation of the proposal to cases of reduction of duty by either country would clearly not fulfil its object since Certificates of Origin would still be necessary in the cases of increases of duty.

There would, moreover, seem likely in practice to be a further objection. Customs Duties in India at the present date are subject to a surcharge of 25 per cent. imposed in September, 1931. At the time of its imposition it was stated by the Government of India that this increase in the Customs Duties was made by way of surcharge because it was intended to be temporary, to be removed as soon as the revenue position permits. The surcharges are still in force at the present date and indications suggest the possibility that the revenue position will not permit their removal for some time to come. If therefore it is decided to separate Burma it is possible that these surcharges will still be in force at the date of Separation. If, after Separation, Burma were in a position to remove these surcharges

MEMORANDUM BY MR. K. B. HARPER ON TRADE RELATIONS BETWEEN INDIA AND BURMA IF SEPARATED.

before India could do so it would obviously be unfair to Burma if in fulfilling the assurance which was made by the Government of India to the public at the time of the imposition of the surcharges, the effect of their removal were to be that Burma's indigenous articles were to become subject on their importation into India to duty at a rate equivalent to the surcharge which Burma had removed. On the other hand to take the substantive rate of Customs Duty (after deducting the surcharge) as the rate from which reductions would operate for the purpose of this suggestion would be no remedy, for the need for Certificates of Origin would again arise as soon as the surcharge was removed by one but not the other country and the object of the suggestion would thus be destroyed.

It would, therefore, seem that this suggestion does not offer a satisfactory method of avoiding the use of Certificates of Origin, nor am I aware of any other method of doing so other than a complete Customs Union in which rates of import duty would remain the same in Burma as in India. But this would in itself preclude one of the main benefits to be expected from Separation. Moreover, I suggest that there is, in these times, no serious practical objection to the use of Certificates of Origin. With the extension of Imperial Preference this procedure is becoming daily more and more common and offers no real difficulty which could not be overcome in the case of Indo-Burma trade. In any case, the possibility of inconvenience which the use of Certificates of Origin may sometimes involve does not seem to constitute an obstacle to the principle underlying the proposal to maintain the "existing trade relations" between India and Burma. I suggest, therefore, that it may safely be left to the Governments of India and Burma to make rules for the use of Certificates of Origin, or for any other method they may agree upon, in accordance with Part 2 (*a*) of the suggested Formula.

"B" Memorandum by Mr. K. B. Harper on the Burma White Paper Proposals

The views of the European Community in Burma on certain of the matters which arise from the "Scheme of Constitutional Reform in Burma if Separated from India" were expressed by me in the Discussions with the Committee. These notes are supplementary.

Proposal 25.

This Proposal deals with the selection of Members of the Senate, half by election by the Lower House and half by nomination by the Governor. Although the object of this method is to make "the Upper Chamber as far as possible fully representative of the interests of different sections of the population,"* it would be unfortunate if the result of elections by members of the Lower House were that the Minorities had to rely entirely on the Governor's nomination to give them their due representation in the Upper House. In the minds of political Burmans there is a distinction between elected and nominated members of the Legislature. They regard the latter merely as creatures obliged to follow the dictates of the authority which nominated them, with none of the freedom of elected members in speech and vote. If, therefore, the Minorities have to rely entirely on nomination for their representation in the Senate the composition of the House will be a constant reminder and exaggeration of the depth of the apparent gulf between the Majority and Minority Communities. This would be the more regrettable because in fact the real gulf is neither wide nor deep. The peace and prosperity of Burma and all its people is the common interest of all communities. It is important therefore that the Minorities should return some of the elected members, but there is only one method of election which would reasonably enable them to do so, namely, the method of the "single transferable vote." I would suggest therefore that it should be prescribed in the Constitution Act that this shall be the method by which the indirect election to the Upper House should proceed.

I suggest also that the Governor's Instructions should direct him to use his power of nomination first to redress any inequalities which may have resulted from the indirect election of the elected half of the House, and then to fill the remaining seats with men whose qualifications may be of particular value to the Senate.

Proposal 27.

This Proposal deals with the procedure for filling Casual Vacancies in the Senate. It provides that if the seat of a Senator becomes vacant it shall be filled by election if he were an elected member or by nomination if he were nominated. If the vacant seat is that of an elected member there is no method of election, either by the single transferable vote or otherwise, which could result in the return of a Minority representative, unless he were the choice of the Majority community in the Lower House. This would clearly be unfair to a Minority community if the member whose seat becomes vacant were their representative. It would obviously not be possible to confine the power of electing a member to the vacant seat to those members who had elected the vacating Senator, since it would not be possible to say with certainty who those electors were. I suggest therefore that all Casual Vacancies should be filled by nomination and that the member so nominated should hold his seat for so long as the

* See footnote to p. 71 of Record IV (Joint Committee on Indian Constitutional Reform, Session 1932–33 (Volume III)).

vacating member would have held his had he not vacated it. In such cases if it were an elected seat which had become vacant the new member would retire when his predecessor would have retired under Proposal 28, and the seat would then become open again to election in the ordinary course of rotation.

Proposal 28.

In any method by which members are retired by chance and their successors are elected by design there is an inherent improbability that the balance of representation will remain undisturbed. Under Proposal 28 one-quarter of the Senators will retire every two years, nominated members after the first and third two years and elected members after the second and fourth. Since the selection of the individual Senators for retirement is to be on the result of a ballot, the chances are against the proportion of Minority to Majority representatives being the same among the retiring quota as in the whole House from which they are retiring. It follows that after each rotational by-election either the Majority or Minority communities are likely to find themselves with one or more fewer representatives in the House than they had previously.* It would not be possible for the Governor to restore the balance until a nominated portion of the House retires two years later, and even then he might be able to do so only at the expense of depriving the House of some specially qualified Senator who would otherwise have been renominated.

I suggest that it would be possible to get over this difficulty by retiring some nominated and some elected members in each quarter; say, for example, in a House of 36 Members, retiring five nominated and four elected after the first and third two years, and four nominated and five elected after the

* E.G. In Houses of 133 Members (Lower) and 36 (Upper) the quota for original elections to the Upper House would be ... ... $\frac{133 + 1}{18 + 1} = \frac{134}{19} = 7{\cdot}05$, or 8 votes.

and, with a total Minority representation in the Lower House of, say, 34 Members, the maximum total number of elected seats obtainable by Minorities in the Upper House would be ... ... $\frac{34}{8} = 4$ seats.

In rotational by-elections the quota would be ... ... $\frac{133 + 1}{9 + 1} = \frac{134}{10} = 13{\cdot}4$ or 14 votes.

and the seats obtainable by the Minorities would be ... ... $\frac{34}{14} = 2$ seats.

Therefore if the original ballot for the retirement of the first nine elected members were to result in retiring more or less than two Minority members (and the chances are four to one against retiring exactly two), the by-election (by the system of the Single Transferable Vote, which alone can ensure the return of any Minority member at all) must in one period result in a loss of a seat or seats to either the Majority or Minority communities followed by a reversal of the inequality four years later. Even if the Governor in the intervening two year period redressed the inequality by nomination, the history of the Upper House would be one of constant alteration in the balance of Majority and Minority representation, a situation which would be none the more satisfactory for the possibility of foreseeing with reasonable certainty what the balance would be at any particular time in the future.

second and fourth two years. By this means the Governor could redress immediately after each by-election any inequality which might have resulted from it, and I suggest that his Instructions should direct him to do so.

Proposal 29.

For the reasons reproduced in Sections V-VII of Appendix III of Record A1 (II), Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, pp. 75-87, the Burma Chamber of Commerce claims 13 and the Burma British Association 12 of the seats of the Lower House of 132 members, or, say, 10 per cent.

I would also invite the attention of the Joint Committee to the support of these claims which is afforded by the Secretary of State's Memorandum published in Record A1 (II), Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 9.

1. The Table on p. 12 of this Volume summarising the position in respect of Communal representation, gives the impression that the European Community hold only four seats in the present Lower House in Burma. The Table, however, takes no account of the nominated members in the House. To omit these is to give credence to the erroneous impression held in some quarters in Burma that the purpose of nominating members is to add under another name to the strength of the Official Bloc and that these members are not as free to speak and vote as elected members. There are seven of these nominated members and as the Secretary of State points out* they "have hitherto included almost invariably since 1922 three European Members." The effective non-official European representation in the present Burma Council is therefore not four but seven seats. This fact is further recognised in Table B in Appendix I of Record A1 (II), Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 32.

2. The European Community in Burma claim parallel treatment to that accorded in the Communal award to Europeans in Bengal, viz., 10 per cent. of the total seats in the Lower House. In support of this claim I would refer the Committee to the Secretary of State's statement in paragraph 27 (iv) of Record A1 (II), Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 21, to the effect that "the position and importance of the European non-official community in Burma is more nearly comparable to that in Bengal (or Bombay, where there is nearly as high a proportion of general seats allotted), than to that in any other Province."

3. When calculating the representation which should be given to Minorities it is difficult to assess the extent to which the Karens should be regarded as a Minority Community. The point is discussed in the Memoranda of the Burma British Association† and the Burma Chamber of Commerce‡ and the conclusion arrived at is that "we must regard the Burmese and Karens together as the real Majority interest, and the Europeans, Indians, Anglo-Indians and Chinese as the true Minorities."

In support of this conclusion I would invite the attention of the Committee to the Karen delegate's own letter§ of 21st September, 1933, to the Reforms Secretary to the Government of Burma where he summarises his views on that Government's proposals for the distribution of seats in the Lower House, in these words: "This summary clearly indicates the majority

* Paragraph 27 (iv) of his Memorandum, Record A1 (II) (Joint Committee on Indian Constitutional Reform, Session 1933-34), Volume II, p. 21.

† Paragraph 3 of Record A1 (II) (Joint Committee on Indian Constitutional Reform, Session 1933-34), Volume II, p. 10.

‡ Paragraph 7, Record A1 (II) (Joint Committee on Indian Constitutional Reform, Session 1933-34), Volume II, p. 13.

§ Paragraph 7, Record A1 (II) (Joint Committee on Indian Constitutional Reform, Session 1933-34), Volume II, p. 13.

of the Burmans in the Council, and there appears to be no fear when the percentage of the Minority representation is only 26. The Burmans and Karens, being true sons of the soil, can easily hold the reins in their hands."

This statement justifies the apprehension that, in the consideration of any legislation adversely affecting the non-indigenous Minorities in Burma, those Minorities could not safely look to the Karen Members for support.

4. The Burma Chamber of Commerce* calls attention to the large amount of British capital invested in Burma, and the Secretary of State† points out that "a considerable portion of the wealth of the country is derived from the enterprise of a comparatively few, but highly important, commercial and industrial organisations". He concludes that these interests must be given adequate representation. "It is not enough that they should merely be able to give expert advice to the majority on matters in which their constituents at least will have little or no experience and no conscious concern, the representatives of commerce and industry in such conditions need to be given sufficient voting strength to ensure that their advice is, at any rate listened to with attention."

I endorse this Conclusion, but regret that the representation at present proposed for the European Community is inadequate for the fulfilment of this object.

5. The present and proposed distribution of seats in the Lower House in Burma may be summarised as follows:

	No. of seats.	*Total House.*	*Per-centage.*
Non-Official Europeans			
Present	7	103	6·8
Proposed by Government of Burma ...	7	132	5·3
Proposed by Secretary of State ...	8	133	6·0

To see the real position in its proper perspective the Official Bloc of 16 members should be excluded from these calculations. The comparative figures are then as follows:

	No. of seats.	*Total House (excl. Official Bloc from present House).*	*Per-centage.*
Non-Official Europeans			
Present	7	87	8·0
Proposed by Government of Burma ...	7	132	5·3
Proposed by Secretary of State	8	133	6·0

Not only therefore is it proposed to reduce the effective representation of the European community below the present level, but in the process the Europeans, in common with the other Minorities, are also to lose the protection hitherto afforded by the existence of the Official Bloc.

6. The European Community have from the beginning realised that differences of opinion might exist as to the exact extent to which their representation should be increased in the new Lower House, but have confidently assumed that there could be no question of reducing it below its present level. It is not surprising therefore that the present proposals have been received by the Europeans in Burma with profound dissatisfaction and apprehension.

* Para. 20 of Record A 1 (II) (Joint Committee on Indian Constitutional Reform, Session 1933-34), Volume II, p. 16.

† Para. 29 (ii) of Record A 1 (II) (Joint Committee on Indian Constitutional Reform, Session 1933-34), Volume II, p. 22.

To do no more than avoid a reduction of their present degree of representation they should have 8 per cent of the seats in the new House of 133, or 11 seats. In addition, having regard to the abolition of the Official Bloc, the relative importance of the European Commercial interests, the close analogy between the position of Europeans in Burma and in Bengal, the doubtful practicability of looking on the Karen vote as a Minority vote, the need for a steadying element in the Lower House, and the greater weight to be attached to all these considerations if Burma is to be separated, I submit that there are sound grounds for giving further weightage to European representation in Burma, and that there should accordingly be reserved to European interests 10 per cent. of the total seats in the House.*

Proposal 36.

This Proposal is to provide in the Act that among other matters "(*c*) the method of election of representatives of minorities and other interests" will be regulated by Orders in Council. While the European Community in Burma appreciate the theoretical objections to Communal Electorates, the position in Burma is that so long as the Majority Communities deny the existence of the Minorities and therefore any obligation to protect their interests, just so long will it be necessary for the Minority communities to assert that their interests do exist and must be protected by Communal Electorates. It is to be hoped that experience of self-government in action in Burma will satisfy the Minorities that they can safely forego the Communal electorates which at this stage they consider necessary for their protection. But I would request the Joint Committee to endorse the principle to which expression was given by the Indian Statutory Commission† that the decision in this matter must rest with the Minorities themselves in the light of the treatment which they have been accorded by the Majority, and that the Act should provide that no change in the method of election of representatives of Minorities and other interests should be made in the future without the consent of the Minorities and interests concerned.

Proposal 47.

In order to preserve the complete independence of the High Court from the Legislature, I suggest that the salaries and pensions of judges of the High Court should not be open to discussion in the Legislature. As proposed at present in para. (iv) of Proposal 47, the salaries and pensions of judges will not be submitted to the vote of either Chamber but will be open to discussion in both Chambers. I suggest that there is no advantage to be gained by allowing discussion of this subject. If it were to be suggested that the Legislature in the interests of economy should be allowed to discuss the salaries and pensions of judges with the object of recommending a reduction in the salary of any or all of them, such a recommendation would cut across Proposal 75 under which a judge is to be assured that his salary will not be reduced during his tenure of office. Some economy could no doubt be achieved by reducing the number of judges but the criterion for the desirability of so doing would be the amount of work requiring to

* As the Burma Chamber of Commerce points out in paragraph 21 of their Memorandum of Record A 1 (II) (Joint Committee on Indian Constitutional Reform, Session 1933-34), Volume II, p. 84, the apportionment of these seats between General constituencies and Special interests is a matter of minor importance. On the analogy of Bengal, a suitable allocation would be in the ratio of six General to seven Special.

† Vol. II, paragraph 95, of Report of Indian Statutory Commission.

be done by the High Court rather than the cost of the judges' salaries. If such a reduction were considered necessary, there would appear to be more suitable channels for achieving it than by way of discussion of judges' salaries in the Legislature. With the close relations which it is hoped the Governor will have with his Ministers the latter should have no difficulty in acquainting him with their views in a matter of this kind.

There appears to be no advantage in the discussion of judges' salaries which can go any distance towards outweighing the disadvantages of allowing the Legislature to affect in any way the administration of the High Court. I suggest therefore that the salaries and pensions of judges of the High Court should be classed with the salary and allowance of the Governor as matters which will neither be submitted to the vote of either Chamber nor be open to discussion by the Legislature.

Proposals 58, 59, 60, 61, 62.

A separate Memorandum on these Proposals will be submitted.

Proposal 68.

This Proposal concerns the Constitution of a Statutory Railway Board in Burma. The suggestions which I put forward on behalf of the Burma Chamber of Commerce will be found to be to a large extent in accord with those of the Secretary of State as published in Record A2 (II) (Joint Committee on Indian Constitutional Reform, Session 1933-34). The chief point of difference between them is that in the interests of efficiency the Burma Chamber prefers a board of six to a Board of eight as proposed by the Secretary of State. Although the Burma Railways is a big business, it is homogeneous in nature, not requiring great diversity of experience. Further, there is, undoubtedly, a limited field from which to select suitable men to serve on the Board, especially since it is proposed, rightly in my opinion, to exclude all Members of either House of the Legislature.

A provision in the India scheme has been adopted in the Burma proposals, namely, that no person who in his personal capacity or as a manager of a company is interested in a Railway Contract will be eligible for membership of the Board. The principle is unexceptionable, and in India, where the field of selection of members is almost unlimited, the proposal is no doubt entirely practical. In Burma, however, the field is so small that application of this provision is likely to result in depriving the Board of some of the otherwise most suitable candidates for membership. I suggest, therefore, that the object of the provision would be satisfactorily met in Burma by excluding any member of the Board who is in his personal or business capacity interested in any of the Railway contracts from the discussion and decision on the contract in question.

Proposal 74.

Under this Proposal, which deals with the qualifications for appointment as Chief Justice or Judge of the High Court, the provisions of Section 101 (4) of the Government of India Act of 1919 are to be abrogated.

I have received a cable from these Associations expressing the view that Burma is not yet ready for a judiciary containing no judge drawn from the Civil Service. They suggest therefore that the substance of Section 101 (4) of the present Act should be re-enacted, except that

the minimum percentage of Civilian Judges should be reduced from one-third to one-quarter; and that in particular eligibility for the Chief Justiceship should be confined to judges who have previously been practising barristers or legal practitioners.

The latter point is of the utmost importance. The chief value of Civilian Judges lies in their experience on the criminal side. The Chief Justice presides over the First Appeal Bench. He has also to control the administration of justice throughout Burma. It is very necessary therefore that he should be a trained lawyer, skilled in Civil Law. The Civilian Judge is not normally well-grounded in such law.

It might be argued that Proposal 74 is designed to allow the best man to be appointed as Chief Justice. It might, however, be inconvenient in practice to pass over a Civilian Judge for promotion to the Chief Justiceship if he were in length of service the next senior judge. It would be more satisfactory to recognise this position in the Act, and to prescribe that only a judge who has been a practising barrister or legal practitioner will be eligible to be Chief Justice.

"C" Memorandum by Mr. K. B. Harper on Representation of Burma in the Indian Federal Legislature in the event of Burma being included in the Federation

As regards the representation of Burma in the Federal Legislature (in the event of Burma being included in the Indian Federation) I would suggest that,

in the Council of State

(1) eight seats should be allotted to Burma;

(2) the number of non-Provincial Communal* seats should be increased from 10 to 11;

(3) of the non-Provincial Communal seats eight (instead of seven) should be reserved for Europeans. This will generally enable Burma Europeans to secure the election of their choice to one of the European seats.

in the Federal Assembly

I would suggest increasing the total number of seats so as to allow of the allotment of 15 seats to Burma. One of these seats should be reserved for the Burma European Community and one for the Burma Chamber of Commerce.

Although it would be possible to find grounds, such as Burma's contributions to the Central Revenues,† for granting to Burma larger representation in the Federal Legislature, the above is in accordance with the claim registered by the European Representative at the Third Indian Round Table Conference, and in the circumstances is regarded by the European community in Burma as adequate.

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* Appendix 1, p. 88, of the Indian White Paper.
† Indian Statutory Commission Report, Vol. II, Table on p. 230.

"D" Memorandum by Mr. K. B. Harper on Discrimination in and against Burma if Separated from India

Vide:—(a) *Proposals* 58 *to* 62, *Burma White Paper, page* 53, *Volume III* (Joint Committee on Indian Constitutional Reform, Session 1932-33).

(b) *Memorandum by the Secretary of State for India, page* 1297, *Volume II B* (Joint Committee on Indian Constitutional Reform, Session 1932-33).

(c) *Memorandum by the Secretary of State for India on Discrimination in Burma, Record A.2* (Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 103).

Part I.—Discrimination as between Burma and the United Kingdom.

Part II.—Discrimination as between Burma and India.

(*a*) Provisions in the Burma Constitution Act.

(*b*) Provisions in the India Constitution Act.

Part I.

Discrimination as between Burma and the United Kingdom.

1. It is proposed to apply the provisions of paragraphs 3, 4, 5 and 6 of the Memorandum by the Secretary of State for India, page 1297, Volume II B (Joint Committee on Indian Constitutional Reform, Session 1932-33) *totidem verbis* to Burma. The Memorandum by the Secretary of State for India, page 1297, Volume II B (Joint Committee on Indian Constitutional Reform, Session 1932-33), supersedes the Burma Proposals 58, 59 and 61 by including and expanding them. The comments in this section of the Memorandum therefore refer to the Memorandum by the Secretary of State for India, page 1297, Volume II B (Joint Committee on Indian Constitutional Reform, Session 1932-33), rather than to the Burma White Paper Proposals [page 53, Volume III, Joint Committee on Indian Constitutional Reform (Session 1932-33)], the words "Burma" and "Burman" being read for "India" (or "British India") and "Indian."

2. The Memorandum by the Secretary of State for India, page 1297, Volume II B (Joint Committee on Indian Constitutional Reform, Session 1932-33), explains many points which were not altogether clear in the original Proposals. The proposals, speaking generally, are, in the opinion of the European community in Burma, as satisfactory as any form of constitutional safeguard is likely to be in the face of determined attempts to circumvent it. So much, however, depends on the precise wording in which the Bill is framed that final opinion must be reserved until a draft of the Bill itself is obtainable. I would respectfully express the hope that adequate time will be available for the examination of the Bill.

3. In the meantime, in the hope that they may be of assistance to the Joint Committee, I venture to offer the following comments. Some of them refer to matters of principle. The remainder are largely drafting matters.

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I take the paragraphs of the Memorandum by the Secretary of State for India [page 1297, Volume II B, Joint Committee on Indian Constitutional Reform (Session 1932-33)] in numerical order:—

4. *Paragraphs* 1 *and* 2 call for no comment.

5. *Paragraph* 3 *(i).—General Declaration as to British Subjects*: A list of Disabilities and a list of Prohibited Grounds of disability are given in this sub-paragraph. Both lists differ from those given in 3 (ii) (*b*) which deals with British subjects domiciled in the United Kingdom. I presume that this is not intentional. I suggest it is important that these lists should be uniform. To make them so the list of *Prohibited Grounds* in 3 (i) should include Residence, Duration of Residence, Language, and Domicile. Continuity of Residence is not covered and should be added. A full list of *Prohibited Grounds* in respect of Subjects, in paragraphs 3 (i) and (ii) (*b*), would then be

Domicile.
Residence.
Duration or Continuity of Residence.
Race.
Religion.
Descent.
Caste.
Colour.
Language or Place of Birth.

6. As regards *Disabilities*, Taxation, Travel and Residence, "the right to make and enforce Contracts," "the holding of Property" should be added to 3 (i). The full list of Disabilities in these two paragraphs would then be as set out in 3 (ii) (*b*) after adding "the right to make and enforce Contracts."

7. The corresponding lists in respect of Companies are dealt with in the reference in this Memorandum to paragraph 3 (iii).

8. *Paragraph* 3 *(ii).—British Subjects domiciled in the United Kingdom*: Subject to the comments which I make in paragraphs 32 to 36 of this Memorandum* and to any criticism which may be necessary when the "special form of protection" referred to in 3 (ii) (*b*) is formulated, the principle embodied in this clause is satisfactory.

9. I would suggest that the matters in respect of which protection is to be provided should be termed "Civil Rights" generally, the specific cases of Taxation, Travel, and Residence, etc., being expressed as examples, and that the right to make and enforce contracts should be added to the examples.

I have suggested that the prohibited grounds should be the same as the list given in the comments above on 3 (i).

10. *Paragraph* 3 *(iii).—Companies incorporated in the United Kingdom, but trading in Burma*: Taxation is the only disability specified in this paragraph, but it is assumed (and it is suggested that it be made clear)

* Where I suggest the extension of the protection of paras. 3 (ii) to (v) of the memorandum by the Secretary of State for India [page 1297, Volume II B. Joint Committee on Indian Constitutional Reform (Session 1932-33)] to all British subjects domiciled in parts of the British Empire which do not discriminate against Burma.

that all the Civil Rights referred to in the comments above on 3 (ii) (*b*) are included, in so far as they are applicable in the case of Companies.

11. There are two other points calling for comment:—

(*a*) The paragraph refers to trading *in* India: it does not cover trading *with* India (or Burma). Burma Proposal 59 protected United Kingdom British subjects in respect of certain specified rights among which was the right "to carry on any trade or business in, or with the inhabitants of, Burma." I presume from this and from the Secretary of State's answer to Q. 15,634* that Companies trading *with* Burma are protected as well as Companies trading *in* Burma.

(*b*) It is difficult and therefore presumably dangerous to specify all the grounds of discrimination against a Company which are to be prohibited. As it stands, however, the proposal of this sub-paragraph leaves room for evasion by basing disabilities on the size of a Company's capital or on the currency in which it is expressed, or on the situation of its registered office, or on some disability attaching to its debenture holders. If these grounds are added the list in this sub-paragraph would be extended to include:

the Place of Incorporation
the Situation of the Registered Office
the Amount of Capital
the Currency in which the Capital is expressed
} of the Company.

or the

Domicile.
Residence.
Duration or Continuity of Residence.
Race.
Religion.
Descent.
Caste.
Colour.
Language or Place of Birth

of its Directors, Shareholders, Debenture Holders, Agents or Servants.

12. *Para* 3 (*iv*).—*Companies incorporated in Burma:* Colour and Continuity of Residence and a reference to Debenture Holders would need to be added to this paragraph to complete the list of grounds referred to in above comments on 3 (iii).

13. This proposal deals with Companies "which are or may hereafter be incorporated." Provision appears also to be necessary to prevent legislation prohibiting the incorporation of a Company absolutely or except in conditions which would be contrary to the spirit of these proposals.

14. There is a further serious difficulty about this proposal. It is, I understand, intended to protect a Company against certain disabilities if, for

* Q. 15,634. Mr. *Jayaker*: "You make no distinction throughout your Memorandum, Secretary of State, as regards bodies which were trading with India at the date of the Constitution Act but which were not resident in India nor had establishments there. You make no distinction between bodies which were trading and had residence and establishments and those which were merely trading but who had no residence and no establishments?"

Secretary of State: "No; and I do not think you can make any distinction of that kind." [Page 1330, Volume II B, Joint Committee on Indian Constitutional Reform (Session 1932-33).]

example, its shareholders are United Kingdom British subjects. As the proposal is worded it is the United Kingdom British subject and not the Company itself which gets the benefits of the ipso facto provision. If there were also among the shareholders British subjects from some part of the Empire other than the United Kingdom, they presumably would not get the benefit of the ipso facto provision, and therefore the Company would not receive due protection.

15. I respectfully agree with the answer which the Secretary of State gave to Question 15,640, [page 1331, Volume II B, Joint Committee on Indian Constitutional (session 1932-33)] (on a similar but not the same point) that in these matters incorporation is the only satisfactory test. In this case it would follow that the ipso facto provisions should be made available to all Briitsh subjects domiciled in parts of the Empire which do not discriminate against Burma.*

16. I would suggest that the sense of this paragraph, in the case of a Company which is or may hereafter be incorporated in Burma, should be:

> Directors, shareholders, debenture holders, agents or servants of a Company incorporated in Burma will, subject to the special provisions as regards bounties and subsidies of Clause vii (2), be deemed ipso facto to comply with any conditions imposed by law on the Company in respect to their domicile, residence, duration or contiunity of residence, race, religion, descent, caste, colour, language or place of birth.

One of the advantages of such amendment is that the employment of foreigners, who are occasionally employed by Burma Companies in technical and scientific work, would not involve the Company in any difficulty under the terms of this paragraph.

17. *Para.* 3 *(v).—Provisions for Reciprocity:* Proposals 3 (ii), (iii) and (iv) deal only with discrimination against United Kingdom British subjects and Companies. As regards the principle embodied in the provisions for reciprocity under this sub-paragraph, I understand that protection by prohibition is to be afforded prima facie in all cases but can be withheld or withdrawn in respect of any particular disability to which Burmans are made liable by law of the United Kingdom. I would suggest that this clause in the Act should be so drafted as to make it clear that the onus would be on the Government of Burma to justify any such discrimination by a reference to a corresponding discrimination of the United Kingdom and that it will not be necessary for the Complainant to prove that such discrimination does not exist in the United Kingdom.

18. In order to prevent the possibility of discriminatory legislation being based on a mistake of, say, a person exercising delegated powers in the United Kingdom, I would suggest that some procedure should be prescribed whereby before any discriminatory legislation is introduced the Government of Burma should satisfy itself by enquiries through the proper channel as to whether the legislation in the United Kingdom really bears the character

* The extension of all the proposals of paragraph 3 to British subjects domiciled in parts of the Empire which do not discriminate against India instead of only to United Kingdom British subjects is discussed in paras. 32 to 36 of this Memorandum in comments on paragraph 5 of the Memorandum by the Secretary of State for India, [page 1297 Joint Committee on Indian Constitutional Reform (Session 1932-33)].

which the Government of Burma alleges it bears. It might be possible to obtain a certificate from the United Kingdom either:

(1) that the discrimination is in order under the law of the United Kingdom

or

(2) that it is not so in order.

In the case of (1) the Government of Burma could legally reciprocate with the like restrictions on the same grounds, applied generally and not to any person or Company in particular.

19. It is not stated whether "reciprocal disabilities" will be applied to "existing or future persons or Companies" or to "future persons or Companies" only, but I understand that the latter is intended. I respectfully suggest this should be made clear.

20. *Para* 3 (*vi*).—*Reservation of Bills:* This proposal provides for the compulsory reservation of Bills which, though apparently not in form, are in fact discriminatory. This is a valuable safeguard. The opening words of sub-paragraph (vii) (viz., "The provisions indicated above will be subject to two other forms of exception or qualification") suggest that no subsidy Bill under 3 (vii) (2) will be compulsorily reserved, even if it is the means of subjecting one or more of His Majesty's subjects to "unfair discrimination." I understand that this is not intended, and I suggest that it be made clear that such Bills are subject to the provisions of sub-paragraph (vi).

21. The word "class," in this sub-paragraph, may be unduly restrictive and I would suggest words in substitution to read: "likely to subject to unfair discrimination any one or more of His Majesty's subjects or any class, company, partnership or association of His Majesty's subjects protected by these clauses."

22. *Confiscation.*—There is one important safeguard which appears to have been omitted from paragraph 3 of the Memorandum by Secretary of State for India [page 1297, Volume II B, Joint Committee on Indian Constitutional Reform (Session 1932-33)], and that is protection against confiscation. The proposals do not deal with the question of confiscation but, in answer to Q. 15,769 [page 1347, Volume II B, Joint Committee on Indian Constitutional Reform (Session 1932-33)], the Secretary of State remarked that it has always been "assumed that somewhere in the Act there should be a Clause prohibiting confiscation, expropriation, and also dealing with compensation." This is both satisfactory and important. I suggest it is necessary that the Act should provide clearly that no person shall be deprived of his property unless proper compensation is paid, the amount to be ascertained by independent arbitration or judicial proceedings and that the expropriation shall not be effective until the full amount of compensation has been paid and duly received.

23. *Paragraph* 3 (*vii*).—*Exceptions:* Exceptions (1) (*a*), (*b*) and (*c*) appear to be necessary and unexceptionable. Sub-section (*d*) saves "the right to legislate in the sense indicated in the provisos to paragraph 122."* Under these provisos no law will be deemed to be discriminatory because:—

(1) it prohibits the mortgage or sale of agricultural land to a member of non-agricultural class, i.e., "A class of persons engaged in, or connected with, agriculture in that area."

* Of the Indian White Paper (Cmd. 4268).

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While I understand the same difficulty does not arise in parts* of India it is hardly possible to say in Burma who does or who does not belong to an agricultural "class." In the circumstances in which the rice crop, for instance, is, and for many years has been, financed in Burma it is certainly not possible to describe Indian bankers or money lenders as "a class of persons not engaged in or connected with agriculture in Burma," and I understand it is this class of Indian to which the proposal is generally directed.†

Would an Englishman who has previously been engaged in other pursuits and who wishes to start planting in Burma be a person "belonging" to such a "class"?

Again it would seem that mortgages to banks or other commercial lenders could be directly prohibited, with one result at least, that the value of all agricultural land would automatically be reduced.

The proposal might, further, authorise the prohibition of a genuine sale of agricultural land for building or industrial purposes.

If the intention of this proposal is not only to permit measures, but also to point to a certain kind of measure, for preventing agricultural land in Burma from passing into the hands of "non-indigenous and non-agricultural"† owners, it would seem that the solution of this important and difficult problem lies in some other direction. The disadvantages of the proposal as it stands appear to outweigh the problematical advantages.

Less (but not much less) exception could, perhaps, be taken to provisions which would leave the way open to prohibit the transfer of agricultural land not to any class but to any person or association of persons who have not in good faith the intention themselves to build on it or cultivate it or turn it to industrial use. Even this, being a restriction, would have the effect of reducing land values. It is doubtful, moreover, whether this would be a matter of discrimination within the meaning of the memorandum by the Secretary of State for India [page 1297, Volume II B, Joint Committee on Indian Constitution Reform (Session 1932-33)] and whether therefore there is any need to specify such a provision as an exception.

(2) It "recognises the existence of some right, privilege, or disability attaching to the members of a community by virtue of some privilege, law or custom having the force of law."

If the words "at the date of Separation" are added after the word "existence" there can be no objection to this proposal.

(3) It is declared by the Governor "to be necessary in the interests of the peace and tranquillity of Burma or any part thereof."

I presume that the intention is that before any legislation of the kind envisaged can be introduced the Governor will formally certify that the matter is one of temporary urgency and is necessary in the interests of the peace and tranquillity of Burma.

The history of Burma repeated during the last few years shows that it is not difficult to foment a rebellion in Burma. There is no reason to believe from consideration of the origin of rebellions in Burma that under a responsible Government the country will be any more immune from the danger of

* See Punjab Land Alienation Act of 1900.

† Paragraph 10 of the Secretary of State's Memorandum on Discrimination in Burma, published in Record A 2 [Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 104].

rebellion than under the former or the present forms of Government. If the proviso in this paragraph is to find a place in the Act it is calculated to encourage rebellion or some lesser disorder of the kind, directed perhaps to political ends. If, as I understand, the Governor's administrative powers to carry out his special responsibility for the prevention of any grave menace to the peace or tranquillity of Burma are unlimited, I suggest there is no need for this proviso in the Act.

24. *Para.* 3 (vii) (2).—*Exceptions in regard to Bounties and Subsidies:* From the language of paragraphs 3 (iii) and (iv) read with paragraph 3 (vii) (2) it is assumed that the intention is to treat the special provisions of the latter paragraph as exceptions from the general prohibitions against discrimination. It is important that this should be so. It is hoped therefore that in giving effect to these general prohibitions the clauses of the Bill will be so drafted as to cover all cases of discrimination by means of or in the matter of bounties or subsidies, the exceptions referred to in 3 (vii) (2) being dealt with by way of proviso.

25. The general principle of this paragraph has for some time past been accepted by the Associated Chambers of Commerce of India of which the Burma Chamber of Commerce is a member. The following comments are directed towards a clearer appreciation of the details involved in giving effect to the principle:—

(*a*) It is understood that technically the word "subsidies" does not include the protection afforded by import duties and that nothing in this paragraph can be read to mean that any conditions such as those recommended by the External Capital Committee may be demanded in connection with the imposition of an import duty, or that any legislative measure may be passed to withhold (by requiring a refund or otherwise) the benefits of such protection from any Company entering the trade in question after the import duty has been imposed.

(*b*) It has been observed that in discussing the principle embodied in this Exception, there has been a tendency to introduce the item of contracts. I understand that this paragraph is to be read in its strictly literal sense; that it refers to bounties and subsidies paid out of public funds, and that the terms cannot be extended to include contracts with Government or other statutory bodies. A commercial contract ordinarily connotes the sale of articles or services in return for payment made, and differs therefore radically from bounties and subsidies in the sense in which I understand this paragraph. I suggest it should be made clear that nothing in this paragraph can be read to mean that conditions such as those recommended by the External Capital Committee may be required by law of any Company in order to render it eligible to receive a Government contract.

(*c*) I understand and suggest it be made clear that under this proposal no condition may be imposed on a "future" Company in order to render it eligible for a bounty or subsidy unless that condition has been specifically included in the Subsidy Act itself, and further that the only conditions which may be imposed are those recommended by the External Capital Committee, namely:

(1) in all cases reasonable facilities for the technical training of apprentices, and

(2) in the cases of incorporated companies—

(i) that the companies should be registered under the Indian Companies Act, 1913, with rupee capital, and

(ii) that a reasonable proportion of the directorate should be Indian

substituting, of course, in the case of Burma, the word "Burman" for "Indian" in para. (2) (ii).

With regard to (1) and (2) (ii) it is important that the word "reasonable" should govern these conditions.

26. It is appreciated that para. 3 (vii) (2) concedes an important power which in principle it would be unreasonable to withhold from the new Burma legislature. It is, however, not only important; it is one of the most difficult to define and limit appropriately. So much depends on the form of words adopted. It is therefore not possible to express a final opinion on the proposal until an opportunity comes to consider the draft of the Bill itself.

27. *Para.* 3 (viii).—*Special Provision for Ships and Shipping:* This seems to be a necessary provision and I have no comment to make on it.

28. *Para.* 4.—*Administrative Discrimination:* I understand that in Document A. 68 the broad distinction between discrimination by legislation and discrimination by administrative action lies in the remedies proposed in each case. While acts of the kind referred to in 3 (i), (ii) and (iii) (where they are applicable) are prohibited no less when the discrimination is administrative than when it is legislative,* in the latter case remedy will be sought in the courts; in the former complainants will rely on the special responsibility of the Governor. It is generally agreed, I think, that administrative discrimination is the more difficult form to cope with and provide against. I respectfully agree with the Secretary of State that the Governor's hand should not be tied* in the attempt to make his obligations explicit, but I put forward the following comments:

(1) in addition to the General Declaration contained in 3 (i) I would suggest that a provision should appear in the Act declaring all discrimination to be illegal and distinguishing between administrative and legislative discrimination by stating that recourse to the courts may be had only in the case of discrimination by a legislature or "by any person or body exercising delegated legislative powers".† It should be made clear that the Governor's powers in exercising his special responsibilities in matters of administrative discrimination are unfettered and implicit.

(2) The phrase "the prevention of commercial discrimination" which appears in Burma Proposal 17 (*e*) is to be extended to "the prevention of discrimination in matters affecting trade, commerce, industry or ships." Agreeing again as to the dangers of explicitness, I suggest that the phrase, as it is now proposed to expand it, is open to that very objection. It explicitly refers to "trade, commerce, industry and ships," and by implication leaves at least two other heads unprotected, viz., the holding of property and the exercise of a profession. I would suggest that the wording of the Act should explicitly prevent

* See Secretary of State's reply to Q. 15,410 [page 1304, Volume II B Joint Committee on Indian Constitutional Reform (Session 1932-33)].

† First sentence of para. 4 of the memorandum by the Secretary of State for India [page 1297, Volume II B, Joint Committee on Indian Constitutional Reform (Session 1932-33)].

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"discrimination in any matter relating to status or civil rights," various kinds of rights being named as examples.*

29. In Questions 15,765 to 15,767 (page 1346, Volume II B, Joint Committee on Indian Constitutional Reform (Session 1932-33)] Sir Hubert Carr put forward the suggestion that any person who considers himself to be disabled by discriminatory administrative action should have the right to demand an enquiry into his case. It appears from the Secretary of State's answer that he understood Sir Hubert Carr to refer to a somewhat cumbrous and slow procedure, "a formidable affair; a number of people are appointed, taking weeks, it may be months, to come to a decision," and so on. I agree with the Secretary of State that such a procedure would in most cases be in every way unsuitable, but I venture to think that this is not the kind of enquiry which Sir Hubert Carr had in mind. In practice it will presumably be the case, almost invariably, that appeals to the Governor in the matter of alleged discrimination will be directed against the action of a Minister. It is clear that the Minister's prestige must limit the nature of the enquiry which would be possible. It could only be undertaken by the Governor himself or by some independent person of authority such as a High Court Judge. The seat of the enquiry might be far away from the Governor's headquarters, too far away for his personal attention. The Governor might be reluctant to look for evidence beyond the word of the Minister himself. A High Court Judge could undertake a more thorough enquiry, at headquarters and elsewhere, than the Governor himself could, and could do so without legal formalities. A power to require security and to award costs should prove sufficient safeguard against frivolous applications for an enquiry.

30. I suggest therefore that in such matters the complainant should be given the right to demand an enquiry constituted as the Governor might think suitable, the object of the enquiry being to ascertain the facts and report them to the Governor for action at his discretion. While I agree with the Secretary of State that in general "elasticity and freedom"† in the hands of the Governor are essential to enable him to fulfil his various responsibilities, I suggest that in this connection the Governor himself might welcome the complainant's right to demand an enquiry as a means of relieving him of the embarrassment of having to institute action against one of his Ministers. This right in the hands of a complainant might also not be without its moral effect on those in administrative authority.

31. If, however, this suggestion is unacceptable to the Joint Committee I would endorse Sir Hubert Carr's request that in the Act the Governor should be given express permission to institute an enquiry and that his Instructions should call his attention to this power. I read the Secretary of State's reply to Question 15,767‡ to mean that he will in any case

* I would suggest as examples the right to hold and enjoy property of every description, the right to make and enforce contracts, the right to carry on or exercise any trade, business, employment, vocation or profession, and eligibility for any grant, bounty or subsidy, or for any office, post or preferment, and discrimination in the imposition or levying of any taxation, cesses, duties, rebates or other impositions of whatsoever kind.

† Secretary of State's answer to Question 15,765 [page 1346, Volume II B, Joint Committee on Indian Constitutional Reform (Session 1932-33)].

‡ Q. 15,767. Sir *Hubert Carr*: "In answer to that I would say that the class of enquiry I had in mind was the Governor appointing one man in whom he had confidence to go and investigate the cause of the complaint which might lie three or four hundred miles away from the Governor's seat?"

Secretary of State: "He could do that . . ." [page 1347, Volume II B, Joint Committee on Indian Constitutional Reform (Session 1932-33)].

have implicit power in this respect, but I suggest it is not clear that without special provision in the Act he would have authority to appoint a High Court Judge to hold an enquiry and summon witnesses, if necessary. There appears also to be considerable force in Sir Hubert Carr's point that unless explicitly referred to in his Instructions as a course which is contemplated as suitable, it may either be overlooked by the Governor or, if ordered by him, might be regarded by the Minister as a pointed aspersion.

32. *Paragraph 5*: This paragraph draws a distinction between the proposals as they affect (*a*) British subjects domiciled in the United Kingdom and (*b*) British subjects domiciled elsewhere in the Empire than in the United Kingdom. For convenience and brevity of title I refer in this section to (*a*) as U.K. subjects and (*b*) as non-U.K. subjects.

33. Under this proposal full protection is accorded to U.K. subjects including right of entry into Burma. Non-U.K. subjects are to receive the general protection of paragraph 3 (i) once they have obtained legal entry, but such entry may be refused.

34. I understand that the object of this proposal is to reconcile "British and Indian policy in India . . . . not to draw distinctions in India itself between one national of the British Empire and another"* with the existing fact that such distinctions are drawn in some other parts of the Empire. While I agree that it is not reasonable to compel Burma to accord treatment to a part of the British Empire which does not accord that same treatment to Burmans, it is not clear why those countries in the British Empire which do not discriminate against Burma should be treated on parallel lines with countries which do, rather than with the United Kingdom which does not.

35. The proposal as it stands appears to go further than the principle expressed by Sir Austen Chamberlain in Question 15,515 [page 1316, Volume II B, Joint Committee on Indian Constitutional Reform (Session 1932-33)] and accepted by the Secretary of State, namely, that the Constitution Act shall not "give free entry to India to the citizens of a Dominion which refuses free entry to Indians in that Dominion." Under the proposals, a refusal of entry to non-U.K. subjects is not dependent on discrimination by the non-U.K. country against Burma. Entry can be refused for any reason or without stating any reason. Even though we may accept it as unlikely that Burma will refuse entry to British subjects from a part of the Empire which does not discriminate against Burma, Burma is being given the power to do so, and this itself would seem to be contrary to the principle, which I suggest it is important to preserve, that British subjects throughout the Empire have an inherent right to protection in any country within the Empire until they have forfeited it by the action of such country.

36. I appreciate the Secretary of State's object† in drawing the attention of India and Burma and of those parts of the British Empire which at present discriminate against them to the advantage of making agreements which would be satisfactory to both sides. I respectfully suggest however that not only would this object be no less achievable, but the proposals

* Answer to Question 15,536 [page 1319, Volume II B, Joint Committee on Indian Constitutional Reform (Session 1932-33)].

† Answer to Question 15,503 [page 1315, Volume II B, Joint Committee on Indian Constitutional Reform (Session 1932-33)].

would operate more simply and fairly if sub-paragraphs 3 (ii) (*a*) and (*b*), 3 (iii), 3 (iv) and 3 (v) were made applicable to all British subjects domiciled in, and Companies incorporated in, parts of the British Empire which do not discriminate against India or Burma in respect of any of the Civil Rights, including entry, referred to in paragraph 3 (ii) (*a*) and (*b*).

I am trespassing here on the Joint Committee's labours in connection with the Indian White Paper, but it would be unreasonable to distinguish in this respect between Burma and India.

37. *Para.* 6: This paragraph deals with professional qualifications. This is a matter to which the European community in Burma attaches great importance and on which I must reserve comment until the Secretary of State's proposals have taken more concrete shape. At this stage there are certain general principles to which the European community adheres:—

(1) The quality of knowledge required for qualification in a profession varies so greatly between country and country that this is not a suitable subject for simple treatment on a reciprocal basis.

(2) No person possessing British professional qualifications should be in a worse position after the Act comes into force, as regards liberty to practise in Burma, than he is now.

(3) As regards basic qualifications, no law or regulations made in Burma for the purpose of prescribing qualifications for any given profession should disable from practice in Burma a person whose qualifications would in England entitle him to practise.*

(4) It is not unreasonable to allow the Burma legislature "to require additional qualifications from new entrants to professions which are justified by the special needs" of Burma conditions; but this must not be used as a means of discrimination which is not required for those special conditions or is contrary to the spirit of these proposals.

38. To ensure these principles it is suggested that:—

(*a*) No law or rule affecting the existing right of British subjects to practise in Burma by reason of British qualifications may be made without the prior consent of the Governor and such law shall, after being passed by the legislature, be reserved for His Majesty's assent, or

(*b*) There should be a clause in the Constitution Act explicitly recognising in Burma British qualifications in all professions, inasmuch as these qualifications are recognised as adequate to-day.

39. I understand that all the above principles are accepted by His Majesty's Government. The European community attaches great importance to providing for them adequately and effectively in the Act.

PART II.

Discrimination as between Burma and India.

(*a*) *Provisions in the Burma Act.*

1. I agree with the view expressed by the Secretary of State in his Memorandum on Discrimination in Burma, published in Record A 2 (paragraph 3)

* This is not quite the same thing as is suggested by the Secretary of State's wording in para. 6 viz.: "No law or regulations made in India for the purpose of prescribing the qualifications for any given profession shall have the effect of disabling from practice in India, on the strength of his British qualifications, any holder of a British qualification."

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(Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 103) that "as Burma is at present a province of British India and as British subjects domiciled in the United Kingdom occupy in Burma the same position as in other Provinces, and occupy it by virtue of the same considerations, precisely the same degree of protection should be accorded to them in Burma, if separated from India, as is to be accorded in continental India." For parallel reasons I consider that the same principles should apply as between Indians in Burma and Burmans in India, if Burma is separated from India. In general therefore I endorse the proposal that the terms of the Memorandum by the Secretary of State for India [page 1297, Volume II B, Joint Committee on Indian Constitutional Reform (Session 1932-33)], should be applied as between Burma and India, the words "Burma" and "Burman" being substituted for "India" (or "British India") and "Indian," and "India" for "United Kingdom," subject to the criticisms which I have made under the various corresponding heads in Part A of this Memorandum.

2. The one exception which the proposals (contained in the Annexure of Record A 2 (Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 107) make to this general rule is in the matter of the right of entry of Indians into Burma, on the lines of the corresponding right assured to United Kingdom British subjects in accordance with paragraph 3 (ii) (*a*) of Document A 68.

Careful consideration of the problem which is so clearly put in paragraphs 8 to 11 of the Secretary of State's Memorandum in Record A 2 (Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, pp. 104 and 105) makes it difficult to escape the conclusion that there must be some means of controlling labour immigration from India to Burma. The existence of the problem is not conducive at present to good feeling between Indians and Burmans in Burma. It is, however, of the greatest practical importance, in the opinion of the European community in Burma, that if Burma is to be separated the parting should be, and should remain, friendly. With this in mind I would strongly support the observation made by the Secretary of State in paragraph 16 of his Memorandum, that the best solution of this problem lies in the conclusion between the Governments of India and Burma of an Immigration and Emigration convention. I would in fact go further, and suggest that statutory power to control immigration should not be granted to either Burma or India until they have tried to come to an agreement.

3. If my suggestion as regards the amendment of 3 (ii) (*a*)* is adopted there will be no discrimination by Burma against Indian immigration and therefore the present free entry of labour into Burma will be allowed to continue until the two countries have come to an agreement on this subject.

If agreement proves unattainable, and the problem seems seriously to call for more drastic measures, then the question of giving Burma statutory power to restrict immigration should be considered at a later date by Parliament.

If legislative power of this kind is eventually granted to Burma it will presumably be unreasonable to withhold a similar power from India.

4. If such power is to be given to the Legislatures I attach the greatest importance to the procedure contemplated in para. 15 of the Secretary

* As set out in para. 32 of this Memorandum.

of State's Memorandum, under which any legislation regulating immigration—and I would add emigration* should be subject to the prior assent of the Governor-General or Governor as the case may be, together with the further precaution of indicating in their Instruments of Instructions that this category of legislation is particularly suitable for reservation for His Majesty's assent.

5. *Professional Qualifications.*—Comment on this subject must be reserved until definite proposals have taken shape.

(*b*) *Provisions in the India Act.*

6. Proposals exist for provisions in the Burma Act concerning discrimination† between

(1) Burma and the United Kingdom (paragraphs 3 to 6 of Record A 2 [Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, pp. 103 and 104]).

(2) Burma and India (paragraphs 8 to 16 of Record A 2 [Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, pp. 104 and 105]).

(3) Burma and British subjects domiciled elsewhere than in the United Kingdom and India (paragraph 7 of Record A 2 [Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 104]).

I have seen no proposals for provisions to be included in the India Act to deal with discrimination in India against British subjects domiciled in and Companies incorporated in Burma, except in so far as British subjects in Burma are covered by the general declaration of para. 3 (i) of the memorandum by the Secretary of State for India [page 1297, Volume II B, Joint Committee on Indian Constitutional Reform (Session 1932-33)].

7. I presume it is intended to include in the India Act suitable provisions on lines parallel to the corresponding provisions in the memorandum by the Secretary of State for India [page 1297, Volume II B, Joint Committee on Indian Constitutional Reform (Session 1932-33)] and Record A 2 [Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 103].

8. If my suggestion is accepted that neither the Burma nor India legislature should have the power to refuse entry to immigrants until the possibility of controlling such immigration by agreement has been fully explored without success, provision on the lines of 3 (ii) (*a*) of the memorandum by the Secretary of State for India [page 1297, Volume II B, Joint Committee on Indian Constitutional Reform (Session 1932-33)] (with "Burma" inserted where the words "United Kingdom" occur) would presumably find a place in the India Act.

* For the reasons given earlier in this Memorandum (V. "A," Section VII).

† In other matters than professional qualifications.

RECORD B.2 (*continued*)

VI.—Memorandum on behalf of the Anglo-Burman Community by Mr. Campagnac

Both as a legacy and bulwark of British Rule in the East the Anglo-Burman community might be excused perhaps if it sought to put forward special claims for consideration at the hands of Great Britain.

It owes its origin and the traditions it cherishes to the British annexation and occupation of Burma, and its members, whether the Asiatic element in their mixed descent be Indian or Burman, can justly pride themselves on their community's magnificent record of service to the British Raj and the province from the early pioneering days down to and after the Great War.

But the Anglo-Burman community, in this era of changing political conditions for the province which is its home, has no desire to seek any preferential treatment. It lives amicably with its neighbours and it identifies itself with their social, economic and political aspirations. All it asks is that it shall be allowed to preserve its own ideals intact and that it shall be saved from the risk of complete submergence by other and numerically stronger communities in the Burma of to-day.

For this end it advances the following extremely moderate demands:—

(1) That the new constitution should provide safeguards against any curtailment of grants to European schools and against any lowering of the standards of European education.

(2) That under the new constitution Anglo-Burmans should have the right to compete on equal terms with Burmans for appointments in the service of Government or of local bodies.

(3) That the community should secure representation in the Lower House of the new Legislature through separate electorates.

(4) That two seats should be reserved for the community in the Lower House and that at least one seat should be reserved for it in the Upper House, this latter seat being filled by nomination by the Governor.

As regards the first point the lack of any restriction of the number of Asiatic pupils admitted to European schools has already had the effect of lowering the standard of European education, and the community, faced with the ever-increasing difficulty of securing employment for its members, is naturally anxious that this tendency towards a lowering of educational standards should be checked and that its children should be given an education calculated to enable them to hold their own with Burmans.

As regards the second point there has been a marked tendency since the reforms were introduced into Burma to give preference to the claims of Burman Buddhists in the matter of appointments both under Government and under local bodies; and the result is to be seen in the very large number of unemployed Anglo-Burmans to-day. The community hopes that the same safeguards and protection as may be accorded to Anglo-Indians in India in this matter of appointments will also be extended to Anglo-Burmans in Burma.

That the desire for separate electorates is unanimous, so far as the Anglo-Burman community is concerned, I took occasion to convince myself before leaving Burma for England by consulting opinion throughout Burma through the branches of the Anglo-Burman Union; and that the

MEMORANDUM BY MR. C. H. CAMPAGNAC ON BEHALF OF THE ANGLO-BURMAN COMMUNITY.

community is opposed to any compromise on this point is proved by the cable I received from the President of the Mandalay branch of the Anglo-Burman Union in answer to a letter I despatched on my way to London. which reads:—

"Mandalay, 4th December, 1933.

"Your letter from Colombo. Mandalay requests you secure for Burma what Gidney will obtain for India, namely, European Education reserved and communal representation through communal electorates. We strongly oppose compromise with fellow Delegates on these points and request co-operation with British representatives who are in full sympathy with our special claims."

On the question of a reservation of seats for the community in the Legislature it may be noted that the Burma Provincial Committee appointed to co-operate with the Indian Statutory Commission recommended that two seats should be so reserved in the Legislative Council while in Appendix III (II), Record A1 (ii) [Joint Committee on Indian Constitutional Reform, Session 1933-34, Volume II, p. 55] it will be seen that the Society of which U Chit Hlaing is President has agreed to the Anglo-Burmans having two seats reserved for them in the Lower House. If there are to be two Chambers in the Legislature, it is obviously only fair that the Community should also be represented in the Upper House.

Officially the community is still designated the Anglo-Indian community, in spite of the fact that it was decided at a public meeting some three years ago to drop the title Anglo-Indians and adopt that of Anglo-Burmans. As a matter of fact the community to-day is made up of about 60 per cent. Anglo-Burmans, 30 per cent. Anglo-Indians and 10 per cent. domiciled Europeans. I have been the elected representative of the community ever since the Montagu-Chelmsford Reforms and I was returned unopposed at the last two elections. There is only one Association of the community in Burma to-day, known as the Anglo-Burman Union. This Union has over 1,000 members on its rolls and has branches at Mandalay, Toungoo, Maymyo and Kalaw. Up till two years ago there were two Associations in Burma—one was the Anglo-Burman Association, of which I was the President, and the other was the Anglo-Indian and Domiciled European Association, which was a branch of an association registered in India. These two Associations amalgamated two years ago and registered under the name of the Anglo-Burman Union, of which I am the President.

VII.—Memorandum submitted by Mr. S. A. S. Tyabji on Indian Labour in Burma

I have the honour to submit this Memorandum on matters arising out of the Burma White Paper and other Memoranda submitted to the Joint Select Committee. At the outset I must state that Indian Labour has been placed at a great disadvantage in so far as proposals regarding their representation in the Lower and Upper House and franchise affecting them are concerned. The fact is that the *memorandum of the Government of Burma on these subjects was marked "confidential" and was given to a few persons. The memorandum being confidential it was not possible to place it before Labour for its clear expression of opinion.

Therefore, my first submission is that any decisions arrived at by the Joint Select Committee on the questions of Labour representation in the Lower and Upper House, and the franchise affecting them, may be published in Burma, for expression of opinion on them by Labour.

I.—*Representation of Labour in the Lower House.*

(*a*) The memorandum by the Government of Burma and that by the Rt. Hon. The Secretary of State for India, propose to give two elected seats to Indian Labour, but these shall be included within the 10 seats which have been allotted to the Indian community based on population basis.

I submit that Labour has always been considered as a "special interest," and the Royal Commission on Labour in India directly supports this view in their Report. Therefore the Labour seats should be treated separately and should not be included in the number of seats based on population basis.

(*b*) It is contended that the total Indian representation in the Lower House is inadequate. A strong case is made out in a separate memorandum, which is jointly signed by Mr. Cowasjee and myself, for increase of Indian representation. My submission is that if the number of seats for the Indian community is increased, in such an event the number of seats for Indian Labour be increased from two to three seats, the reason for such an increase being

(1) recognition of the part played by Indian Labour in the development of Burma;

(2) the substantial proportion of Indians in Burma employed in the occupation of Labour;

(3) the necessity of having sufficient number of Labour representatives to propound the views of Indian Labour in Burma, on laws and regulations which may in future be considered by the Lower House.

II.—*Labour Constituencies.*

It has been proposed to constitute two Labour constituencies for Indian Labour, one in Rangoon, or Rangoon combined with Syriam, and the other in the Oil Fields—the latter being undefined.

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* Vide Record A 1 (II), Appendix II [Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 36].

MEMORANDUM BY MR. S. A. S. TYABJI ON INDIAN LABOUR IN BURMA.

(a) *One in Rangoon.*

1. The Indian Labour population—Labour including occupations like traders and shop asistants, Army, Navy, and Air Force, etc., technical experts and professional classes, managers and officials of organised industrial undertakings, and manual workers—number 150,000 approximately in Rangoon alone. Out of this, manual workers would approximately number 100,000.

Therefore Rangoon with one Labour seat would have a Labour electorate, on adult franchise, of 100,000 voters. This number of voters is three times more than the total number of voters of all the other Indian communal constituencies put together, i.e., 33,000.

2. Therefore my first submission is that in any case Syriam be not included in the Labour constituency of Rangoon, because

(i) it will add considerably to the large electorate in Rangoon;

(ii) Syriam is not opposite to Rangoon, but takes about 45 minutes to reach by steam launch;

(iii) it is otherwise treated as a separate constituency.

3. I further suggest that this constituency be divided into two parts—(*a*) East Rangoon, (*b*) West Rangoon—and the Oil Fields constituency be not formed.

(b) *Oil Field Constituency.*

1. The Oil Field constituency is a very small constituency. To an inquiry made by me, the Reforms Secretary to the Government of Burma, in his letter No. 37, Reforms, dated 23rd September, 1933, stated the figures of employed for the year 1932 as under:—

Total employed	14,330
Burman indigenous	7,726
Indians	6,401
Others	203

2. Thus it will be seen that the number of Indian Labour electors would only be 6,401 (1932).

3. The Oil Field constituency besides being a small one comprises only one interest.

4. It is cut away from the other centres of industry and agriculture, and has little connection with those problems which the general industrial or agricultural Indian labour has to face.

5. Therefore I submit that the proposed constituency for Indian Labour in Oil Fields would not be really representative and that it would be preferable, as suggested above, to fill the two seats from Rangoon.

(*c*) 1. If through increase of Indian representation labour obtains one more seat, I propose that it should be given to agricultural Indian labour.

2. Indian agricultural labour has problems of its own, and it may be suitable and advisable that it may be represented direct by at least one constituency.

3. There are a considerable number of Indian labourers born in Burma, occupied in agricultural labour numbering approximately 150,000.

4. As Akyab District has the largest number of Indians outside Rangoon, it would be suitable to select one area out of that district to form into a rural constituency of about 25,000 voters.

(*d*) 1. If it is not considered advisable to form a rural agricultural labour constituency, then I suggest that Akyab Town be given a labour seat.

As Rangoon represents the largest number of Indian Labour in the Delta so does Akyab represent the second largest number of Indian labour of the coast.

Reference—Imperial Table XI—Occupations by Race—p. 186. Census of Burma, 1931, part II. The following is the summary of the above table, viz.:

"Earners and working dependents" for "All occupations."

	All races.	*Indians born in*	*Indians born out*	*Indo-Burma.*
Burma	5,331,000	97,000	465,000	55,000
Delta	2,341,000	36,000	323,000	12,000
Coast	700,000	54,000	66,000	25,000
	3,041,000	90,000	389,000	37,000
Centre and North	2,290,000	7,000	76,000	18,000

It would mean that the following would be represented:

	Rangoon.		*Akyab.*	
Indians born in Burma	36,000		54,000	
Indo-Burma	12,000		25,000	
		48,000		79,000
Indians born out	323,000			66,000
		371,000		145,000

Roughly, two seats for Rangoon and one seat for Akyab would enable these two large centres for Indian Labour (Industrial and Agricultural) to be represented.

2. It is also a fact that the Coast is not easy of access from Rangoon, and its problems would best be understood by representatives from Akyab Town.

3. I however realise that Akyab is a small constituency having the following population:

Indian races	38,000	
Other indigenous races	13,000	
Indian Hindus	11,000	23,500
Indian Muslims	10,000	
Indo-Burma races	2,500	

4. But I prefer Akyab to Oil Fields because

(i) it has a larger labour interest, comprising industrial and agricultural interests;

(ii) it definitely represents the second largest area in which Indians born outside Burma, and the largest area in which Indians born in Burma, and Indo-Burma races are settled;

(iii) it represents an area about whose problems persons living in Rangoon do not, as a rule, know much. It is much easier to reach the Oil Fields or Yenangyaung from Rangoon than to reach Akyab.

(iv) Akyab would definitely represent Industry (17,000) and Transport (15,000), i.e., 32,000 Labour, as against 6,000 employed in the Oil Fields. The representative from Akyab would also be in a position to know the conditions of 80,000 agricultural labourers, out of whom 45,000 are born in Burma and 17,000 belong to Indo-Burma races.

(v) Oil field is an isolated interest.

III.—*Franchise.*

1. I have the honour to submit that in Record A1 (II) (Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 15) it is proposed in para. 15 (*b*) to " insure also that the great majority of the non-indigenous population will not have the vote till they have resided in Burma for at least three years, so that when the time comes for them to vote they will have had the opportunity afforded by three years' residence to acquire an interest in local affairs and exercise their vote intelligently."

2. From this I understand that it is not desired to make all those persons born in Burma or who have resided in Burma for a considerable period, that is, more than three years, prove their interest in the country at every election.

3. I understand that all that is desired is to ensure that persons who have not acquired interest in local affairs shall not have the vote. Therefore it is considered that:

(i) payment of income tax " involves residence for a minimum period of 12 to 18 months, and this seems adequate in the case of a person of some standing and education."

(ii) " It is not considered necessary to apply it (the three years' test) to the qualification based on possession of property (Rule 3 (*a*)) which will in any case take some time to acquire."

4. From the above two qualifications it is clear that three years' qualification is one of the qualifications amongst others (as per above) to prove that a person has acquired an interest in local affairs to exercise his vote intelligently.

5. The three years test is applied in rural constituencies to persons paying certain taxes, and in urban constituencies to persons paying certain taxes, and also to those paying rent at the rate of Rs. 48 per year.

6. The three years qualification in rural constituencies as applying to Indians, born in Burma, or resident for a considerable number of years in Burma, would fall heavier on them than on indigenous persons because

(*a*) though they may have paid their tax for two years out of three or for the last 10 years, but failed to pay for one year out of the three years they would lose their franchise.

(*b*) In the case of urban constituencies, a person must have made payments for the three previous years of municipal or cantonment taxes (these are being paid generally by house owners) or he must have paid for the three previous years rent of not less than Rs. 48 per year; or must have lived rent free for the previous three years.

(*c*) Any person not being able to prove payments of rent for three years would automatically lose his vote.

(*d*) In the case of Indians, both in rural and urban areas, the problem of necessary visits to India arise and these short absences may mean in rural areas non-payment of certain taxes, and in urban areas non-payment of rent by such absentees, and they would lose their franchise although they may have been paying their taxes or rent regularly for quite a number of years.

(*e*) In the case of urban constituencies, an absence of six months or one month from Burma would be sufficient to disqualify a person unless he maintains a rented house during his absence, which a poor man is not expected to do.

(*f*) It is a fact that Indian traders and poor classes move about considerably, and in many trades are forced to move about from place to place.

(*g*) The rich man has two qualifications—property and income tax, and he can eventually fall back on rental qualification, whilst the poor man has only one qualification—that of paying rent or taxes for three years.

(*h*) It is unjust that if a person has been paying his rent or tax for a number of years, for one failure he should be disqualified, whilst a rich man may pay his income tax every third year and still obtain his vote.

7. The real intention behind this proposal was to take away the vote from immigrant Indian labourers, if they have not stayed in the country for three years, because, it is said, they would acquire no interest in local affairs.

8. The fact is:—

(*a*) that the majority of Indian labourers who come to Burma have spent many more than three years in Burma. They stay in Burma for two and a-half or three years, go back and return within six months or a year. In this manner a goodly portion of their life is spent in Burma.

(*b*) It is wrong to think that such labourers have no interest in local affairs, or that by nature they are such as could not understand matters affecting them, or generally.

(*c*) From personal experience, I can state that they are very wide-awake persons, and have the same shrewd common-sense which mass electorates have in every country.

9. The Indian immigrant labour against whom particularly the residential test was considered desirable, number 300,000 to 400,000 out of a population of 14,000,000.

10. Out of 300,000, about 100,000 labourers would be found in Rangoon.

11. Out of 100,000 in Rangoon, about 3,000 or 4,000 labourers came on to the electoral roll of Rangoon East and West Indian constituencies, taken together.

12. The total number of Indian voters inclusive of Rangoon for Indian constituencies number 30,000 out of which not more than 7,000 or 8,000 labourers come on to the electoral rolls, under the present franchise qualifications.

13. Besides the Indian immigrant labour, it will very seriously affect that class whose income or salary is less than Rs. 80 and more than that of the manual labourer, and would form the largest majority of the following occupational groups:—

Occupation.	*All races.*	*Indians born in.*	*Born out.*	*Indo-Burma.*
Trade	557,000	9,000	87,000	12,000
Public Force	31,000	1,000	13,000	—
Public Administration	45,000	1,000	12,000	1,000
	633,000	11,000	112,000	13,000

(*Note.*—These figures include working dependants.)

14. A large majority of these would be the class I am referring to. This class through trade and service has an abiding interest and has lived in the country, except a few, for a considerable number of years.

15. This class of person has the sound common-sense required to act as a buffer between ultra-capitalistic or ultra-socialistic policies; to put any check on it seems impolitic. It is true that the majority of these would be paying rent of Rs. 48 per annum, but the practical difficulties arising from proving through three years rental seem insuperable for many.

16. The practical difficulties are the following:—

(*a*) The insuperable difficulty of preserving three years rental receipt, as proof.

(*b*) Change of venue of small traders.

(*c*) Transfer of persons in Government service, private service or public force.

(*d*) For Indians in particular, added to these difficulties is the one necessitating their going to India to their relations every few years.

17. Through actual experience I have found that even in a large city like Rangoon, on our present electoral rules, it is very difficult to produce rental receipts even of the previous year, and in the East and West Rangoon Indian constituencies very small numbers of such class of persons (compared to their number) can be enrolled on the electoral rolls.

18. With regard to Indian Immigrant Labour, the difficulties are:

(*a*) A very small percentage is stationary in any one constituency, as almost all Industrial work is seasonal. Sometimes he is in the rice mill, at other times working as casual labourer; again during other months working in the fields. How can such a person obtain rental receipts for three years?

(*b*) He cannot obtain certificate from his employer after three years that during particular months he worked with him, and obtained free lodging worth Rs. 48 per annum.

19. I venture to suggest that if the rule obtaining in Burma at present and the manner of its working is closely examined, it will be found that it is more restrictive than the rule prevailing in Ceylon. 6c. of Ceylon Electoral rules runs thus: "Has not for a continuous period of six months in the eighteen months immediately prior to the first day of August in that year resided in the electoral district to which the register relates."

20. The Burma electoral rules—Schedule II. Qualification of Electors under Urban Constituencies, lays down in Section 3 (*b*) "Has paid during and in respect of the *previous* financial year, etc., etc." and in 3 (*c*) (i) "Has paid during and in respect of the *previous* financial year, etc." 3 (*c*) (ii) "Has lived rent free during the *previous* financial year, etc., etc."

It will be seen that these qualifications lay down the necessity of having paid certain taxes, rent, or lived rent free, etc., "during the previous financial year." Our financial year ends on 31st March. Therefore the person must have been in Burma for at least one year prior to the making up of the electoral roll, if the electoral roll is prepared in April.

21. Whilst in Ceylon the voter has to prove that he has resided in the electoral district for at least six months in the eighteen months prior to the first of August, in Burma, as the rule stands at present, he has to prove that he has paid tax, rent, etc., for the previous financial year—thus the length of residence required is much longer than under the present Ceylon Constitution.

22. In the memorandum of the Government of Burma on the franchise proposals—paragraph 33—I point to the following sentence: "The names of persons on the present electoral rolls would, however, be allowed to remain and such persons would not be disfranchised." Thereby I understand that all those who are on the present roll would not be disqualified on account of three years qualification from being entered on the fresh roll. I agree with this proviso, and if any alteration of existing qualifications are made perhaps on Ceylon lines, this proviso must form part of it.

23. It is quite clear from paragraphs 1, 2, 3 and 4 of this Memorandum that the principle which is desired to introduce is that a person must have "interest in local affairs" to be able to vote intelligently, and that the three years test is a method and not a principle.

24. Therefore my proposal is that

(*a*) Instead of 3 years rules as proposed, the Ceylon rule be introduced, or in the alternative maintain the present qualification 3 b. 6 and 3 c (ii) of the Burma electoral rules, Schedule II.

(*b*) If the Ceylon rule 6. c. is introduced no further residential qualification need be proved.

(*c*) If the present Burma qualification is maintained, and it is considered that proving of three years residence is necessary, then it should be possible to prove three years residence

(i) through production of rent receipts for three years;

(ii) through certificate from a bank, or a banker, or co-operative societies of having an account with a bank or a banker or co-operative society for three years;

(iii) through production of registration of a firm (under the local act);

(iv) through certificate of membership of a registered organisation;

(v) through certificate of membership of an organisation representing a profession;

(vi) through certificate of service in government administration or service in semi-government public institutions;

(vii) through certificate or through pay bills of service in a private firm;

(viii) through certificate of an employer that a labourer has worked for three years with him;

(ix) through other reasonable proofs that he has been in the country for three years, with possible break;

(x) through a name of a person being in one of the previous electoral rolls prior to the new rules coming in;

provided that once a person's name has appeared on the roll under the new qualification it shall be considered proof of his three years residential qualification, and such a person shall not be called upon to prove his residential qualification on preparation of every fresh electoral roll.

IV.—*Discrimination in Burma.*

(*Vide Annexure to Record A2 (I) (Joint Committee on Indian Constitutional Reform, Session* 1933-34, *Volume II, p.* 107.)

1. *Regulation of Immigration.*—No protection of right of entry into Burma is contemplated in favour of British subjects domiciled in India such as is proposed by para. 3 ii (*a*) for British subjects domiciled in the United Kingdom. Para. 9 referred only to immigrant labour, and not to all the immigrants from India. I am not against a regulation of Indian Immigrant Labour through a Convention between the Governments of Burma and India; but I could not view with equanimity the taking away of our right of free entry into Burma. I understand the right of free entry into Burma for Indians would remain intact and would be provided for in the same manner as for British subjects domiciled in the United Kingdom, except that so far as Indian Immigrant Labour was concerned, a Labour convention between Governments of India and Burma would probably be the best means of arranging the question satisfactorily.

2. Therefore I contend that 3 ii (*a*) must equally apply to British subjects domiciled in India, or United Kingdom, with the proviso that the regulation of the Indian Immigrant Labour should (in my opinion) be arranged for through a convention between the Governments of India and Burma. It is a question of policy between the two countries, and the Government of India would be in a position to obtain those conditions of life and work for Indian Immigrant Labour which the Royal Commission on Labour in India envisaged, and which are stated under the Chapter for Burma in their Report.

3. I am constrained to state that there is in my mind a very strong impression that neither the value of the past services nor the absolute need in future of Indian Immigrant Labour has been recognised or realised by Government of Burma, at all events by officers who have had anything to do with problems connected with them. To give point to this statement I refer to Vol. X Burma, pages 270 to 299 of the Report of the Royal Commission on Labour in India, as also to the report of the Rangoon Housing Committee and to my dissenting note thereto.

4. Under the Government of Burma, there have been two posts, one as Director of Labour Statistics, and the Protector of Immigrants. Generally these are combined in one officer. At present they are held by two separate officers. The Director of Labour Statistics is generally an I.C.S.

and he is often in charge of Land Records. These officers have no particular interest or practical experience in labour matters. The result is that statistics which could help in the solution of the manner in which Immigrant Labour could be regulated are absent. I have made some study of the subject, and it has shown me how many factors must be considered, factors with regard to which I can obtain no data.

5. The problem of regulation of immigrant Indian labour presents the following considerations. One must firstly have a fair idea of what is the normal requirements of labour for each branch of Industry, without having a large surplus of unemployed, and during what part of the year they are required, and what would be the subsidiary occupation when seasonal industries cease to work; to what community or district in India would the required labour belong; which is the embarkation port; what will be the position of labour which walks across the boundary between Chittagong and Akyab (for which we have no information available). What then would be the system of regulation which will give each industry sufficient labour and give subsidiary employment to labour when seasonal industries cease to work till the industries begin to work again. Clearly, a flat reduction of 50,000 or one lac for any year under such complicated circumstances could not be a satisfactory method. When it is remembered that different classes or communities of labour do different types of work; that all labour does not embark in India from one port, for instance, part of Telugu labour comes through Madras, and part of Telugu labour and part of Ooriya labour through Coromandal Coast ports; parts of Ooriya, Hindustani, Punjabi and part of Bengali labour comes through Calcutta, and part of Bengali (Chittagong) labour comes through Chittagong all to Rangoon. A part of Bengali (Chittagong) labour walks across to Akyab; that each of these classes have sub-classes which are specialised in some particular form of labour and are required at some particular time of the year.

6. With due sense of responsibility therefore I would sound a note of warning that any hasty measure for regulation of such labour may act with disastrous effect on the Industries of Burma.

7. Therefore my submission is that the first step should be for the present Governments of Burma and India to enter into an agreement that status quo should be maintained till the two new governments come into being. As soon as the two new governments come into being a convention may be entered into that in future by mutual co-operation Indian immigrant labour (to be defined) may be regulated; secondly, that the Government of Burma will take upon itself greater responsibilities with regard to conditions of life and labour of immigrant labour; and, thirdly, I suggest the condition that once Indian immigrant labour to the extent required lands in Burma that there shall be no further restriction imposed upon employers to employ any particular labour, or on labour to seek any employment or work, and that it shall be unlawful for government or any public bodies to specify any type of labour to be employed by an employer in carrying out any work on its behalf. In the meantime the Government of India should immediately appoint a protector of immigrant Indian labour in Burma; he would study the whole problem including condition of life and labour in Burma, and suggest after three years to the Government of India and, if desired, to Government of Burma the extent and method of regulation and the steps that should be taken to improve the conditions of

work and life of labour. If Government of Burma so desires, it can simultaneously appoint its own officer to study the same problems and the two officers could work out some scheme in co-operation with each other.

8. In my making these suggestions it must not be understood that I am not sympathetic towards the requirements of indigenous labour. But my clear position is that Indian immigrant labour would be required by Burma for some considerable period yet. The rapid increase in cultivation both in rice and other cereals since about 1880 has naturally required all the indigenous labour that was available. And to my mind cultivation will go on increasing—if the Burmese people take to industrial labour—some other labour will have to do the agricultural work. It seems impossible that a land where there is yet so large an acreage of culturable land, and as communication by road and rail is opened, further lands would become culturable, where the population per square mile is only 68, that such land would be allowed to remain vacant and uncultivated, specially so when the pressure on land in other countries is becoming unbearable.

9. This problem of the desire of indigenous labour to take part in Industrial Labour has manifested itself since about 1930, since when values of agricultural products have gone down considerably. The position has been further accentuated by the decline of the importance of subsidiary industries, like hand weaving, etc. On the other hand it is conceivable that an agricultural country which imports annually cigarettes and tobacco to the extent of 1½ crores of rupees, milk products to over one crore of rupees, Fish about one crore of rupees, Betelnut and Cocoanut and such like articles of a very considerable value, must lose both work and money at some stage of its development. This is so because of lack of any distinct agricultural or industrial policy of the government—both transferred subjects.

10. It may be asked why agricultural labour cannot take part in Industrial labour, when agricultural work has ceased. Shortly, the explanation is, that the agricultural seasons and the industrial seasons overlap each other. Therefore the only solution to provide more work for agricultural workers is to create agricultural industries.

11. It is possible that my conception of the whole problem may be wrong, but my views are not unsympathetic towards indigenous people—in fact I have been doing all in my power to promote the views I have expressed above.

12. It will thus be seen that Indian labour is not a challenge to indigenous labour; it was brought in, and since has been coming in to meet a demand which indigenous labour could not meet, and is therefore supplementary to it, for the need of the country.

13. Arguments that it sends considerable money out of the country have no bearing on the question. It does definitely come to earn money, and in doing so helps the country to earn profits many times the amount which it itself earns, therefore it is not a loss.

14. I think I have dealt passingly on the more important factors arising in consideration of this problem, which though lightly touched upon will give an idea of the type of factors which must be dealt with as a complete policy to solve the problems of Agricultural and Industrial Labour.

RECORD B.2 (*continued*)

VIII.—Memoranda by Mr. N. M. Cowasjee and Mr. S. A. S. Tyabji

"A" Discrimination in Burma

[*Vide—Record A2 (I) Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p.* 103.]

I. We have to offer one preliminary remark which applies generally to the Memorandum referred to above. We understand by the term "British subjects domiciled in British India" those persons born in or settled in British India. We have to point to the fact that there are quite a number of persons from Indian States, who practise their profession or trade or are employed in service, and there are business houses whose principals or managers or office staff are persons born or domiciled in Indian States. It is undesirable to exclude such persons or firms from protection against discrimination.

Therefore we propose that wherever the words "British India" appear, be added the words "and Indian States", or if Federation of British India and of Indian States becomes a fact, a suitable term may be used to indicate British subjects domiciled in the Federation of British India and Indian States.

II. *Reference—Annexure—Clause (vii) Exceptions.*

Whilst we do not object to maintaining laws, rules, and orders in operation at the passing of the Constitution Act (e.g. the Burma Courts (Amendment) Act of 1931) and further, for example, such rules as have been already framed for the purposes of selection for services, we do consider that giving them a finality, as this "exception" proposes to do is not right. There are many rules and orders in respect of service, or entry into service, which even now act most unjustly and vexatiously against Indo-Burmans, Indians and Anglo-Indians, and even against those who are born and bred in Burma. This is so particularly in the matter of "selection" to services, or selection for entry into educational institutions. We submit that in a case of any act, rule, or order, which places distinct disability, or is so worded as to enable its being used to discriminate, then it should be possible to get it amended through an appeal to the Governor's special powers. For instance in the matter of appointment in the public service if an unnecessarily high qualification in the Burmese language is laid down as a necessary qualification, or in fact if written or viva voce examinations of candidates in the Burmese language are made unnecessarily difficult, we think a case of discrimination by the back door would be established, and the Governor should then have the power to intervene.

III.—(*a*) *Provisos to para.* 122 *of Indian White Paper.* (Cmd. 4268.)

I. 1*st proviso—power of enacting laws against land alienation.*—Prior to consideration of this proviso, we take the opportunity of removing some misconceptions in para. 10 of Record A.2 (I) [Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 104].

(1) The definition of an agriculturist as per Section 1349 of the Land Records Manual is (*a*) "An agriculturist is a person who cultivates land for a livelihood, or did so until incapacitated by age or otherwise, or (*b*) the wife, widow or child of such a person."

(*b*) "Resident" means living within the surveyor's charge in which the land is situated.

These two very narrow definitions must be borne in mind, when considering the subject of land alienation to others than "agriculturists."

(2) According to the Report on the Land Revenue Administration of Burma for the year ending 30th June, 1932,

	Acres.
(i) The *total occupied area* in Burma is	18,755,026
(ii) Agriculturists occupy (or 73 per cent. of above)	13,753,202
(iii) Resident non-agriculturists occupy	1,251,657
(iv) Non-resident non-agriculturists occupy	3,750,167

Therefore (iii) and (iv) together occupy 5,001,824 acres or 27 per cent. of the total occupied area. It should be remembered that non-agriculturists include Burmese, other indigenous races, Indo-Burmans, Chinese, and Indians. Therefore statements made that a major part of the land has passed into the hands of the Chettiyars are not borne out by facts.

(3) Total acreage of lands owned by Chettiyars is not high.

(4) The general policy of Chettiyar bankers is to keep their resources liquid.

(5) Paragraphs 36, 37, 38 and 67 of the Burma Provincial Banking Enquiry Committee Report may be referred to.

(6) Development of paddy cultivation in Burma within the last 30 or 35 years is remarkable.

(7) Total number of acres under paddy cultivation has increased from 55 lacs acres in 1896 to 121 lacs acres in 1933.

(8) From 1861-1870 the export of rice averaged 363,000 tons. In 1932-33 the exportable surplus is estimated at 3,450,000 tons.

(9) In this development Chettiyars have played a remarkable part.

(10) These facts do not prove the "extensive transfer of ownership to non-indigenous and non-agricultural classes," particularly so if the definitions of "agriculturist" and "resident" quoted above, are kept in mind.

II. We realise that Burma has even now the power to make laws to prevent alienation of agricultural lands, and we realise that just as it has been considered inadvisable to pass any such act in the past, so it may be in the future. We therefore do not desire to restrict this power of the Legislature, except in case of such a law being passed as a discriminatory measure against some particular class of persons, or some particular interest, in which case we request that power may be reserved to the Governor to intervene, or/and that such a Bill may be reserved for the signification of His Majesty's pleasure. We think that this clause should be so modified as to prevent the possibility of the introduction of discriminatory legislation as above indicated.

IV. *2nd proviso.*—"or which recognises the existence of some right, privilege, or disability attaching to members of a community by virtue of some privilege, law or custom having the force of law."

Frankly neither in the Burma Legislative Council nor during the Joint Select Committee sittings have we been able to understand or realise the import and scope of this proviso. Under the Arbitration Board it

was arranged in 1930 that a certain proportion of Indian and Burmese labour should be employed. Is it contemplated to cover a case of this nature as coming within the scope of this proviso? This is but an example of what we fear. If such be the intention of this proviso, then we say that it may be possible to read this proviso in such a manner as to nullify many of the safeguards proposed to be provided in the Constitution Act. We therefore desire that this proviso may be deleted.

V. *3rd proviso*, viz.—"A Federal or Provincial law, however, which might otherwise be void on the ground of its discriminatory character will be valid if previously declared by the Governor-General or a Governor, as the case may be, in his discretion, to be necessary in the interests of the peace and tranquillity of India or any part thereof.*

* *Footnote.*—Without a qualification of this kind, legislation such as e.g. the Indian Criminal Tribes Act, would be invalidated by the provisions of this paragraph."

This proviso in the Burma White Paper under para. 58, appeared without the footnote, and as such it was most objectionable on the grounds that any law of a discriminatory character could be declared valid by the authority concerned if sufficient political pressure was brought to bear on him through threats or through actual violence. If this proviso is to be included in the Constitution Act, it must be made quite clear that it should and would apply only to such cases as the explanatory footnote indicates, and to no other type of law of a discriminatory nature.

VI.—*Control of Immigration.*

[*Vide—paras.* 9 *and* 15 *of Record* A2 (*I*) *Joint Committee on Indian Constitutional Reform* (*Session* 1933-34), *Volume II*, *pp.* 104 *and* 105.]

1. *Para.* 9 indicates that steps be taken to control and restrict the flow of Indian Labour immigration into Burma.

Para. 15 states: "No protection of the right of entry into Burma is contemplated in favour of British subjects domiciled in India such as is proposed by paragraph 3 (ii) (*a*) for British subjects domiciled in the United Kingdom."

2. Read together, these paragraphs mean that Indians in general, including Indian Immigrant Labour would be discriminated against as regards right of entry into Burma, as against British subjects domiciled in the United Kingdom, who would have free right of entry. We protest most strongly against such a discrimination against British subjects domiciled in India. We agree that in all countries where there is considerable immigration of labour from another country, such immigration of labour is regulated through treaties between the two countries concerned, or by law by one of the countries concerned. As regards Indian labour immigration, we agree that it may be regulated by a Labour Convention between India and Burma; but we do protest against any similar restriction being placed against the entry of other Indians than Indian labour. We would consider this as grossly discriminatory, and the whole Indian community in Burma and the people of India also would resent such a gross act of discrimination against them, in a country which formed part of India and in the development of which the Government of India and the people of India have taken such a remarkable part.

3. We desire to point to the fact that Indian commerce and industry, professions and service are very important interests of Indians. Though many Indians have made Burma their home, their business connections and family connections make it necessary to visit India at intervals. A

considerable number of Indians have to come to India for shorter or longer visits on account of business, or private requirements. It would, therefore be most objectionable in principle to discriminate against such Indians.

4. We therefore strongly advocate that paragraph 3 (ii) (*a*) mentioned should apply to Indians generally, with a proviso that so far as Indian immigrant labour is concerned it may be regulated through a Labour Convention between India and Burma.

VII.—*Languages of the Indian minorities in Burma.*

1. We desire to make the request that the languages of the Indian minorities in Burma, which are now recognised by law, may continue to be recognised under the Constitution Act.

2. If this be not done, we are apprehensive of discriminatory legislation being passed at some future date, which may have the effect of removing the recognition at present given to our languages. Such removal of recognition would mean that schools for such languages would not come within the competency of the educational authorities, and therefore no grant may be made to such schools; secondly, interpreters in court for such languages may be done away with. These are but two examples of how the removal of recognition of these languages may effect the Indian community.

VIII.—*Discrimination in Government service.*

1. We are apprehensive that in future there may be a great deal of discrimination even against those who are born in Burma and those who belong to the Indo-Burma class, as regards their entry into Government service.

2. We therefore request that minority communities may be represented by at least one member on the Public Services Commission to be formed under Proposal No. 100 of the Burma White Paper.

IX.—*Discrimination in matters connected with Education.*

1. We state that there is a strong feeling in the Indian community that their vernacular education is not supported by the educational authorities, i.e., Local Educational Boards, to the extent that their number and interest justi[illegible].

2. They find great difficulty in getting their schools recognised, and if they are recognised, to obtain sanction of adequate teachers and their salaries, or at least in the proportion given to Burmese schools.

3. The Educational Boards fall under two categories—those constituted under the Local Self-Government Act, and those coming under different municipal Acts, for instance, of Rangoon, Moulmein, etc.

4. We desire that some safeguard be created in this respect, either in accordance with paragraph 85 of the Report of the Burma Round Table Conference, or through the creation of special responsibilities of the Governor in this respect.

5. In case some safeguard as above is provided, machinery would be needed whereby effect could be given to a decision by the Governor, or a decision arrived at through other means, in respect of Educational Boards, whether controlled by District Councils or by Rangoon Municipality or other municipalities.

MEMORANDUM BY MR. N. M. COWASJEE AND MR. S. A. S. TYABJI ON DISCRIMINATION IN BURMA.

"B" Representation of Indian Minority in the Lower House

I. At the outset the signatories desire to state that the "Memorandum on the Representation of Minorities and on the Constituencies and Franchise of the Lower House, and proposals for the Upper House" issued by the Government of Burma to some individuals was marked "Strictly Confidential." As a result, contents of the Memorandum until very recently were known to a few.

II. *Representation of Indian Community in the Lower House.*

(*a*) Record A1 (II) [Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 20], para. 27 (ii), sets out the representation given to Indians on population basis of 7.7 per cent. which gives to Indians ten general seats.

(*b*) Two labour seats for Indians are also provided for (*vide* Appendix I (*a*)—Record A1 (II) [Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 31]), which, however, are to be included in the ten general seats provided on population basis.

(*c*) Under Appendix I (*a*) of Record A1 (II) [Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 31]—Representation for Commerce and Industry—Burma Indian Chamber is given two seats.

(*d*) Summary, para. 7, Indian community is given twelve seats in all.

III.—(1) We join in the opinion expressed by the Burma Chamber of Commerce that the representation of the minorities is insufficient.

(2) We agree generally with the Burma Chamber of Commerce, Rangoon, in their Memorandum, Appendix III (vi) to Record A1 (II) [Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 79] that "the case of the Karens, however, is entirely different from that of the other minorities," i.e., Europeans, Indians, Chinese and Anglo-Indians.

(3) We agree with the statement made in para. 13 of the above quoted Memorandum and regret that though there shall be 132 elected seats as against 88 non-official seats in the present House, not a single seat out of the 44 increased seats would be given to Europeans, and we add, to the Indians.

(4) Equally with the Europeans we are aggrieved and contend that the drastic reduction of minorities from 24 per cent. in the present House to 17 per cent. in the future House does not seem to be justified by any line of reasoning.

IV.—(1) We maintain that the twelve seats given to the Indians is an inadequate representation of Indians in a House of 133 for the following reasons:—

(*a*) In the present House of 103, Indian Community is already represented by twelve seats as follows:—

	Seats.
(i) General—Urban	8
(ii) Special—Indian Chamber of Commerce	1
(iii) Nominated—Labour	1
(iv) Nominated	2
Total	12

MEMORANDUM BY MR. N. M. COWASJEE AND MR. S. A. S. TYABJI ON DISCRIMINATION IN BURMA.

(*b*) *Twelve seats in the present Council of 88 elected members forms* 13·64 per cent., and of 103 members, including the official bloc and nominated members, 11·64 per cent.

(*c*) In an elected House of 133 seats, twelve proposed seats for the Indian Community forms 9·02 per cent., a reduction of 2·62 per cent. or 4·62 per cent.

(*d*) On behalf of the Indian Community we strongly protest against *such reduction in the proposed Council, and inadequate representation* given to the Indian Community. We refer to the protest made by Mr. A. Chandoo (Appendix III (ix) of Record A1 (II) (Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 89).

V. The proposal of the Secretary of State in Record A1 (II) [Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 20], *para.* 27 (ii), *is*: "*Having regard to the conflicting considerations* to be taken into account in regard to the Indian Community, it is proposed to allot to it a general representation proportionate to its population of 7·7 per cent., i.e., ten seats, these to include the two constituencies to be created for Indian Labour. This may be regarded as ample representation for a Community of which at least half consists of migratory labour."

(*a*) We will take the last statement first and definitely say that "at least half" does not consist of migratory labour. Approximately 300,000 labourers come into Burma, and the same number goes out every year. Therefore migratory labour at most forms $\frac{1}{7}$th part of the Indian plus Indo-Burma population, as will be shown below. It may be stated that the census was taken at a time when most of those who were to return had already gone to India.

(*b*) Secondly, we state that the ratio of 7·7 per cent. on population basis is incorrect for the following reasons:—

(i) It will be noted that till now the Indo-Burma races have been included in the Indian electorate;

(ii) the request of the Indo-Burmans for a separate electorate was rejected as in para. 23, Part II of the Secretary of State's Record A I (II) [Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 18].

It is thus obvious that Indo-Burma races must be included in the Indian *population for calculation of seats on population basis.*

(iii) According to para. 27 (ii) of the Secretary of State's memorandum, the total Indian population was 955,300 out of 12,358,000. We contend that for divisional Burma, Indian population for electoral purposes was as under (vide Imperial Table VII 1-B. Census 1931).

Indian Hindus	538,650
Indian Muslims	391,558
Other Indians	53,330
	983,538
Indo-Burma races	180,733
	1,164,271

(iv) The difference between population in Divisional Burma and that in Elective area being only 27,000, this difference for purposes of calculation is ignored.

(v) 1,164,271 Indians plus Indo-Burmans form 8·88 per cent. of 13,102,000 population of Divisional Burma.

(vi) Difference between percentage given for elective area, i.e. 7·67 and 8·88 is 1·21. If 1·21 is added to 7·73 to get an approximate correction of percentage under area made into constituencies, percentage of 8·94 is obtained, instead of 7·73.

(vii) Therefore on 8·94 per cent. basis Indians should be given 12 seats.

(viii) The population of Karens is 1,100,200 and that of Indians is 1,164,271. On the basis of the seats given to Karens, i.e., 12 seats, the proportion of seats to be given to Indians is at least equal to the Karens, i.e., 12 seats on population basis.

(*c*) We contend that there is no justification for including two Labour seats within the general seats based on population basis, as proposed in Record A1 (II) [Joint Committee on Indian Constitutional Reform (Session 1933-34), Volume II, p. 31] because:—

(i) Labour seats are considered to represent special interests.

(ii) The election will be on a different basis, with its own electorate.

(iii) Therefore Labour seats must be treated as representing special interests and must not be included within the number based on population basis.

VI. We endorse the following views so ably expressed by the Burma Chamber of Commerce:—

(i) "It may be said without fear of contradiction that the country has been brought to its present stage of development by the enterprise and capital of the European, Indian and Chinese communities under sound administration. The whole economic structure of Burma to-day is based on a framework of an industrial, trading and banking organisation created by these minorities."

(ii) "It follows that these minorities, and the great commercial interests involved are politically in a very exposed position, etc."

(iii) "As compared with most of the Indian provinces there is ample room for giving weightage to minorities in Burma."

VII. At this stage we would state the main interests of the Indian community, and briefly indicate the difference between the interests of the Indian and European communities. The interest of the Indian community lies in professions, service and labour, and in property, commerce and industry and agriculture.

(i) So far as professions and liberal arts are concerned, earners and working dependants are indicated by the following figures (1931):—

	M.	*F.*
Total	175,724	23,166
Indians	11,400	600
Europeans	500	536
Anglo-Indians	423	812

The Europeans are generally highly placed, with European qualifications, whilst the Indians in the majority of cases are not so well placed, have a harder life, and have either Indian or Burmese qualifications. From the point of view of their number and diversity of profession they have a larger interest than the Europeans.

Public administration.

(ii) *Service.*—The following figures set out the comparative position:—

	M.	F.		M.	F.
Total	44,479	388	Indians born in ...	993	19
Indians ...	14,559	92	Indians born out ...	12,742	68
Europeans ...	359	6	Indo-Burma ...	864	5
Anglo-Indians ...	725	50			

The Europeans in public administration almost all hold high positions, and are under the direct protection of the Secretary of State for India. The Indians on the other hand, in the majority of cases, are in the provincial services, and they are more exposed to the change of political conditions than the Europeans. Attention may be drawn to the fact that there has been an alteration in the compilation of the census of 1931 to include working dependants. Therefore, the 1921 census gives a clearer picture of those in service. Table XX, part III. (These do not include dependants.)

	M	F.		M.	F.
Total	33,242	992	Burma Muslim ...	450	18
Indians ...	5,052	56	Indians born in ...	555	13
European and allied races	293	8	Indians born out...	4,047	25
				5,052	56

(iii) (*a*) *Industry.*—Earners and working dependants (1931).

	M.	F.		M.	F
Total	309,400	35,500	Indians born in ...	5,500	1,600
Indians ...	102,200	7,600	Indians born out...	93,000	4,000
Europeans ...	645	15	Indo-Burma ...	3,700	2,000
Anglo-Indians	650	59		102,200	7,600

(*b*) *Trade.*

	M.	F.		M.	F.
Total	266,000	291,000	Born in	6,647	2,500
Indians ...	97,030	11,366	Born out	84,000	3,000
Europeans ...	698	59	Indo-Burma ...	6,383	5,866
Anglo-Indians ...	554	155		97,030	11,366

These figures show a very diversified and much extended interest in industry and trade of the Indian community, as against compact trade of the Europeans.

(iv) Since the British occupation of Burma, in the opening up of the country, the British subjects of United Kingdom have played a great part, but at the same time it cannot be denied that the Indians have taken at least an equal if not a greater part. Whilst the British have opened out Oilfields and worked Mineral Mines and Forests, through capital, it would have been impossible for them to have done so without Indian labour. Whilst the Railways were capitalised by the British, the labour was entirely Indian; whilst British capital supplied steam launches on the rivers, the labour again was Indian; whilst rice mills and saw mills were first started by the Britishers, labour was supplied by India. At the same time Indians also opened up the forests and worked rice mills and saw mills and started

other industries. Immense amount of Indian capital has been invested in such concerns, and it is a known fact that all industrial labour in Burma is Indian. On the other hand we make bold to say that Indian labour and Indian capital has very largely benefited and expanded agriculture in Burma, in comparison with British capital and enterprise. British capital, if it has been invested in agriculture has been so invested only through Indian Bankers who have shouldered all the risks of a credit so uncertain as agricultural credit. It was Indian capital which opened up the Delta and many areas on the new Rangoon Mandalay line even before the Railway was laid, and from swamps turned them into huge rice-producing areas which have so largely benefited the European Exporters and Industrialists. Whilst British merchants have been the Importers, the Indian merchants have been the distributors bearing all the risks of credit. The present vast dimensions of the British import trade, if not wholly, are mainly due to the enterprise of the Indian merchants who have carried the British goods to the remotest corners of Burma.

(v) To recapitulate, Indians numerically are more largely interested in professions and Liberal arts, and perhaps their total interest in this respect may be larger than that of the Europeans. In public administration again their numerical strength is much larger, but conditions of service give them much less protection than the Europeans; in trade and industry the number of those working in it are considerable; although the interest of the Europeans in trade and industry is very extensive and vast it is compact and well guarded, whilst the interest of the Indians is diffused and spread out to the most interior areas of Burma, and it therefore carries much larger risks; whilst Indians are labourers, Europeans are large employers of labour, and in the agricultural field Indians are bankers, owners of land, cultivators, cultivating tenants and agricultural labourers. Therefore whilst appreciating and fully realising the great part that has been played by European capital and organisation, we desire that the part played by Indian capital and labour may be appreciated equally, and we claim that it is the right of the Indian community to receive a larger and fairer representation than has been proposed.

VIII. The minorities are represented in the present Burma Legislative Council as under:

Europeans	7
Karens	5
Indians	12
Anglo-Indian	1
Chinese	1
Special interests	4
	30

Out of 30 seats Indians have 12 seats. If the present 14 official seats are proportionately distributed amongst the minorities and interests, Indians would get 6 seats.

IX. Therefore we desire that Indian community be given:

(1) Seats on population basis of 9 per cent.

(2) Labour seats be not included within the number based on population basis.

(3) Proportion of seats out of the official bloc of 14 as per VIII above.

MEMORANDUM BY MR. N. M. COWASJEE AND MR. S. A. S. TYABJI ON DISCRIMINATION IN BURMA.

X. Out of the increased number of seats, we press that one more seat be given to the Nattukottai Chettiyar Association for the following reasons:

1. The Nattukottai Chettiyar Association, Rangoon, has a membership of 1,300 Chettiyars.

2. It has been recognised as spokesman and custodian of Chettiyar interests in Burma.

3. It was given the privilege of nominating a member to the Burma Provincial Banking Enquiry Committee, and also to the Agricultural Debtors' Protection Committee, Burma.

4. The Chettiyar community has held a unique position during the last 70 years in the economic life of Burma and has contributed largely to the development of the agricultural, industrial and economic growth of the country.

5. The existing financial state of the Chettiyar firms in Burma has been put down at about 75 crores of rupees. (Ref. p. 211, Vol. I of Banking Enquiry Report, Burma.)

6. This large interest is spread over almost every economic life of the country. The Banking Enquiry Report states that "the internal and external trade of the country would break down, and the rice crop could not even be produced" without this financing agency. (Page 190, Banking Enquiry Reports, Burma, Vol. I.)

7. It may be mentioned that in Madras the Nagarathar Association representing the Chettiyar community is treated as a "special interest" and has the right to elect one member to the Legislative Council.

XI. We submit, even if the representation of the Indian Community is increased in the manner proposed, and even if the representation of other communities is increased, the total strength of the minority seats will be far below the total strength of the majority seats, and there is no cause for fear that any combination of minority groups could out vote the majority group.

XII. The last point that we desire to press upon the Joint Select Committee is that the change of political conditions of Burma, i.e., separation (if separation takes place) plus further reforms, fundamentally alters the political status of Indians in Burma, and new conditions of things are likely to affect them to a larger degree than to any other community. Greater representation of the community in the Lower House is one of the means of allaying genuine apprehension and anxiety which the question of separation is causing them.

On behalf of the Indian community of Burma, we press for a substantial increase in their representation in the Lower House.

RECORD B.3

[29TH MAY, 1934.]

Supplementary Memoranda submitted by Delegates from Burma commenting on Memoranda submitted by Mr. K. B. Harper on Trade Relations between India and Burma and on commercial discrimination (*vide* Record B.2 pp. 221 and 239)

I.—Memorandum by U Chit Hlaing, M.L.C.

Mr. Harper's Memorandum on trade relations between India and Burma in the event of separation appears to me to be a striking corroboration of the demand of the Burmese anti-separationists that Burma should not be separated from India. The fiscal, economic and financial reasons, among others, which persuaded our anti-separationists to oppose separation have been, I am afraid, ignored until recently by all those who championed the cause of separation, or who, like the Europeans in Burma, followed in the wake of the Separationist Party.

Our anti-separationist parties have always realised the immense part which the economics and finances of a country play in its political development, and it is because we feel that no amount of trade agreements with their technique of formulas, certificates of origin, etc., can help Burma, once she is separated from India, that we have thought it our duty to oppose separation. Our conviction that the vast majorities of the people of Burma are opposed to separation was corroborated by the results of the elections when over 500,000 electors cast their votes against separation as compared with half this number in favour of separation. Such an overwhelming majority in the country was also reflected in the Council, but as a result of intrigues and manoeuvres into which it is not necessary to enter now, the Council was prevented from recording in clear terms the definite verdict of the electorate that Burma should not be separated from India. The situation has, however, cleared up during the last few months, and Dr. Ba Maw and I were voicing the verdict of the majority of the people of Burma when, before the Joint Select Committee, we insisted that " We are fully prepared to enter into the Indian Federation unconditionally and accept the division of the powers between the Centre and the Units of Federation ".

Whilst on this point we must painfully draw the attention of the Joint Select Committee to the fact that, though we have been pressing for affording the anti-separationists an opportunity of discussing the question of Burma's entry into the Indian Federation ever since the inception of the Indian Round Table Conference discussions, this request remained unheeded up to the last, and the anti-separationists were prevented from presenting their case before the Round Table Conferences and the Joint Select Committee when the delegates from India were sitting with it. This partiality towards separation has also stood out very prominently in the fact that, though the Secretary of State for India has published from time to time various documents dealing with the position of Burma after separation, not a single memorandum has been prepared so far as we know to show the position of Burma as an autonomous member of the Indian Federation.

MEMORANDUM BY U CHIT HLAING, M.L.C.

Nevertheless it is necessary for us, the anti-separationists of Burma, to give an indication to the Joint Select Committee of how Burma should be provided for in the forthcoming federation. As regards the Federal Legislature we claim that Burma should be treated as one of the major provinces and allotted no less than 25 seats in the Federal Assembly and 18 seats in the Council of State. As regards the composition of the local Burma Legislature, it is presumed that the proposals made by Government in this connection will apply to federated Burma as well. I might here add that we are perfectly prepared to accept the position that in the event of federation the local Burma Legislature should have only those powers that are conferred on the legislatures of the major provinces in India. It is, doubtless, essential that certain adjustments will have to be made in the matter of allocation of revenues between the Federal Government and Burma as a federal unit. These adjustments are more essential in so far as the finances of Burma are to-day in a very precarious condition. As a matter of fact, the recent discussion in the Burma Council on the question of the assignment to Burma of 50 per cent. of the export duty on rice has made it clear that the whole Council, including even the separationists, has become aware of the economic advantages of federation, and we hope that when the question of Burma's entry into the Federation is considered her claim in connection with the assignment of the excise duty on kerosene and petrol consumed in Burma as also on the income tax levied on personal incomes, etc., will be favourably considered and the province provided with an opportunity of proper development as an autonomous federal unit. It is hoped that the policy of Burma remaining as a part of India advocated by our anti-separation parties, if adopted by the Joint Select Committee, will result in so satisfactory a solution of the economic and financial problems of Burma that the details contained in the Memorandum submitted by Mr. Harper will not require any further consideration.

II.—Memorandum by U Ba Pe, U Thein Maung, Dr. Ma Saw Sa and U Shway Tha in reply to Mr. Harper's Memorandum on Trade Relations between India and Burma

(*Vide Record B2, page* 221)

The importance of preserving the existing fiscal relationship in respect of the exchange of indigenous articles of trade between India and Burma is recognised by us. We generally support the recommendation of the Burma Sub-Committee of the first Indian Round Table Conference that it may be found possible to conclude a favourable Trade Convention between India and Burma, that a Trade Convention would benefit both countries and that Separation should cause a minimum disturbance of the close trade connection that exists between the two countries. In view of this recommendation and in view of the fact that the currency system of India and Burma would be linked up for some time to come, we agree that there should be a trade agreement between the new Government of India and the new Government of Burma and that in the meanwhile the existing relations should be maintained.

2. With reference to the suggested formula, we cannot agree to para. 111 (2) (*b*), as it will have the effect of perpetuating protective duties in favour of India, such as iron, steel and cotton piece goods, and thereby defeat one of the principal objects of Separation. There are no protective duties in India, for instance on rice, for the benefit of Burma to justify the suggestion on the ground of mutual benefit.

3. As regards the comparative bargaining powers of the two countries, we are of opinion that Mr. Harper's argument is based on a wrong premise.

A comparative study of the imports of the two countries for the last five years shows as follows:—

In Crores of Rupees.

—	1928–29	1929–30	1930–31	1931–32	1932–33
Burma's total imports ...	35	35	27	20	19
Burma's imports from India	14	14	11	10	9
OR	40%	40%	40%	49%	45%
India's total imports ...	266	251	172	138	144
India's imports from Burma	34	32	24	32	22
OR	13%	13%	14%	16%	15%

From this table it will be seen that an average of 43 per cent. of Burma's imports came from India as against an average of 14 per cent. of India's imports which went from Burma. Of these (Burma's export into India or

MEMORANDUM BY U BA PE AND OTHERS IN REPLY TO MR. HARPER'S MEMORANDUM ON TRADE RELATIONS BETWEEN INDIA AND BURMA.

India's import from Burma) the main item is rice; 16·7 crores in 1928-29, 13·7 crores in 1929-30, 9·5 crores in 1930-31, 9·3 crores in 1931-32 and 7·9 crores in 1932-33. The fall in value from 1933 onwards is due to the lower price of rice, though the quantity in tons is on the increase. At the Imperial Conference held in London in the year 1930, His Majesty's Government declared that they were opposed to any policy involving duty on food-stuff and raw materials. Burma being an agricultural country, her exports into India are rice (food-stuff) and other raw materials such as skin hides, etc., and thus Burma has no cause to be alarmed at a tariff wall, if that declaration is given effect to, as it should. India buys Burma rice simply because it is the cheapest available in the market, and as Burma has the nearest port to India she stands a better chance in all trade competitions for rice.

That India can and will produce more rice with a view to be independent of Burma rice is easier said than done because it will be economically unsound for India to do so. Paddy cannot be grown at all places in India with a lower incident of cost than that of Burma. Though India has been following a steady programme of agricultural expansion, the import of Burma rice as shown in Mr. Harper's note has not decreased. It is also beneficial to India to export its own rice and import Burma rice for its consumption, as done by farmers of Ireland. The demand for rice in India is so great that she has to buy not only from Burma but also from Siam, Indo-China and occasionally from Japan.

From the comparative statement shown below it will be found that the acreage of paddy lands and yield of rice in all India has been steadily increasing. Burma's acreage on the other hand has shown a decrease. It is due to the fact that the growing of paddy has been found not so profitable as it used to be and consequently Burma's exportable surplus of rice is bound to decrease in the near future.

	1929–30	1930–31	1931–32
In million acres	80.6	82.7	84.0
In million tons of rice produced in India	31.1	32.2	32.8
Import of Burma rice in tons only ...	902,953	810,979	1,036,899
In million acres in Burma	12.9	13.0	12.5

Further, if India refuses to buy Burma rice, as Mr. Harper fears, Burmans will not be the only sufferers. With the shrinkage in paddy cultivation, the immigrant Indian labour now required for harvesting purposes will not be required; the scope of Indian merchants and bankers now doing business with the Burman agriculturists will be considerably reduced; the Burman agricultural labourers thrown out of employment will rush towards industrial centres and claim for work from Indian labourers now being employed, the result would be that the Indian labourers will have to make legitimate room for the indigenous labourers. Consequently the Indian labourers will be thrown out of employment and incidentally check the inflow

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of future immigrant labourers. We do not think, therefore, that the Indians in India will refuse to buy Burma rice, as Mr. Harper fears, since it will have an adverse effect on their brethren in Burma.

With regard to Mr. Harper's attempt to run down Burmese labour, we are of opinion that Mr. Harper has not stated the matter fairly. That Burmans took to stevedore and wharf labour recently is partially true, but since then they have proved themselves equally efficient, as can be seen from the comparative statement below, obtained as a result of competition by one stevedore:—

S.S. Tonson Maru—loading by Burmese labourers.

5-6-30—2,028 bags by 2 Burmese gangs.
6-6-30—726 bags by 1 Burmese gang.
7-6-30—1,924 bags by 2 Burmese gangs.
8-6-30—No work done. No cargo.
9-6-30—1,512 bags by 2 Burmese gangs.
10-6-30—1,397 bags by 2 Burmese gangs.
11-6-30—No work done. No cargo.
12-6-30—No work done. No cargo.
13-6-30—No work done. No cargo.
14-6-30—1,790 bags by 2 Burmese gangs.
15-6-30—No work done. No cargo.
16-6-30—6,347 bags by 3 Burmese gangs.

In 7 days, 14 Burmese gangs completed 15,714 bags.

S.S. Moiwu Maru—loading by Indian labourers.

5-6-30—1,076 bags by 3 gangs.
6-6-30—4,524 bags by 4 gangs.
7-6-30—1,846 bags by 2 gangs.
8-6-30—2,284 bags by 2 gangs.
9-6-30—1,064 bags by 1 gang.
10-6-30—4,157 bags by 4 gangs.
11-6-30—1,566 bags by 2 gangs.
12-6-30— 652 bags by 1 gang.
13-6-30—1,126 bags by 1 gang.

In 9 working days, 20 Indian gangs completed 18,291 bags.

Result at a glance.

Burmese—14 gangs	Indian—20 gangs
1122.4 bags per gang or	914.6 bags per gang or
2244.85 bags per day	2072.3 bags per day

The result of this competition was published in all the local daily papers and its correctness has never been challenged by the detractors of Burmese labour. That competition took place in 1930, and at present we can assert with confidence that Burmese stevedore or wharf labour is in no way less

efficient than Indian labour. From the above it will be seen that there need be no fear of lack of sufficient labour in Burma on account of Indians stopping their immigration into Burma.

During the world's war of 1914 the ability of the Burmese as mechanics was recognised and much praised. Thus with the advance and increase in the mechanisation of labour, the industrialists in Burma have no cause for alarm for dearth of efficient labour.

Mr. Harper's statement that the outturn of the Burmese labour employed at the Port of Rangoon has been found to be 45 per cent. that of Indian labour is true, but the comparison was not on a fair and equitable basis. It related to one kind of cargo only, namely, loading and unloading of zinc concentrates. This particular type of work can be done best by a class of Indians known as "Nagas." Neither Burma labourers nor any one of the other classes of Indian labourers known as "Telegus" and "Tamilians," who, from the greater majority of labourers employed at the Port, can do that work as well as Nagas.

Furthermore, Burmese labour had to work against prejudice and vested interests in that the supervising officers are Indians and it is, in fact, due to subtle methods employed by Indian supervising officers as hinted by Lord Salisbury in question 15,416 of A 68, that the Burmese labourers showed such a bad result.

We are of opinion that Burma has an equally strong bargaining power and we cannot therefore agree that Parliament should fetter the future actions of the new Governments of India and Burma.

We, however, have no objection if Parliament would accept the responsibility of arbitrating on points of difference as regards the first trade agreement between the two new Governments.

(Sgd.) U. BA PE.

(Sgd.) U. THEIN MAUNG.

(Sgd.) DR. MA SAW SA.

(Sgd.) U. SHWAY THA.

III.—Memorandum by U Ba Pe, U Thein Maung, Dr. Ma Saw Sa and U Shway Tha in reply to Mr. Harper's Memorandum on Commercial Discrimination

(*Vide Record B2, page* 239)

We have already set out our views on this subject in Appendix A to our joint memorandum; and the following replies to the more important contentions of Mr. Harper should be read with the said Appendix.

Paras. 5 *and* 6 *of Mr. Harper's Memorandum.*

The distinction between British subjects in general and British subjects domiciled in the United Kingdom is obviously intentional. This is as it should be, and we are strongly opposed to the suggestion that they should be treated alike in all respects, i.e., to the suggestions for amendment of para. 3 (1) of Memo. A 68. We even object to the clause as it stands as we are of opinion that it gives undue advantage to other British subjects instead of enabling Burma to negotiate with other parts of the British Empire on equal terms.

Paras. 9 *and* 10.

We are against the proposed amendment. "Civil Rights" are too wide, and it is better to confine the safeguard to certain specified rights.

Para. 11 (*a*).

We are against the suggestion that companies which are merely trading *with* Burma should have the benefit of the same safeguards as companies which are trading *in* Burma. The difference in the interests that the companies have in the country and its people is quite obvious. Besides, acceptance of the suggestion would in actual practice mean extending the benefit of the safeguards to all and sundry companies.

Para. 11 (*b*).

Please see our remarks on Clause 3 (iii) in our joint memorandum.

Para. 12.

With reference to debenture holders it should be made clear that requirement of the debentures being thrown open, in the first instance, to the people of Burma is no infringement of the safeguard.

Paras. 15 *and* 16.

We are against the proposed amendments. The original provision with our amendment will not prevent employment of foreigners in technical and scientific work so long as facilities are provided for training Burmans as well.

Para. 17.

The suggestion that the onus should be on the Government of Burma is absurd. Whoever challenges the validity of any piece of legislation or any act of administration as *ultra vires* should be prepared to prove that it is so.

MEMORANDUM BY U BA PE AND OTHERS IN REPLY TO MR. HARPER'S MEMORANDUM ON COMMERCIAL DISCRIMINATION.

Para. 18.

It is only a matter of prudence and not one for express provision in the Constitution Act.

Para. 19.

Reciprocity being of the essence of the matter, there is no reason for distinction between existing and future persons and companies.

Para. 20.

The discretion of the Governor-General of Burma should not be fettered; and the original proposal is quite clear.

Para. 21.

We strongly object to the suggested amendment. Nothing but discrimination against a class as such should require interference by the Governor-General of Burma.

Para. 23.

Exception (1). We support the Secretary of State and claim that the Government of Burma should have full liberty to shape its own land policy. Difficulties raised by Mr. Harper are purely imaginary. Besides we are not discussing any definite Bill prepared by the Government of Burma in exercise of its right to shape its own policy as yet.

Exception (3). We take very strong exception to the allegation that the proviso being made expressly in the Act would " encourage rebellion or some lesser disorder of the kind directed perhaps to political ends." The people of Burma have on the whole been law-abiding, and we are confident that they will be more so under a responsible Government. We think it is a distinct advantage to have a special provision under which the Governor-General can act instead of relying too much on the omnibus clause about his powers.

Para. 25 (*a*).

The same principles should apply to subsidies and protection by import duties, i.e., our observations as regards bounties and subsidies in connection with Clause 3 (vii) (2) of Memo. A 68 in Appendix A to our joint memorandum should be taken into consideration as regards import duties to be imposed after the enactment of the Constitution Act.

Para. 25 (*b*).

Government and other statutory bodies should have the right to give preference to companies which comply with conditions as to employment of Burmese labour, etc., as set out in Appendix A to our joint memorandum under Clause 3 (ii) (*b*) and 3 (iii).

Para. 25 (*c*).

Please see Appendix A to our joint memorandum under Clause 3 (iii) and 3 (vii) (2).

Para. 28.

We are against the suggested amendment, " Any matter relating to status or civil rights " being too wide and dangerously vague.

MEMORANDUM BY U BA PE AND OTHERS IN REPLY TO MR. HARPER'S MEMORANDUM ON COMMERCIAL DISCRIMINATION.

Paras. 29 *and* 30.

We agree with the Secretary of State and we are of opinion that Mr. Harper is expecting trouble where there can be none. There is no necessity for express provision in the Constitution Act or the instrument of instructions.

Para. 36.

We are against the suggestion. Clause 5 of Memo. A 68 should be left as it is in order that the Government of Burma may be able to negotiate with the Governments of the other parts of the British Empire on an equal footing.

Paras. 37-39.

We attach the greatest importance to the proviso that it shall be open to Burma to require additional qualifications from new entrants to professions which are justified by the special needs of conditions in Burma.

Paras. 41 *and* 42.

We are against the suggestion that statutory power to control immigration should be withheld until India and Burma have tried to come to an agreement. Mr. Harper admits that there should be some means of controlling labour immigration from India into Burma. He also admits that the best solution is an Immigration and Emigration Convention; and no satisfactory convention can be expected unless both parties have full powers.

Para. 43.

Please see Part B of Appendix A to our joint memorandum.

(Sgd.) U BA PE.

(Sgd.) U THEIN MAUNG.

(Sgd.) DR. MA SAW SA.

(Sgd.) U SHWAY THA.

IV.—Memorandum by Mr. N. M. Cowasjee

1. From a perusal of Mr. Harper's memorandum on trade relations between India and Burma in the event of separation, I am convinced that separation is economically unsound. There are a great many difficulties in the way of the negotiation of a trade agreement satisfactory to both sides. Leaving aside the intangible element of goodwill, there might be a conflict of bona fide interests not only of trade and industry, but also of Government finance on both sides. Burma is now in a very advantageous position as far as her trade is concerned, in that, at a time of contraction of foreign markets, she has the benefit of a widening market for her products in India. Burma's annual exports of rice to India have averaged about 800,000 tons, but during 1933, a year when Burma had the record exportable surplus of 3,450,000 tons, and when rice was subjected to restrictions in Japan, China, Java and Central European countries, her exports to India totalled very nearly 1,500,000 tons, so that she was saved the difficulties which would have arisen had an accumulation of unsaleable rice taken place. Burma will be giving up her vantage ground in this connection by separating herself from India.

2. During the current year exports to India form the outstanding characteristic of the rice market. The extent to which this privileged position would be threatened, in the event of separation, is already indicated by the beginnings of trade in rice between Siam and the East Coast of India. As Mr. Harper says, when Burma ceases to be a part of British India, it is quite possible that India's rice policy might change, and such a change is bound to re-act unfavourably on Burma. I need not emphasise the importance of the Indian market to both Burma kerosene and Burma timber.

3. Burma is too small a country to attempt experiments in economic self-sufficiency, and in view of the great dependence of Burma on the Indian markets, it appears to me that it would be extremely unwise to decide on the separation of Burma and face all the economic consequence arising therefrom, merely on the expectation that a satisfactory trade agreement could be concluded. It appears to me to be suicidal to create new and unnecessary economic difficulties and then seek their remedy. Having regard to the present world conditions and the certainty of the policy of economic nationalism throughout the world being emphasised in the near future, the economic interests of Burma should be safeguarded by continuing her as a unit of the Indian Federation rather than by separating her from India and exposing her to a fresh economic crisis. I repeat what I stated in my speech at the opening session of the Joint Select Committee proceedings, viz., that separation is economically indefensible and financially not feasible. I will now deal with some of the provisions of the Secretary of State's Memorandum on discrimination in Burma.

4. *Proposal* 3 (*ii*) (*a*).—It has been proposed by the Secretary of State that while the right of entry into Burma of British subjects domiciled in the United Kingdom should be safeguarded against attack by the Burma legislature by the inclusion of the safeguarding provision 3 (ii) (*a*) in the constitution, a similar safeguard should be denied to British subjects domiciled in India. At the outset, on behalf of the Indian Community, I must protest against this proposal which is in direct contradiction to the pledge uttered by the Prime Minister on behalf of the British Government on the last day of the Burma Round Table Conference, when in the course of his announcement

MEMORANDUM BY MR. N. M. COWASJEE ON THE MEMORANDA SUBMITTED BY MR. K. B. HARPER TO THE MEMBERS OF THE JOINT PARLIAMENTARY COMMITTEE.

of the policy of the British Government in regard to separated Burma he stated that " the main principle to be followed must be that of equal rights and opportunities for any British subject ordinarily resident or carrying on trade or business (whether through the medium of branches or agencies or otherwise) in Burma; and the Governor should have power to secure that this principle is observed both in legislation and administration." The withdrawal from the Indian community of a safeguard guaranteed by the British Government on a par with the British subjects in the United Kingdom is bound to have very unwholesome effects upon the faith of the Burma Indians in the sense of fair play and justice towards their community at the hands of the Imperial Government.

I would therefore very earnestly request that equality should be guaranteed alike to the British Indian and the United Kingdom subjects in a separated Burma. The proposed differential treatment of the Indians is more deplorable as its intention seems to be to give the Burma legislature the power to control immigration of Indian labour. Assuming for a moment that the power of controlling immigration of labour should be given to Burma, the right of refusing entry to any or all classes of British Indian subjects is too wide a power to be entrusted to Burma Legislature for the achievement of a limited object and would, in no event, be countenanced by the Indian community in Burma.

5. I am in agreement with Mr. Harper in all that he says about the present position of and need for Indian immigrant labour in Burma. The continued availability of Indian labour in Burma, in the present circumstances, is absolutely essential to the preservation of the economic fabric of Burma, and in no sense can it be said to displace Burmese labour. The situation has not, therefore, arisen in which it is desirable to envisage control of Indian labour immigration.

6. There is another aspect of this labour restriction problem to which I would particularly draw the attention of His Majesty's Secretary of State for India. Even if a trade agreement which is deemed by all parties is satisfactorily negotiated, notwithstanding the strain on good-will which the threat of shutting out Indians will impose, the existence of the power of controlling entry is likely to cause friction in the working of the trade agreement.

In these circumstances I think that the problem of labour should be dealt with as and when it arises and in a manner different from that contemplated by the Secretary of State; but in any case I am of the opinion that statutory power to control entry of Indians should not be given to the Burma legislature, and I strongly urge the extension of the scope of safeguard 3 (ii) (*a*) to comprise British subjects domiciled in India along with those in the United Kingdom.

If, however, in spite of the joint opposition of both the European and the Indian in Burma, the power to control entry of British Indian subjects is to be given to the legislature, it is of the utmost importance, that such legislation should be subject to the prior assent of the Governor of separated Burma and that the Instrument of Instruction should make it clear that the Governor has a special responsibility in respect of this subject and that he should see that the right of such legislation is not abused.

Exceptions. Para. 3 (vii) (*b*).—This provision in the case of Burma is of much wider scope than the corresponding provision in the proposed clause to be included in the Indian Constitution. While in the case of India it is intended to save only laws in operation at the date of the passing of the

MEMORANDUM BY MR. N. M. COWASJEE ON THE MEMORANDA SUBMITTED BY MR. K. B. HARPER TO THE MEMBERS OF THE JOINT PARLIAMENTARY COMMITTEE.

Constitution Act, such as the Criminal Tribes Act, it is proposed in the case of Burma to legalise any law, rule or order at the date of passing of the Constitution Act, which has a discriminatory effect. This provision will in practice hit the Indian community in the matter of entry into services and practice of the professions. The inclusion of this clause nullifies the effect of the general declaration 3 (i) and the special safeguard 3 (ii) (*b*). I claim that the Indian community settled in Burma is entitled to get their due share of the appointments in the Public Services and to have no restrictions placed in the way of their carrying on any occupation or profession. Any administrative regulations and orders now in force in this connection should be repealed and the Burma Legislature should not have the right of nullifying the safeguards in the manner now proposed by the Secretary of State.

I oppose the inclusion of sub-section (*d*) (i), (ii) and (iii) in the constitution. The intention of this proviso is to declare that certain laws shall not be deemed discriminatory by reason of safeguards 3 (i), (ii), (iii) and (iv).

Under (*d*) (*i*).—No law will be deemed to be discriminatory on the ground only that "it prohibits the mortgage or sale of agricultural land to a member of a non-agricultural class, that is, a class of persons engaged in or connected with agriculture in that area".

I agree fully with all Mr. Harper says on this subject and I would add the following additional considerations which make the inclusion of this proviso in the constitution inadvisable:—

From the very inception when the Revenue Act came to be enforced so far back as 1876, the settled law of the country was, that any person who had been in possession of any cultivable land for 12 years continuously and having for that period regularly paid the revenue thereon, or held the same under exemption from revenue, was deemed to have upon the expiration of that period to acquire the status of landholder in respect of such land, and possession under Section 3 meant not only the possession of servant or agent, but also mortgagee.

By Section 8 of the Lower Burma Revenue Act the status of landholder was defined. And that section enacted that landholder shall have permanent, heritable and transferable right of occupancy in the land subject only to the payment of Government revenues. It is thus clear that not only the policy of Government, but the Statutory Law of the country, provided that anybody who was in possession for 12 years of an agricultural land, and paid the Government revenues thereon for that period, was entitled as a matter of right to transfer his land either by way of sale or mortgage and then vested rights have been created from the passing of the Act.

The following is a definition given of cultivator in Rule 50 A 5 in the Rules of the Administration of Government Estate:—

"Cultivator" means any person who by reason of earning his livelihood in whole or in part by personal labour in the cultivation of land is classified by the Manager as cultivator.

The following is the definition given in the draft of the abortive Burma National Mortgage Bill, 1926:—

"Agriculturist" means a person who:—

"(*a*) is engaged or has habitually been engaged in the cultivation of land with his own hands as his principal means of subsistence; or

"(*b*) satisfies both the following conditions, viz.—

"(i) he superintends directly (i.e., not through an agent, tenant or employee) and from day to day continuously through-

out the working periods of the year the actual cultivation of land and all the processes connected with and the treatment of the cattle and other equipment used therein; and

"(ii) he derives the major part of his income either from such superintendence of the cultivation of land or from the actual cultivation of land or such superintendence and actual cultivation jointly; or

"(c) is included in any class of persons which may be declared by the rules to be included in the term 'Agriculturist'."

It is to be presumed that the terms "bona fide cultivator" is used in the Draft Constitution in the sense in which it is understood by Revenue Officers administering Revenue Law under the Land Revenue Act and the rules and directions thereunder. If so, the term excluded all landlords who rent out their lands to tenants and also others who employ agents or others to supervise the work of cultivation.

It is clear from these definitions (which are likely to be followed) that the class of people who will be designated cultivators will be cultivating owners and tenants; for the most part, a moneyless class of people who cannot buy land. It follows from this that land will not be saleable. Chettyars and bankers who have strained their resources to finance agriculturists so as to keep them on the land and who might have taken over the lands for debt, but have not, will be penalised for their laudable efforts by not being able to realise the lands—if their efforts turn out to be unsuccessful and loans are unpaid; and those who have already taken over lands for debt will have the strongest possible reasons for retaining them.

But the effect on the agricultural industry will be disastrous. It will kill agricultural credit altogether, and as agriculture in Burma is industrialised and must live on credit, this industry will gradually decline and die out. The export trade will be the first to go as without such credit as is supplied by capitalists, crops will be grown for subsistence only and not for export. The exportable surplus is 3½ million tons, but as sources of credit become exhausted this surplus will gradually dwindle until it ceases to exist.

Crop loans would not be advanced if lands are not a marketable security as all lenders of crop-loans look to the land as their ultimate security for these advances in the event of default.

Various commissions and committees have reported to Government that what is needed is organised credit for agriculture. The Royal Commission on Agriculture and the Indian Central Banking Enquiry Committee and Provincial Committees have all urged the extension and mobilisation of agricultural credit, but agricultural credit cannot be organised if it has as a basis assets which cannot be marketed.

(*d*) (*ii*).—"No law will be deemed to be discriminatory for this purpose on the ground only that it recognises the existence of some right, privilege or disability attaching to the members of a community by virtue of some privilege, law or custom having the force of law."

This exception is too wide and its exact significance is not quite clear. To my mind the inclusion of a provision like this will encourage riots and rebellions with the object of securing rights and privileges or imposing disabilities. I have in mind the riot of 1930 in the City of Rangoon when normal conditions were returned only after Burmese labour obtained 50 per cent. quota of port labour.

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At the moment of writing Burmese port labour in Rangoon, though admittedly inefficient and unsuited for the type of work, has put forward the demand that 100 per cent. of the labour should be handed over to them instead of the 50 per cent. now given. This necessitated extensive precautions by the police to prevent a disturbance of the peace.

This is a dangerous precedent of any constitutional provision which gives recognition to rights and privileges, secured by riots or threats of riots and disorder, would act as a direct encouragement to disorders in future of greater or less intensity. Mr. Harper's suggestion of the inclusion of the words "at the date of separation" after the word "existence" only mitigates my objection to the clause.

(*d*) (*iii*).—It is declared by the Governor "to be necessary in the interests of the peace and tranquility of Burma or any part thereof".

I agree with Mr. Harper that there is no need for this proviso in the Act.

In conclusion I would add that, though some of my suggestions would have the effect of precluding the future Legislature of Burma from undertaking legislation which the present Legislative Council is competent to pass. I would strongly urge that the new experiment of a separated Burma is fraught with so many dangers that all measures intended to protect the safety of the State and its economic well-being should be judged on their own merits.

Moreover, it is well known that, under the safeguards which are being introduced in the new Indian Reforms, the future Indian Legislature will find various subjects now legitimately within its field becoming *ultra vires* its competence.

It is therefore without the slightest hesitation that I suggest, for separated Burma the application of the conservative principles which seem to be the guiding policy of the British Government in connection with the future reforms in India.

N. M. COWASJEE.

Rangoon,
5th March, 1934.

V.—Memorandum by S. A. S. Tyabji

The Memorandum on Trade Relations by Mr. K. B. Harper came to my hand on the 24th February, 1934, and on the same day I received a letter from the Reform Secretary stressing the need of early despatch of any views I desired to express on it. On the 27th (25th and 26th being holidays) I addressed a letter to the Reforms Secretary asking him if I could place this Memorandum before the Burma Indian Chamber of Commerce, and the Indian Association for eliciting their views, I was informed that the Memorandum was confidential till it was published.

I have, therefore, not been able to obtain the views of these two important bodies, and the views expressed herein are my own.

Prior to any definite conclusions being arrived at, it will be advisable to give an opportunity for public discussion of this very important question, which may affect differently sections of the mercantile community.

2. I generally agree with Para. I. Introduction.

3.—(i) I generally agree with Para. II, sub-sections 1, 2, 3 and 5.

(ii) *Reference Sub-Section 4—para. II.*—(*a*) Since Mr. Harper's Memorandum was written, a central tax at Rs.2/4 per gross boxes has been imposed. Therefore, there is now the provincial consumption duty of annas eleven per gross boxes, and the control excise tax of Rs.2/4 per gross boxes on matches to which customs duty is not applicable.

(iii) I would further add to the five fiscal conditions laid down by Mr. Harper—the 6th fiscal condition—though consequential, yet real:—that indigenous products—agricultural or manufactured—exported from Burma or India to India or Burma enjoy a preference against products of a similar nature imported by either country from any other country.

4.—(A) *Reference Para. III.*—I am in general agreement with the remarks made by Mr. Harper.

(B) *Ref. Suggested Formula.*—Section I.—(i) I understand that the intention of the formula is to maintain free trade (i.e., freedom from both import and export duties) between Burma and India in all indigenous articles and products.

(ii) Secondly, to confirm to the "existing relations" with regard to Fiscal conditions; therefore, to provide:—

(*a*) that after separation, the excise, consumption, or luxury duties on goods imported by one country from the other shall not be higher on imported products of the other country than on the indigenous products of the importing country.

(*b*) that the parity between excise, consumption, or luxury duties and customs duty on corresponding class of goods, shall be maintained in the future, i.e., in future the difference between excise duty and import

duty on Kerosene Oil at 11¼ pies, or 25 per cent. (whether 11¼ pies or 25 per cent. must be definitely indicated) of the import duty, and on salt at 2½ annas per maund shall be maintained during the status quo period until the new Governments of India and Burma negotiate a Trade Agreement.

5.—(i) *Ref. to Section 2 of suggested Formula.*—This section states "India and Burma shall each be free to alter its Tariffs in respect of its trade with other countries."

(ii) The consequence of this proviso are clearly foreseen, viz.: "to allow for the possibility of outside tariffs by either country having the effect of *adversely altering* "*existing relations.*" (Vide Chapter IV—Clause C.)

(iii) The effect of such a condition as would "adversely alter the existing relations" clearly cuts across the desire to maintain "existing relations," as also across the spirit of the Trade Convention.

(iv) But the adverse effect of section 2 under discussion is somewhat reduced by the proviso (*b*) to it, i.e., that lists shall be prepared by the Government of Burma, and that Government of India, of, I presume, articles imported into Burma or India by the other, on which import duty now exists, on foreign articles, but shall not be reduced, except by agreement between the two Governments from time to time.

(v) Therefore, the vigorous effect of Section 2 under consideration would fall on those articles which are not so listed.

(vi) Therefore it becomes at once necessary to examine whether the making of such lists by the two Governments would be possible, and if so, what would the lists be like, and what would the residue be like on which the effect of the section is to fall with full vigour; and whether the effect on the residue, if adverse, would be severe in the near future.

(vii) For such a purpose a very complete classification of the Imports from India into Burma and the Exports from Burma into India and the cross trades with other countries for the year 1932-33 and previous years is required. For lack of time, this is not possible for me to do, but as a sample, I give figures for the trades between India and Burma for the year 1929-30 and 1932-33, which I hope will be found fairly accurate.

(viii) I have divided the imports from India, and the exports from Burma into India into the following classes:—

(*a*) Natural and Raw Products for internal consumption;
(*b*) Natural and Raw Products not for internal consumption;
(*c*) Manufactured articles, including articles for internal consumption.

6. Pointing to tables A, B and C, attached as annexure I to this note, I wish to draw attention to the following clear facts:—

(i) That under each of the three sections into which I have divided the Export Trade of Burma (columns 5 and 6), it will be found that one or two groups make up the largest portion of the Trade of that section, whilst other groups under the same section show comparatively a small trade.

For instance: (Figures are in Lacs).

In Section A, the export of rice accounts for Rs.1218.24 out of a total of Rs.1718.88 for 1929-30, and for Rs.739.40 out of Rs.969.15 for 1932-33, but the export of other articles which make up the balance, i.e., grain, pulse

and flour, excluding rice, spices, fruits and vegetables and fish are of great importance.

(ii) On the other hand if the import from India (columns 1 and 2) is referred to, all the groups mentioned are important, though as compared to the value and volume of Export of paddy and rice from Burma to India, relatively they are small.

(iii) In Section B, Export from Burma to India (columns 5 and 6), timber is the one group of real value, whilst from articles imported from India to Burma, coal and coke is most important.

(iv) In the third, Section C, Mineral Oil and its products is the only important Burma group (columns 5 and 6). In 1932-33 out of a total of Rs.1544.73 of this section the sum of Rs.1481.66 was accounted for by this group. The only other articles of manufacture exported from Burma are matches and cigarettes, which seem to have the potentiality of development in the near future.

(v) On the other hand, under Imports from India, Textiles, metal ware and allied articles, manufactured articles for internal consumption stand out as of primary importance, whilst other groups as of secondary importance because of their present value and future potentiality.

7. Hereto, I attach the lists of articles of primary and secondary importance to India and Burma, as Annexure II.

8. *Excise and Consumption and Luxury Duties as per suggested Formula.* —If we now take the Burma List (annexure II), the justification for stabilising the "existing relations" as proposed in the proviso to the first part of the "suggested formula" is clear; and I agree with the first part of the formula, which would stabilise part of the present position of the following or those which come under this head on the day preceding day of Separation:—

	1929-30.	1932-33
Petrol	334·05	541·10
Kerosene	524·42	852·35
Sugar	3·31	2·14
Cigarettes	8·00	5·30
Matches	11·33	19·39
Silver (approx.)	100·00	100·00

9. After removing from the Burma list (annexure II) those articles whose "existing relations" are established through the first proviso to part I of the suggested formula, as per preceding para, the articles which remain on the list must be considered as to which of them be listed to form schedule B (Burma) of the proviso B to part 2 of the formula.

(i) Rice is the most important article of Burma's trade; as pointed out in Mr. Harper's Memorandum, and elsewhere, its position—as regards its export to India—is vulnerable. In the Legislative Council of Bengal and Madras questions have been raised of Burma rice depreciating the price of rice of those provinces. Large irrigation schemes in Sindh, the Punjab, United Provinces, Bihar, Mysore and in Hyderabad State will open out to rice cultivation extensive tracts of India; and may I repeat that the total export of rice from Burma forms but a minute proportion of the total rice production in India. Burma supplies rice to India, because of the present annual failure of crops in India. The position of Burma rice is insecure

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also because of the competition of rice from Saigon in Indian ports; it is possible that Japan will become a regular exporter of her surplus rice production in the near future. Therefore I say that the position of Burma's rice export to India is vulnerable, and "existing relations" must be established, if possible, with some further preference in its favour.

(ii) *Grain, Pulse and Flour.*—Cultivation of grain and pulse has been rapidly increasing. It has already reached a level, where one may legitimately say, it is sufficient to meet the total provincial requirement of Burma. I may here make the fact clear that out of this export trade of Rs.256·32 and Rs.109·47 wheat flour accounted for only Rs.2·14 and Rs.1·82 in 1929-30 and 1932-33 respectively. The volume of export of grain and pulse (excluding rice) was 71,000 tons and 72,000 tons in the two respective years.

Therefore, the balance of export trade in favour of Burma is large, and growing, and it will still expand provided "existing relations" are maintained.

It has to be noted that the Eastern Coast of India, particularly Karachi and Bombay are more and more supplied with grain and pulse from Mesopotamia, whilst the Western Coast is the natural market for Burma—provided existing relations are maintained; Starits and Saigon are her competitors, and if Burma has to compete on equal terms (because of reduction of duty) with these countries one can not but help thinking that her export trade would lose considerable ground. Therefore, "existing relations" must be maintained. There is another vital reason why Burma grain and pulse must have an assured market in India. She is dependent beyond the line of safety on rice. If her dependence on rice is to be reduced, increased cultivation of grain and pulse is one of the venue. Even if the existing relations with regard to rice are established, I submit it is a broken reed, and it is imperative to reduce Burma's reliance on rice.

(iii) Therefore I submit grain and pulse must make one of the items on the Burma schedule.

Fruits and Vegetables.—Comparatively it is a small item. Out of Rs.39·11 and Rs.36·04, values of export of 1929-30 and 1932-33, vegetables accounted for Rs.36·04 and Rs.34·47 for the respective years. The largest part of this group comprises of potatoes, which are cultivated in the Shan States. In former years potato was an imported article from India, mostly from Calcutta; since in cultivation in recent years in the Shan States, it is largely exported to Calcutta, and forms now one of the important and potential agricultural products of the Shan States. It has become an economic factor in the Shan States, and if, perchance, "existing relations" cannot be stabilised, the Shan States will receive a very severe shock in its present economic structure. Moreover, the increased cultivation of Fruits and vegetables is another venue, whereby Burma's dependence on rice may be reduced. In my opinion, therefore, this should make one of the items in Burma's schedule.

(iv) *Wood and Timber.*—India is the largest purchaser of Burma's wood and timber. The exports to India and other countries were as under:—

Exports.	1929-30.	1932-33
India	324·87	179·85
Foreign	147·83	43·37

It is necessary that this product of Burma should obtain a safe market in India, which has been her largest market for many years past. Even at present, though there is an import duty on foreign wood and

timber, Teak from Siam is making headway in the Bombay and Madras Markets; if, on separation, the duty on teak is reduced on Burma teak and other timber have to compete on more equal footing with Siamese, Burma teak will find it difficult to compete.

Burma has sunk crores of rupees in the making of teak plantations; if she loses the market of India, the crores of rupees sunk in those forest plantations, can never be recovered.

(v) Therefore, I submit wood and timber must form one of the items on the Burma schedule.

Dyeing and Tanning materials, and Lac.—There are other forest produces, which largely come from the Shan States. On most of these items there is a 25 per cent. ad valorem duty on foreign products. Starits has been largely competing, even with 25 per cent. duty against her products. In Burma itself there is a small market for these products, and if the trade is ultimately lost, the economic effect on the people of the Backward Tract and Shan States would be considerable. It is true the trade in Lac has decreased to but one lac of rupees per annum, but I anticipate an improvement in its trade, provided that its present position is maintained. I am therefore strongly in favour of putting these on the list.

Note.—Since writing these a very brisk demand for Lac has sprung up in Bengal.

(vi) *Hides and Skins.*—This is a group which in former years was of considerable importance. In the year 1926-27 the shipments to India consisted of 1,591 tons to the value of Rs. 10.98, but the trade has dwindled down to the present value of Rs. 3.93. There is a small demand for its use in Burma itself, and I suggest that when an agreement is negotiated, India be induced to give Burma an opportunity of an export trade to India in it. I therefore suggest putting this on the list.

(vii) *Minerals and Ores.*—This is an important trade. The greater portion of its consists in exports of refined tin to India. If the duty on it is reduced, Penang and Singapore would probably take away the whole trade, as even at present their trade with India in tin block is large. Therefore I propose to place this on the list.

(viii) *Candles, Paraffin, Lubricants, Oils and Other Mineral Oil.*—These are free of excise at present, and I propose their present position be stabilised.

(ix) *Vegetable Oil, Seeds non-essential and Spices.*—I propose to place these on the Burma List. Demand for these is considerable in Burma, as the imports from India prove. If the duty on these is reduced, the price of these commodities would be reduced, thereby a price war would follow between Indian and Straits import which would affect the agriculture of these products in Burma adversely. At present the cultivation of seeds and spices is increasing and the production of vegetable oil is also on the increase. Cultivation of seeds and spices must be increased in Burma to reduce its reliance on rice.

Para. 12.—I now propose to consider the question from the point of view of India, because it is necessary to realise that, and to make proposals in respect of Trade Convention which should be fair to India and Burma, for I can only visualise a Trade Convention between the two parties which is based upon the immediate requirements of trade of both, giving full

consideration to their future requirements, and maintaining their self-respect, and fiscal powers obtained by each intact. Any Trade Convention proposed to India, which does not take into account her requirements of markets for her industrial products, would, if I know anything of India, be strenuously opposed. Any suggestion of superimposition of another will, even of Parliament, in fiscal matters, will raise a storm of resentment. Even if a Trade Convention is forced upon India by Parliament that Trade Convention, will, not only not achieve its objects, but may set up a reaction, and may mean a direct or indirect fiscal war between the two countries, and a continuous effort to get behind the letter and spirit of a Trade Convention by all means; and I cannot conceive of a Trade Convention which can stand such a strain. If under any forced agreement Burma rice is to be protected in India as against rice of other countries other than Burma, cultivation of rice in India can be urged which might inflict a lasting injury to Burma; production of other articles of very large importance to Burma, may be forced to expand in India. No one can legally object to such expansion of internal agriculture or industry, though the objective may lie clearly in nullifying the Convention. Such actions will have lasting effect.

If a Trade Convention is desired, then the basis of the Convention must be fair dealing between the two countries, so that, when it is proposed to India, she may at least feel that it is a straight deal. I would reduce bargaining to the minimum. Burma will come out worse in it. I propose to deal with the question on this basis.

13.—(i) I may at once make one point clear. The first part of the suggested formula deals with excise, consumption and luxury duties. So far as Indian articles imported into Burma are concerned, it affects only the importation of cigarettes and sugar. In terms of trade value, articles of each country imported by the other, conditions of which are stabilised are as under:—

—	Burma.		India.	
	1929–30.	1932–33.	1929–30.	1932–33.
Salt	nil	nil	2·45	4·08
Petrol	334·05	531·10	—	—
Kerosene	524·42	862·35	—	—
Matches	11·33	19·39	—	—
Cigarettes	8·00	5·30	101·07	59·12
Sugar	3·31	2·14	5·42	4·05
Total	881·11	1,420·28	108·94	67·25
Silver (approx.)	100·00	100·00	—	—
TOTAL	981·11	1,520·28	108·94	67·25

(ii) In other words, India consents to stabilise condition of Burma imports, as to excise, consumption and luxury duties, to the tune of Rs. 981.11 and Rs. 1520.28 whilst Burma agrees to stabilise condition of Indian imports

to the extent of Rs. 108.94 and 67.25 as per values of trade of 1929-30 and 1932-33 respectively. This result of the first portion of the formula must be clearly kept in mind.

14. I suggest a list of Indian articles of primary and secondary importance, which are exported to Burma as per Annexure II. The total comes to Rs. 1034.80 and Rs. 737.98; out of these must be deducted the articles which are stabilised by Part I of the formula (as per para. 13 (i)). This leaves Rs. 925.86 and Rs. 670.73 for the years 1929-30 and 1932-33 respectively. I suggest all the articles mentioned in the list as per annexure II therein except salt and cigarettes and sugar be put on schedule (India) as contemplated in proviso B to part 2 of Mr. Harper's formula.

15. I have selected these articles after a careful study of direct cross trades affecting each article, as between Burma and India, and Burma and foreign countries. I have, unfortunately, not the time at my disposal to go into the details of each article proposed to be put on schedule, but I think the list would fairly represent India's view point which I am considering. I have omitted coal and jute from the list, because these do not require protection.

Broadly speaking, however, the demand in Burma of India's agricultural products as shown by trade returns and in India for agricultural products of Burma is the general reason, apart from considerations of trade conditions, which have made me place the India's agricultural products on the list. As to manufactured goods, India's cotton textile industry and other industries are making a rapid headway. Just as India is the natural market for Burma's products, so is Burma the natural market for India's products.

A study of the trade has shown me that just as Burma's goods need protection from goods of other countries, and that if her goods had to compete on equal terms with those of other countries than India, Burma's goods may not be able to hold the market; so India's goods need protection from goods of other countries; in passing it may be mentioned that Burma's manufactured articles—kerosene—though well established still requires a favourable treatment from India. If detailed consideration of trade is desired, I am prepared to supply a note on each article.

16.—(i) I now compare the effect on the process of maintaining "existing relations" with regard to the trade of India and Burma.

(ii) For the sake of clarity, I divide the Trade of Burma and India into three parts:—

(*a*) Goods of either country, whose "existing relations" are stabilised by the first part of Mr. Harper's suggested formula.

(*b*) Articles listed in Schedule A (Indian) and Schedule B (Burma) which shall not be subject to any reduction of import duty except by agreement between India and Burma.

(*c*) Articles which do not come under the category A or B above, and would be open to the rigours of reduction of duty in respect of trade with other countries.

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(iii) The following figures show the comparative values of goods stabilised as under 16 (ii) A—above:—

	1929-30.	1932-33.
India	108·94	67·25
Burma	981·11	1520·28

(iv) The following figures show the comparative value of goods which I suggest to place on Schedule A (India) and Schedule B (Burma) as per 16 (ii) B—above:—

	1929-30.	1932-33.	
India	925·86	670·73	Schedule A.
Burma	2059·34	1244·52	Schedule B.

(v) Articles which do not come under the category of A or B of 16 (ii) above and would be open to rigours of alterations of duty, having the effect of altering "existing relations" amount as under:—

	1929-30.	1932-33.
India as per 16 (ii) (*a*)	108·94	67·25
India as per 16 (ii) (*b*)	925·86	670·73
Total of (*a*) and (*b*)	1034·80	737·98
India: total imports from	1531·30	999·52
India as per 16 (ii) (*a*) and (*b*)	1034·80	737·98
Unstabilised residue affected by part 2 of proposed formula	496·50	261·54
Burma as per 16 (ii) (*a*)	981·11	1520·28
Burma as per 16 (ii) (*b*)	2059·34	1244·52
	3040·45	2764·80
Total export to India, including silver ...	3118·45	2823·35
Burma total of 16 (ii) (*a*) and (*b*)	3040·45	2764·80
Unstabilised residue	78·00	58·55

(vi) The percentage of articles as per 16 (ii) (*a*) to the total trade would be in the case of:—

	1929-30.	1932-33.
	Per cent.	Per cent.
Burma	29	51
India	7	7

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(vii) The approximate percentage of articles as per 16 (ii) (*b*) to the total trade, i.e., Indian Export and Import Trade, would be in the case of:—

	1929-30.	1932-33.
	Per cent.	Per cent.
Burma	64	44
India	60	66

(viii) The approximate percentage of articles as per 16 (ii) (*a*) and (*b*) to the total import from India to Burma and export from Burma to India would be in the case of:—

	1929-30.	1932-33.
	Per cent.	Per cent.
Burma	93	95
India	67	73

(ix) With regard to India the value of goods as per 16 (ii) (*b*) does not include the value of coal and coke and jute textiles, because, as stated above, these require no protection. But Burma would be justified in her statement that she is willing to place these on Schedule A (India). This would add to the value:—

	1929-30.	1932-33.
Coal Coke	117·09	54·97
Jute Textile	258·30	123·76
	376·39	178·73
16 (ii) (*b*) India	925·86	670·73
16 (ii) (*b*) India, inclusive of coal and jute	1302·25	849·46

(x) In this case the approximate percentage of articles as per 16 (ii) (*b*)—the total import from India to Burma, and export from Burma to India would be in the case of:—

	1929-30.	1932-33.
	Per cent.	Per cent.
Burma	64	44
India	85	85

(xi) The approximate percentage of articles as per 16 (ii) (*a*) and (*b*) to the total import from India to Burma and export from Burma to India would be in the case of:—

	1929-30.	1932-33.
	Per cent.	Per cent.
Burma	93	95
India	92	92

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17.—(i) I arrive at the conclusion that the Schedule A (India) and Schedule B (Burma) must be on similar lines to the schedules I have made, as to group of items and their value, to serve the purpose of keeping as close as possible to "free trade" in letter and in spirit between India and Burma, or that they will utterly fail in their purpose of anything near free trade and of maintaining "existing relations."

(ii) If only a few articles of large importance are to be placed on the Schedule B (Burma), I am convinced from a close study of cross trades that other exports would decrease very considerably and immediately, if the duties on foreign imports were reduced. As they consist mostly of agricultural or forest produce the effect would be disastrous on the agriculture of the Province, and on the economic condition of the people engaged in the collection of forest produces.

(iii) With regard to those articles which are not placed on Schedules A and B, great uncertainty would be created, with a bad psychological effect on the minds of traders, which will be disastrous to trade. Therefore, I submit that the schedules should be either large or not at all.

(iv) It would seem that it would be better to bring the whole trade under one condition, i.e. that if either party desired to reduce the import duty on corresponding articles imported from foreign countries that such reduction shall be agreed to by both parties.

(v) But what are the chances of such reduction of duties either by Burma or Burma? India's fiscal policy at present is rather to increase the customs duties either for reasons of finance or for protection of her industries and it seems likely that this position will remain for the next ten years at least. On the other hand Burma's financial conditions preclude any considerable reduction of duties for financial reason; it is not likely that Burma's financial condition would so change as to enable her to reduce the duties to any extent. If such be facts, why give such undue importance to the reduction of duties.

(vi) If any question of reducing duties has been mooted in Burma it has been with regard to Iron and steel machinery. If this question is to be raised—there are two sides to the question—from the point of view of Burma and India—I submit it should be raised as a distinct individual matter with India, rather than make of it a general question, and insert a general proviso in the formula.

(vii) There has been no question raised in Burma with regard to import duties on cotton textiles, as everyone realises that such a step would mean flooding of Japanese cotton textiles, neither in the interest of India or of the United Kingdom, which countries are large purchasers of Burma's goods.

(viii) Neither has there been any suggestion reducing duties on any other goods except iron and steel machinery.

(ix) Therefore, I suggest to isolate the question of reduction of duty on iron, steel and machinery, particularly the latter; if Burma decides that it desires to do so, then this should be one of the questions to be settled

as between India and Burma when the Trade Convention is being arranged between the two countries. If properly put to her, India will listen to reason.

18.—(i) Because of the complexity of the question which the previous paragraphs prove, I am in favour of the first suggestion of Mr. Harper, i.e., "to enact that in spite of political separation the 'existing fiscal relationship' between India and Burma shall be maintained during the status quo period, i.e., till both the parties enter into Trade Convention". This is my first choice.

(ii) By the above, I mean, that till the Trade Convention is entered into, the customs duties, excise duties, provincial consumption duty, luxury duty, and all other duties shall apply to Burma in the same manner, as if, for that purpose Burma were to be a province of India.

(iii) (*a*) Provided proceeds of Export and Import Customs duties shall be credited to Burma.

(*b*) Provided proceeds of Central excises collected in Burma shall be credited to Burma, except central excises on Kerosine and Silver, shipped to India, which shall be paid to India.

(*c*) Provided Provincial Excises collected in Burma shall be credited to Burma.

19.—(i) But, if it is not possible to enact that in spite of political separation of Burma the existing fiscal relationship between India and Burma shall be maintained during the status quo period as suggested in the preceding paragraph, I suggest that the next best course would be to accept the first paragraph of the formula suggested by Mr. Harper.

(ii) As to the second part, i.e., "India and Burma shall each be free to alter its tariffs in respect of its trade with other countries," I do not agree.

(iii) Increase of tariffs by Burma or India on trade with other countries would raise no complex question.

(iv) If either Burma or India increases the tariffs on goods imported from other countries, the country so raising the tariff shall have the right to impose a duty on corresponding goods of the country, India or Burma, from whence corresponding goods may be imported, the duty being equivalent to the percentage increase in duty, prevailing on the date of Separation of Burma from India.

20.—(i) Decrease of tariffs by Burma or India on trade with other countries, "having the effect of adversely alterating 'existing relations'" raises questions of great complexity as previous paragraphs dealing with this aspect have shown.

(ii) Safeguard provided in Mr. Harper's formula proviso B to part 2 of it, is in itself full of complexities.

(iii) The possibility of reduction in tariffs by either country are remote except in case of Burma on Iron or Steel or Machinery.

(iv) Therefore, I submit there shall be no inclusion of a general power to reduce tariffs.

(v) The question whether duties on iron or steel or machinery be reduced or has not been passed by the Burma Council. But if it were so decided,

the matter should be taken up with the Government of India as an individual case.

(vi) Therefore, I suggest that in the second part of the formula, the word "alter" be deleted, and in its place the word "increase" be inserted.

(vii) Proviso "B" be deleted, and in place of proviso "B" the following proviso be inserted:—

> "If India or Burma increases its tariffs in respect of its trade with other countries, the country so increasing the tariff shall have the right of imposing on corresponding trade of goods of the other country a duty which shall not be more than the percentage increase on the previous rate of duty, provided that the 'existing relations' on the date prior to separation of Burma from India is maintained."

(viii) If proviso "B" standing in Mr. Harper's formula is not deleted for any reason, then I suggest that the proviso suggested in 20 (vii) be inserted as proviso "C."

21.—(i) Again, if the Joint Select Committee does not agree to the deletion of part 2 with proviso "B" or in essence maintains the position as expressed in part 2, though in other words, then I submit, that it must be made perfectly clear, that to alter tariffs in respect of its trade with other countries, "having the effect of adversely altering existing relations between India and Burma," is definitely not contemplated, and would be against the spirit of the arrangement made for the period of status quo.

(ii) The reason for the above statement is that once such an alteration of tariffs as would adversely affect the other party, Burma or India, is made, a direct or indirect Fiscal War between the two countries will be inaugurated.

(iii) Also, that if the schedules A and B, as contemplated in proviso "B" of Part 2 of Mr. Harper's suggested formula are not deleted, they shall be as complete as possible, and they shall be based rather on inclusion of as many articles as possible, than on exclusion of as many (articles) as possible; the more the excluded articles will be, the greater will be the risk of a fiscal war.

22.—(i) Whether my above amendments and suggestions in part or whole are accepted or rejected, I suggest that Fiscal Boards be established in India and Burma, which shall deal with all matters connected with Fiscal relations between Burma and India. They shall serve as the Tariff Board of India now serves. The Fiscal Board of India and Burma should have six monthly conferences at least, so that through personal contact between the representatives of the two countries points of view of both the sides may be understood and appreciated, and above all, a friendly and continuous contact may be obtained between the two countries.

(ii) Unlike the Tariff Board, the Chairman of the Board shall be a member of the Council, or at least be able to speak as an expert in the Council in Burma or the Indian Assembly in India. To this I attach importance particularly with regard to Burma Council, in which knowledge of Fiscal matters is undeveloped. A Board somewhat on the lines of the proposed Railway Board is what I contemplate.

23.—(i) With regard to excise, as per proviso to Part I of Mr. Harper's formula, I venture to think that as it stands, it stabilises present position, but does not contemplate imposition of any new excise duty, or provincial

consumption duty or luxury duty, or any other similar new duty. I am of opinion that new Excise or similar duties may be imposed by Burma or India or a Province of India, provided that "existing relations" are maintained, that is, that the parity which prevailed the day previous to Separation between the articles from India or Burma imported by one or the other and corresponding foreign articles and indigenous articles shall be maintained.

23.—(ii) *Reference Certificate of Origin—Chapter VI.*—It is a detail which can be considered later. I have not been able to make myself sufficiently acquainted with details of the matter, and therefore express no opinion at present.

24. *Comparative Bargaining Power of the two countries—Chapter VII.*—I generally agree with Mr. Harper's remarks. In respect of remarks by Mr. Harper with regard to Indian Labour, I desire to point out one fact. The provinces from where "coolies" come are the best customers of Burma as the following figures prove:—

	1929-30.	1932-33.
Bengal	1019·48	689·89
Madras	936·35	824·73
United Kingdom	536·96	368·26
Ceylon	507·89	244·98
Germany	442·68	219·35
Japan	104·41	149·97

ANNEXURE I.

SUMMARY OF IMPORT AND EXPORT TRADE BETWEEN BURMA AND INDIA.

Section.	Articles.	Import into Burma from				Export from Burma to			
		India.		Foreign.		India.		Foreign.	
		1929-30.	1932-33.	1929-30.	1932-33.	1929-30.	1932-33.	1929-30.	1932-33.
		1.	2.	3.	4.	5.	6.	7.	8.
		Lakhs of Rupees.	Lakhs of Rupees.	Lakhs of Rupees.	Lakhs of Rupees.	Lakhs of Rupees.	Lakhs of Rupees.	Lakhs of Rupees	Lakhs of Rupees.
A. 1.	Fishery, salted, unsalted, wet-salted, etc. (excluding canned fish).	64·88	42·59	21·30	9·82	16·67	9·17	—	—
2.	Fruits and vegetables—fresh and dried.	55·87	40·07	14·50	12·21	39·11	36·04	—	—
3.	Grain, pulse and flour (excluding rice)	100·00	65·00	13·52	1·20	256·23	109·47	51·66	19·88
4.	Rice and paddy	21·42	13·49	—	—	1,218·24	739·40	2,597·21	1,166·10
5.	Vegetable oils	67·04	42·17	53·48	36·09	13·00	7·50	—	—
6.	Seeds—non-essential...	44·96	27·56	—	—	4·08	2·58	—	—
7.	Spices	97·80	49·80	16·79	10·15	8·36	8·76	—	—
8.	Salt	2·45	4·05	—	—	·22	·42	—	—
		454·42	284·73	119·59	69·47	1,555·91	913·34	2,648·87	1,185·98
B. 1.	Coal and coke	117·09	54·97	4·35	4·09	—	—	—	—
2.	Dyeing and tanning material ...	2·27	2·23	—	—	12·61	6·80	7·84	2·72
3.	Lac	—	—	—	—	37·35	1·86	5·62	·35
4.	Hides and skins	—	—	—	—	15·08	3·93	19·06	9·99
5.	Precious stones	—	—	—	—	—	—	—	—
6.	Metals and ores	53·12	39·53	182·81	63·89	35·10	33·20	469·85	286·62
7.	Wood and timber	—	—	—	—	324·87	179·85	147·83	43·37
8.	Other unmanufactured	8·12	11·44	—	—	—	—	—	—
9.	Cotton	—	—	—	—	3·44	—	99·14	67·96
10.	Tobacco unmanufactured	51·67	33·37	—	—	14·88	8·68	16·24	3·23

11.	Silver	—	—	—	—	100·00	100·00	—	—
		235·16	161·35	187·16	67·98	543·33	334·32	765·58	414·24
C. 1.	Textile								
	Cotton	202·29	199·32	567·95	337·05	11·18	13·31	—	—
	Haberdashery	—	—	24·59	15·40	—	—	—	—
	Hemp	—	—	—	—	—	—	—	—
	Jute	258·30	123·76	2·17	1·16	6·44	5·89	—	—
	Silk	·34	·49	36·95	17·56	—	—	—	—
		460·93	323·57	631·66	371·17	17·62	19·20	—	—
2.	Metalware, including—	—	—	182·81	63·89	—	—	—	—
	Building and engineering material	—	—	32·75	12·23	—	—	—	—
	Hardware and cutlery	—	—	62·63	26·03	—	—	—	—
	Instruments and apparatus ...	—	—	37·48	19·40	12·27	8·49	—	—
	Machinery and millwork	—	—	191·87	65·90	—	—	—	—
	Mechanically propelled vehicles ...	29·97	29·95	83·21	27·66	—	—	—	—
		29·97	29·95	590·75	215·11	12·27	8·49	—	—
3.	Articles of internal consumption—								
	Provision	66·63	39·87	156·80	80·74	5·27	3·30	—	—
	Sugar	5·42	4·05	72·93	29·67	3·31	2·14	—	—
	Tobacco and cigarettes	106·30	62·90	22·73	2·46	8·34	8·94	2·03	—
	Spirit and wine	—	—	53·02	28·41	—	—	—	—
		178·35	106·82	305·48	141·28	16·92	14·38	2·03	—
4.	Matches	—	—	—	—	11·33	19·39	—	—
		—	—	—	—	11·33	19·39	—	—
	Carried forward ...	669·25	460·34	1,527·89	727·56	58·14	61·46	2·03	—

ANNEXURE I—(*continued*).

SUMMARY OF IMPORT AND EXPORT TRADE BETWEEN BURMA AND INDIA.

Section.	Articles.	Import into Burma from				Export from Burma to			
		India.		Foreign.		India.		Foreign.	
		1929-30.	1932-33.	1929-30.	1932-33.	1929-30.	1932-33.	1929-30.	1932-33.
		1.	2.	3.	4.	5.	6.	7.	8.
		Lakhs of Rupees.	Lakhs of Rupees.	Lakhs of Rupees.	Lakhs of Rupees.	Lakhs of Rupees.	Lakhs of Rupees.	Lakhs of Rupees.	Lakhs of Rupees.
	Brought forward ...	669·25	460·34	1,527·89	727·56	58·14	61·46	2·03	—
C. 5.	Drugs and medicines	4·06	4·00	11·33	7·92	—	—	—	—
	Chemicals	3·06	1·47	25·10	18·52	2·38	1·61	—	—
		7·12	5·47	36·43	26·44	2·38	1·61	—	—
6.	Paper and pasteboard	4·92	5·34	31·91	24·12	—	—	—	—
	Stationery	1·45	—	11·00	5·26	—	—	—	—
		6·37	5·34	42·91	29·38	—	—	—	—
7.	Perfumery	·24	—	—	—	—	—	—	—
	Toilet requirements	—	—	10·69	8·49	—	—	—	—
	Soap	1·57	—	33·81	14·34	1·21	—	—	—
		1·81	—	44·50	22·83	1·21	—	—	—
8.	Tallow and stearine	—	—	—	—	3·13	—	—	—
	Mineral oils	26·21	20·20	50·74	20·86	896·90*	1,469·36†	1·19	·91
	Candles	1·49	1·29	—	—	9·74	8·83	10·87	4·72
	Paraffin wax	—	—	—	—	3·83	3·47	236·54	142·12
		27·70	21·49	50·74	20·86	913·60	1,481·66	248·60	147·75

9.	Earthenware—Porcelain	—	—	19·01	11·41	—	—	—	—
	Glassware	—	—	13·35	7·29	—	—	—	—
		—	—	32·36	18·70	—	—	—	—
10.	Leather	9·87	4·87	1·99	1·47	—	—	—	—
		9·87	4·87	1·99	1·47	—	—	—	—
	Total Section C.	722·12	497·51	1,736·82	847·24	975·33	1,544·73	250·63	147·75
	GRAND TOTAL—A, B and C ...	1,411·70	943·59	2,043·57	984·69	3,074·57	2,792·39	3,667·08	1,747·97

	*1929–30. Lakhs of Rupees.	†1932–33. Lakhs of Rupees.
Petrol	334·05	541·10
Lubricating	35·58	70·60
Kerosene	524·42	852·35
Other...	2·85	5·31
TOTAL	896·90	1,469·36

EXPLANATION—

I.—(*a*) This table summarises Trade between India and Burma.

(*b*) Section A : natural and raw products for internal consumption ;
Section B : natural and raw products *not* for internal consumption ;
Section C : manufactured articles including articles for internal consumption ;

(*c*) each section is made up of single or group of articles.

II.—(*a*) Columns 1 and 2 and columns 5 and 6 form basis of Annexure II.

(*b*) Columns 3 and 4 and 7 and 8 show comparative trade in corresponding articles with countries other than India.

III.—The totals of Sections A, B and C are less than the total of the whole Trade as some of the articles are not included.
The omissions amount to :

	1929-30.	1932-33.
India	119·60	55·93
Burma	143·88	132·96

ANNEXURE II.

LIST OF PRIMARY AND SECONDARY ARTICLES OF IMPORTANCE

India.		Articles.	Burma.	
1929–30.	1932–33.		1929–30.	1932–33.
—	—	Petrol...	334·05	541·10
—	—	Kerosene	524·42	852·35
—	—	Matches	11·33	19·39
101·07	59·12	Cigarettes	8·00	5·30
5·42	4·05	Sugar	3·31	2·14
—	—	Silver (approximate) ...	100·00	100·00
2·45	4·08	Salt	—	—
64·88	42·59	Fish, dry, salted and unsalted	16·67	9·17
55·87	40·07	Fruits and vegetables (fresh and dried).	39·11	36·04
100·33	65·04	Grains, pulse and flour (except rice).	256·23	109·47
21·42	13·49	Rice and paddy	1,218·24	739·40
2·27	2·23	Dyeing and tanning ...	12·61	6·80
97·80	49·80	Spices	8·36	8·76
67·04	42·17	Vegetable oils	13·00	7·50
44·96	27·56	Seeds, non-essential... ...	4·08	2·58
—	—	Lac	37·35	1·86
—	—	Hides and skins	15·08	3·93
53·12	39·53	Metals and ores	35·10	33·20
9·87	4·87	Leather	—	—
51·67	33·37	Tobacco—unmanufactured...	14·88	8·68
106·28	62·89	Tobacco—manufactured ...	8·32	8·93
—	—	Wood and timber	324·87	179·85
—	—	Cotton—raw	3·44	·14
—	—	Haberdashery	—	—
29·97	29·95	Metalware, including building and engineering material, hardware and cutlery, utensils, apparatus, machinery and millwork, mechanically propelled vehicles.	—	—
202·29	199·32	Cotton textile	—	—
66·53	39·87	Provisions	—	—
4·06	4·00	Drugs and Medicines ...	—	—
3·06	1·47	Chemicals	—	—
1·45	—	Stationery	—	—
1·57	—	Soap	—	—
1·49	1·29	Candles	9·74	8·83
—	—	Paraffin wax...	3·83	3·47
—	—	Lubricating oils	35·58	70·60
26·21	20·20	Other mineral oils	2·85	5·31
—	—	Earthenware...	—	—
—	—	Glassware	—	—
1,034·80	737·98		3,040·45	2,764·80
108·94	67·25	Deduct—stabilised (Excise)...	981·11	1,520·28
925·86	670·73	Schedule A— India. Schedule B— Burma.	2,059·34	1,244·52

RECORD C1

Papers laid before the Committee by the Secretary of State for India

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I.—Memorandum by the Secretary of State for India [25th July, 1934] on the Action contemplated in relation to Family Pension Funds

[This memorandum incorporates and brings up to date the memorandum previously published as Record VII (Session 1932-33).]

1. In paragraph 73 of the introduction to the White Paper it was stated that His Majesty's Government considered that the balances of the Family Pension Funds must be recognised as a definite debt liability of the Government of India and as the property of subscribers; and that they were examining a proposal for the gradual conversion of these assets into separate sterling funds.

2. The Funds referred to do not include various funds, civil and military, which were established in the time of the East India Company under private management. The assets of these Funds were taken over by Government, under powers conveyed by Acts of Parliament, and the pensions at fixed rates guaranteed as charges on the revenues of India. The capital of these Funds therefore no longer exists and the position of persons drawing pension under their rules differs in no way from that of officers in receipt of ordinary retiring pensions.

3. The Funds now under consideration are four in number:—

(1) The Indian Military Service Family Pension Scheme.
(2) The Indian Military Widows' and Orphans' Fund.
(3) The Indian Civil Service Family Pension Scheme.
(4) The Superior Services (India) Family Pension Fund.

The first two are maintained by officers of the Indian Army. Subscription to the first is compulsory on all officers commissioned between 1873 and 1915, and to the second on all officers commissioned since that date. The third Fund, as its name implies, is maintained by the Indian Civil Service, subscription being compulsory on all officers entering since 1881. The fourth was established in 1928 for officers of services, other than the Indian Civil Service, recruited by the Secretary of State in Council, and membership is compulsory on all such officers now entering the services; there is, in addition, a large voluntary membership of officers of similar type who were appointed before the institution of the Fund.

4. The Funds are in all cases self-supporting. Subscriptions are paid into the general balances of the Government of India, and pensions are met from those balances. An account is kept of receipts and payments, and interest is added to the balances at rates determined from time to

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA ON THE ACTION CONTEMPLATED IN RELATION TO FAMILY PENSION FUNDS.

time by the Secretary of State in Council. The liabilities and assets are subjected every five years to actuarial examination, and any necessary alterations in the rates of subscription and benefits are made by the Secretary of State in Council, after consideration of the Actuary's reports.

5. On the basis of the latest available information the receipts and payments during the financial year 1934-35, together with the opening and closing balances at the credit of the several Funds, are estimated as follows:—

——	I.M.S.F.P.	I.M.W.O.F.	I.C.S.F.P.	S.S. (I) F.P.F.	Total.
	£	£	£	£	£
Balance, 1st April, 1934	6,586,000	527,000	4,202,000	503,000	11,818,000
Interest ...	297,000	25,000	191,000	23,000	536,000
Contributions...	73,000	51,000	44,000	38,000	206,000
	6,956,000	603,000	4,437,000	564,000	12,560,000
Payments ...	317,000	7,000	121,000	12,000	457,000
	6,639,000	596,000	4,316,000	552,000	12,103,000

6. In May 1933 circulars were issued to subscribers of all four funds inviting their views on the following suggestions:—

That Commissioners or Trustees should be appointed for the purpose of holding and investing on behalf of subscribers in approved securities, which would presumably be confined to those authorised by the Trustee Act, sums handed over to them; that these Commissioners should be paid annually for this purpose the contributions received during the year and the interest allowed by the Government of India on the balances remaining in its hands, and that money for the payment of pensions as they fall due should be provided by the Government of India out of the balances in its hands, which would thus be gradually reduced.

It was pointed out to the subscribers that by investment in Trustee Stocks it was improbable that the Commissioners would be able to secure a yield equal to the rate of interest allowed on the balances under the existing arrangements, which is based on the current yield of India long-dated sterling securities; that allowance might have to be made, particularly in the present conditions, for capital depreciation of investments, a risk from which the Funds are now exempt; and that as a result it was probable that the proposals would involve some reduction in the rates of pension now payable.

7. The effect of the above proposals would clearly be that the balance in the hands of the Government of India would gradually disappear as it was drawn upon to meet the demands of a growing pension list; while

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA ON THE ACTION CONTEMPLATED IN RELATION TO FAMILY PENSION FUNDS.

a new fund would gradually be built up from the investments made by the Commissioners. The period which would elapse before the transfer was complete, that is to say before the entire balances in the hands of Government had been paid out, would vary with the different Funds. It has been estimated at from 15 to 20 years in the case of the Indian Military Service Family Pension Scheme, and at as much as 40 years in the case of the Indian Military Widows' and Orphans' Fund, with intermediate periods in the other cases.

8. A large majority of the replies received from subscribers indicated a desire for the investment of the balances in sterling securities, but the scheme outlined in the circulars was criticised on the ground that the period elapsing before transfer would be complete was too long. In order to meet this criticism, it is proposed to abandon the scheme whereby the rate of transfer would be regulated automatically by the amount of the annual payments of pension: and to substitute a scheme whereby transfer could be made at any rate allowed by the financial conditions of the time, but subject in any case to the completion of the transfer by a fixed maximum period. It is hoped that, in practice, any maximum period will be inoperative. Should existing financial conditions continue without serious deterioration, it should be possible to complete the transfer within quite a short period after the Constitution Act has been passed and the subscribers and pensioners have expressed their final assent. It will, however, probably be desired that a limit shall be set by statute to the period of transfer; and in fixing this limit it is necessary to consider the possible effects on the exchange position of the Government of India. A scheme of this nature imposes no ultimate charge on Indian Revenues, which are in any case liable to pay the entire balances sooner or later in the form of pensions. It involves, however, the disbursement in sterling within the limits fixed of sums which would otherwise remain a liability to be met at a later date; and such an addition to the sterling requirements, if sufficiently large, might in certain circumstances become embarrassing. It would be imprudent to impose on the finances of the Federation what might prove to be an intolerable burden; and it is thought, therefore, that the statutory maximum period should not be shorter than 12 years. This period is intended only as a limit by which the Government would be bound. As just indicated, it is expected that it will actually prove possible to complete the transfer within quite a short time.

9. It is not contemplated that the Commissioners should have any responsibility for the administration of the pension schemes, or for the collection of subscriptions and disbursement of pensions. The administration would remain in the hands of the Secretary of State, who would decide, after consultation with subscribers, all such matters as rates of contribution or pension, changes in the regulations, &c. The disbursement of pensions and collection of subscriptions would continue to be carried out through the ordinary paying agencies of the Government of India. The function of the Commissioners, therefore, would be solely that of holding and investing money handed over to them, and of supplying from the funds in their hands, when required, money for the payment of pensions.

10. Inasmuch as the proposals, if accepted, would involve a change in the conditions under which members of the Funds have hitherto subscribed, and moreover a change which, in some respects, for instance, in regard to the rate of interest realised, would be to their disadvantage, it is held that

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA ON THE ACTION CONTEMPLATED IN RELATION TO FAMILY PENSION FUNDS.

even though a large majority may desire the change it would be inequitable to impose on a minority who are content, as at present, to rely on the credit of the Government of India, the consequences of transfer. It is contemplated, therefore, that before any action is taken on the lines indicated above, circulars should be issued to all subscribers and pensioners setting out, as fully as possible, in the light of actuarial investigations now in progress, the prospects under the present conditions and those, necessarily less favourable, which may be expected if the funds are invested in sterling; and that each subscriber and pensioner should be asked to elect one or other of the two alternatives.

11. It should perhaps be mentioned that it will not be possible to put before the subscribers the precise effects of the election they will be called upon to make. The actuarial reports will show the results on the two suppositions that on the one hand the present arrangements are maintained *in toto* and on the other that the entire funds are invested in sterling. The effect of a reduction in the rate of interest is not, however, the same on all types of policy. It clearly varies with the probable duration of the liability, and must be greater in the case of a young subscriber, in respect of whom it is necessary to take account of possible pensions payable 70 years hence or even later, than in the case of an elderly subscriber or beneficiary. The results obtained for the whole of the funds will therefore only be true of portions of those funds if the portions are true samples of the whole, containing the proper proportion of each class, old and young, subscribers and beneficiaries. If, on the other hand, the result of the elections is to split the funds to a great extent by classes; if, for instance the majority of older subscribers and beneficiaries elect to remain under the existing conditions while the younger choose transfer to sterling investments; then the effects on the two portions of any fund would differ both *inter se* and from the effects ascertained for the fund as a whole. While, therefore, every effort will be made to arrange the material in such a manner as to give the fullest information, it will be necessary to state that the figures must be regarded as to some extent provisional, and that the final effects can only be known after the election is actually made.

12. The division of the various funds each into two portions, which, apart from the highly improbable contingency of a unanimous vote, must be the effect of the election, may produce certain undesirable results. The financial stability of any pension scheme depends on the realisation of the estimates made of the prospects of death, marriage, fertility, &c.; and the smaller the membership the greater is the probability of casual variations from these estimates. There is therefore a danger that, if one or the other portion of any divided fund were a small proportion of the whole, it might produce irregular results, and be found, at a later date, either to be unreasonably large in comparison with its liabilities or, more regrettably, to be inadequate to discharge them. In the case of those who elect for transfer to invested funds no special steps in relation to this possible danger seem necessary; firstly because it is improbable, in view of the opinions already elicited from subscribers as recorded above, that the funds constituted by these subscribers will be unduly small, and secondly because, as the position will have arisen by their own action and largely on their own initiative, it is reasonable that they should bear the consequences. In the case, however, of those who elect to abide by the present conditions it is

felt that they should be protected from any ill-effects consequent on the withdrawal of the majority. It is contemplated, therefore, that if the numbers remaining are in any case too small to offer a reasonable prospect of stability, the fund should be taken over by the Government of India on lines similar to those followed in the case of the Presidency Funds in the last century; that is to say, that the Government of India should assume full possession of the balance on deposit in its hands and should receive, as sums due to Indian revenues and not as deposits, all future contributions; and should guarantee the payment from the revenues of India of pensions at such rate as might be shown, by actuarial valuations specially made for the purpose at the date of taking over, to be justified.

13. The above proposal would involve the possible extinction, in the case of the subscribers or pensioners electing to remain dependent on the Government of India, of their existing right to benefit derived from their accumulated funds, and the substitution of a different right, namely, to fixed benefits payable from the revenues of India. In the case also of those subscribers who elect to rely for their dependants' pensions on funds invested in sterling securities there would be, as has been said above, a material change in the conditions under which they have hitherto subscribed; and though in this case the change will have received the assent of all the individuals concerned, it is desirable, if not essential, that any doubts as to the legitimacy of the action should be set at rest by legal sanction covering both cases.

14. Inasmuch as it is desirable that the measures taken in the case of each fund should accord as closely as possible with the views expressed by subscribers, which may not in all cases be identical, it seems inadvisable to include in the Constitution Act itself definite and final provisions. A form of permissive enactment would appear to be preferable, and it is therefore proposed:—

That His Majesty should be empowered by the Constitution Act to direct by Order in Council the appointment of Commissioners for the purpose of receiving moneys accruing to or belonging to all or any of the Family Pension Funds, and of holding or investing the same for the purposes of the Funds; and to make regulations for the transfer to the Commissioners, in such manner and within such a period as may be prescribed, of the moneys accruing to the Funds and the balances in the hands of the Government of India: provided that the period prescribed shall not exceed 12 years from the 31st March following the passing into law of the Constitution Act: and provided further that the regulations shall not require the transfer to the Commissioners of moneys or balances relating to liabilities in respect of subscribers or pensioners who have signified their objection thereto:

That the interest and dividends received by the Commissioners so appointed on sums invested in their hands shall be declared exempt from Income Tax:

That the Order in Council may prescribe an authority to determine the rate of interest to be added on the balances remaining in the hands of the Government of India:

That the Order in Council may further provide that, in the case of any subscribers and beneficiaries who shall have signified their objections

to the transfer to the Commissioners of the moneys or balances relating to their liabilities, it shall be open to the Secretary of State to grant to the said beneficiaries, or to the dependants of the said subscribers, a right to benefits payable from the revenues of India at fixed rates to be determined by him, and that the moneys and balances aforesaid shall in consideration of such grant lapse to the revenues of India and the Government of India shall be discharged of all liability in respect thereof.

[11TH OCTOBER, 1934.]

II.—Government of India, Home Department, Resolution, dated 4th July, 1934

Section 1.—General.

In accordance with undertakings given in the Legislative Assembly the Government of India have carefully reviewed the results of the policy followed since 1925 of reserving a certain percentage of direct appointments to Government service for the redress of communal inequalities. It has been represented that though this policy was adopted mainly with the object of securing increased representation for Muslims in the public services, it has failed to secure for them their due share of appointments, and it has been contended that this position cannot be remedied unless a fixed percentage of vacancies is reserved for Muslims. In particular, attention has been drawn to the small number of Muslims in the Railway service, even on those railways which run through areas in which Muslims form a high percentage of the total population.

The review of the position has shown that these complaints are justified, and the Government of India are satisfied by the enquiries they have made that the instructions regarding recruitment must be revised with a view to improving the position of Muslims in the services.

2. In considering this general question the Government of India have also to take into account the claims of the Anglo-Indians and domiciled Europeans and of the depressed classes. Anglo-Indians have always held a large percentage of appointments in certain branches of the public service, and it has been recognised that in view of the degree to which the community has been dependent on this employment, steps must be taken to prevent in the new conditions anything in the nature of a rapid displacement of Anglo-Indians from their existing position, which might occasion a violent dislocation of the economic structure of the community. The instructions which follow in regard to the employment of Anglo-Indians and domiciled Europeans in certain departments are designed to give effect to this policy.

3. In regard to the depressed classes it is common ground that all reasonable steps should be taken to secure for them a fair degree of representation in the public services. The intention of the caste Hindus in this respect was formally stated in the Poona Agreement of 1932 and His Majesty's Government in accepting that agreement took due note of this point. In the present state of general education in these classes the Government of India consider that no useful purpose will be served by reserving for them a definite percentage of vacancies out of the number available for Hindus as a whole, but they hope to ensure that duly qualified candidates from the depressed classes are not deprived of fair opportunities of appointment merely because they cannot succeed in open competition.

4. The Government of India have also considered carefully the position of minority communities other than those mentioned above and are satisfied that the new rules will continue to provide for them, as at present, a reasonable degree of representation in the services.

5. The Government of India propose to prescribe annual returns in order to enable them to watch the observance of the rules laid down below.

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Section II.—Scope of Rules.

6. The general rules which the Government of India have with the approval of the Secretary of State adopted with the purpose of securing these objects are explained below. They relate only to direct recruitment and not to recruitment by promotion, which will continue to be made as at present solely on merit. They apply to the Indian Civil Service, the Central Services, Class I and Class II, and the Subordinate services under the administrative control of the Government of India, with the exception of a few services and posts for which high technical or special qualifications are required, but do not apply to recruitment for these services in the Province of Burma. In regard to the railways, they apply to all posts other than those of inferior servants or labourers on the four State-managed railways, and the administrations of the Company-managed railways will be asked to adopt similar rules for the services in these railways.

Section III.—Rules for Services recruited on an All-India basis.

7.—(1) For the Indian Civil Service and the Central and Subordinate services, to which recruitment is made on an all-India basis, the following rules will be observed:—

(i) Twenty-five per cent. of all vacancies to be filled by direct recruitment of Indians will be reserved for Muslims and 8⅓ per cent. for other minority communities.

(ii) When recruitment is made by open competition, if Muslims or the other minority communities obtain less than these percentages, these percentages will be secured to them by means of nomination; if, however, Muslims obtain more than their reserved percentage in open competition, no reduction will be made in the percentage reserved for other minorities, while if the other minorities obtain more than their reserved percentage in open competition no reduction will be made in the percentage reserved for Muslims.

(iii) If members of the other minority communities obtain less than their reserved percentage in open competition and if duly qualified candidates are not available for nomination, the residue of the 8⅓ per cent. will be available for Muslims.

(iv) The percentage of 8⅓ reserved for the other minorities will not be distributed among them in any fixed proportion.

(v) In all cases a minimum standard of qualification will be imposed, and the reservations are subject to this condition.

(vi) In order to secure fair representation for the depressed classes duly qualified members of these classes may be nominated to a public service, even though recruitment to that service is being made by competition. Members of these classes, if appointed by nomination, will not count against the percentages reserved in accordance with clause (i) above.

(2) For the reason given in paragraph 2 of this Resolution the Government of India have paid special attention to the question of Anglo-Indians and domiciled Europeans in gazetted posts on the railways for which recruitment is made on an all-India basis. In order to maintain approximately

their present representation in these posts the Anglo-Indian and domiciled community will require to obtain about 9 per cent. of the total vacancies available to members of Indian communities. The Government of India have satisfied themselves that at present the community is obtaining by promotions to these gazetted posts and by direct recruitment to them more than 9 per cent. of these vacancies. In these circumstances it has been decided that no special reservation is at present required. If and when the community is shown to be receiving less than 9 per cent. of these vacancies it will be considered what adjustments in regard to direct recruitment may be required to safeguard their legitimate interests.

Section IV.—Rules for Services recruited locally.

8. In the case of all services to which recruitment is made by local areas and not on all-India basis, e.g., subordinate posts in the Railways, Posts and Telegraphs Department, Customs Service, Income-tax Department, &c., the general rules prescribed above will apply subject to the following modifications:—

(1) The total reservation for India as a whole of 25 per cent. for Muslims and of 8½ per cent. for other minorities will be obtained by fixing a percentage for each Railway or local area or circle having regard to the population ratio of Muslims and other minority communities in the area and the rules for recruitment adopted by the Local Government of the area concerned.

(2) In the case of the Railways and Posts and Telegraphs Department and Customs Service in which the Anglo-Indian and domiciled European community is at present principally employed, special provisions described in the next paragraph are required in order to give effect to the policy stated in paragraph 2 above.

9.—(1) (*a*) The Anglo-Indian and domiciled European community at present hold 8·8 per cent. of the subordinate posts on the Railways. To safeguard their position 8 per cent. of all vacancies to be filled by direct recruitment will be reserved for members of this community. This total percentage will be obtained by fixing a separate percentage (i) for each railway having regard to the number of members of this community at present employed, (ii) for each branch or department of the Railway service, so as to ensure that Anglo-Indians continue to be employed in those branches in which they are at present principally employed, e.g. the Mechanical Engineering, Civil Engineering and Traffic Departments. No posts in the higher grades of the subordinate posts will be reserved, and promotion to these grades will be made, as at present, solely on merit.

(*b*) The reservation of 25 per cent. for Muslims and 8 per cent. for Anglo-Indians makes it necessary to increase the reservation of 33⅓ per cent. hitherto adopted for all minority communities, in order to safeguard the interests of minorities other than Muslims and Anglo-Indians. It has been decided, therefore, to reserve for them 6 per cent. of vacancies filled by direct recruitment, which is approximately the percentage of posts held by members of these communities at present. This total reservation will be obtained in the manner prescribed in paragraph 8 (1) of this Resolution and will not be further subdivided among the minority communities.

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(2) In the Posts and Telegraphs Department the same principles will be followed as in the case of the Railways for safeguarding the interests of the Anglo-Indian and domiciled European community, which at present holds about 2·2 per cent. of all subordinate posts. It has been ascertained that if a reservation is made for this community of 5 per cent. of the vacancies in the branches, departments or categories which members of this community may reasonably be expected to enter, it will result in securing for them a percentage equal to slightly less than the percentage of subordinate posts which they at present hold. In the departments or branches in which a special reservation is made for Anglo-Indians, the reservation of vacancies for other minorities will be fixed so as to be equal approximately to the percentage of subordinate posts at present held by them. The total reservation for Anglo-Indians and other minority communities, other than Muslims, will in any case be not less than 8⅓ per cent.

(3) Anglo-Indians are at present largely employed in subordinate posts in the Appraising Department and in the superior preventive service at the major ports. For the former department special technical qualifications are required, and in accordance with the general principles indicated in paragraph 6 it will be excluded from the operation of these rules. In the Preventive Service special qualifications are required, and the present system of recruitment whereby posts are reserved for Anglo-Indians will be maintained.

III.—A Note by the Secretary of State for India [30th November, 1933] on Terrorism in India

1. Members of the Committee will remember that I undertook in the summer to furnish a note which would give a picture of what terrorism actually means, particularly in the Presidency of Bengal. In Bengal terrorism has a 30 years' history and exists on a scale that is quite unparalleled in any other Province. I therefore circulate to the Committee, as Appendix A, a separate and comprehensive note which I have received from India, giving an account of terrorism in Bengal, with full statistics of outrages.

2. A study of this note and of the detailed statistics at the end will show that during the present year the measures taken by the authorities to deal with the terrorist menace in Bengal have begun to bear fruit and have resulted in a considerable drop in the number of serious terrorist crimes. At the same time, outrages still occur, new recruits are still joining the movement, and much yet remains to be done before there can be any slackening of effort on the part of Government, or any relaxation of the measures found necessary by the authorities to deal with those responsible. Past experience has shown that, in the case of the terrorists, nothing can be hoped from a policy of conciliation. The Note shows what has been the result of the decisions to release offenders or relax control which have been taken in the last 13 years. The terrorists who had been interned under the Defence of India Act were all included in the general amnesty of 1920. They merely utilised their freedom to reorganise their forces, and on the failure of Mr. Gandhi's non-co-operation movement of 1920–22 they launched a fresh terrorist outbreak, which by 1925 was so serious that special powers to deal with it had to be taken in the form of the Bengal Criminal Law Amendment Act and Ordinance. Again, by September 1928 all the détenus who had been interned under the Bengal Act had once more been released in view of the lull then existing in terrorist activities. The lull continued until April 1930, and the powers of detention and arrest without trial contained in

the Bengal Act were allowed to lapse at the end of the five-year period provided in that Act. Barely a fortnight later occurred the Chittagong Armoury Raid—the first manifestation of a renewed campaign of violent crime. With these experiences as a warning, it is clear that any change in our present policy towards terrorism would be fraught with disaster.

3. For the rest of India, I have thought it sufficient to circulate, as Appendix B, a list of terrorist outrages in the various Provinces up to the 30th June 1933. In circulating this list I desire to make the following comments only.

Probably the most persistent terrorist organisation outside Bengal is the Hindustan Republican Association, subsequently styled the Hindustan Socialist Republican Association or Army. This was originally started, after the failure of Mr. Gandhi's first mass civil disobedience campaign, by two Bengalis in the United Provinces. The rules of the Association stated that "the object of the Association shall be to establish a Federated Republic of the United States of India by an organised and armed revolution." Each provincial organisation was to have its various departments and each was to concentrate on crimes of violence with a view to collect money and arms; for the enforcement of discipline assassination was made permissible. This Association has since its inception been very loosely knit; at times it has almost ceased to exist, but it has frequently come to notice subsequently, and, as will be seen later, it has even been established in Madras. It has functioned in Bihar, the United Provinces, Punjab and Delhi. There are indications that at present it is entering into an alliance with active communists; its activities require careful watching, but there is no reason to doubt that the police forces in the various Provinces are well equipped to deal with it.

4. Apart from this Association, the manifestations of terrorism in Provinces outside Bengal have in the main been of a sporadic and isolated character. In the United Provinces, which from its geographical situation has always been liable to the permeation of revolutionary influences from Bengal, the most serious incident is that connected with what is known as the Kakori gang, which was largely of Bengali origin. Though the list of attempted outrages is a long one, it is fortunate that in very few cases have they been successful; only one attempt has been made, at Jhansi in August 1930, to assassinate a British officer and that was frustrated without difficulty. In Bihar and Orissa and Assam, where again there have been signs of terrorist activity from time to time, the provincial police have proved themselves to be capable of disposing of any conspiracy within a short space of time and under the powers conferred by the ordinary law. In Bombay the instances of attempted outrages have been too few and isolated to

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indicate the presence of any definite terrorist organisation, and it was the considered conclusion of a police officer placed on special duty in 1930–31 to enquire into the extent to which revolutionary doctrines had taken root in the Presidency, that there was no organised party in existence for the purpose of committing political outrages or connected with revolutionary movements in other Provinces. The same is true of the Central Provinces. In Madras there was an outbreak of terrorist crimes in the early part of this year, but timely action by the police, which resulted in the prosecution of 22 persons in the Madras City Conspiracy Case, prevented any further spread of this form of activity. The Punjab had to deal with a severe outbreak of revolutionary activity in 1930, and in December of that year an attempt was made to murder the Governor; but following the execution of Bhagat Singh in March 1931 and the passing of the Press Act in October 1931 and the Punjab Criminal Law Amendment Act of 1932, the situation has greatly improved and terrorism may now be considered to be definitely under control. There, as elsewhere, however, constant vigilance is necessary if law and order are to be maintained, for there is reason to apprehend that there is still considerable covert sympathy with the movement among a section of the people, and the scope for recruitment in schools and colleges is substantial. As regards the North-West Frontier Province, it may be pointed out that the population of that Province is predominantly Muslim, while the members of the various terrorist parties are almost all Hindus. Consequently the appeal of organised terrorism has hitherto been small. Though the Pathan is known to be violent by nature and easily moved to assassination by motives of fanaticism or revenge, this is a different matter from the murder clubs which constitute the terrorist groups elsewhere.

5. To sum up, terrorism has its birth in Bengal, and where it has shown its head in other Provinces it can almost invariably be traced to Bengali influences. It is at all events true to say that in no Province but Bengal is there that widespread and deep-rooted terrorist mentality which is essential for its development. It is this which accounts for the fact that when terrorist conspiracies have existed elsewhere Government has been able to deal more promptly and more effectively with them than in Bengal. Gang after gang has been successfully broken up by the Police with no more than the ordinary provisions of the Penal Code to assist them. That remains the position to-day. Efforts, however, are being made to effect a combination of terrorists, communists, and Ghadr Party* conspirators for the purpose of bringing about

* A subversive organisation composed of Sikhs living in California, other parts of North and South America, and also in the Punjab, which is at present favourably viewed by the Communist International.

mass risings in the future. So long as the Police can contrive to obtain inside information regarding these movements, as it may safely be claimed that they have done in the past, there is no great cause for anxiety; but there is still every reason for extreme vigilance.

6. I do not wish to minimise in any way the danger that this terrorist movement may still hold for us. Still less do I wish to convey any impression that we are not conscious of what this sinister campaign of violence has meant to our officers, both British and Indian. There are few parts of India where it has not at times demanded most anxious vigilance and prompt executive action; there are parts, and particularly the province of Bengal, where it has caused a deplorable loss of valuable lives. I cannot pay too high a tribute to the courage and the high sense of duty which has been shown by our officers in facing day by day the dangers and anxieties involved in the long-continued fight against these conspiracies of anarchy and murder.

7. In this connection a word may be said about some of the special measures adopted by the authorities to carry on the fight in Bengal. In paragraph 21 of Annexure A reference is made to the legislative enactments which form the basis of Government action. Under one of these enactments the campaign of incitement to murder in the public Press has been largely checked; under another (as will be seen from Annexure IV) over 2,000 suspects have been arrested. Where serious outrages have taken place and the ends of justice foiled by the hostile or unresponsive attitude of the local inhabitants, collective fines have been imposed or additional police posted at the expense of the appropriate section of the inhabitants. In the particularly difficult district of Chittagong, where absconders from the armoury raid at one time roamed and terrorised the countryside, still stricter measures have been enforced. After the raid two battalions of troops joined forces with the police and maintained constant pressure on the enemy by patrolling the country and searching villages and houses; in addition various restrictions have been imposed from time to time such as curfew orders, the prohibition of the use of bicycles by Hindu youths, and finally the imposition of an "identity card" system, by which the movements of students and young men could be controlled. In addition to these punitive and preventive measures, a constructive attempt has been made, with good results, to improve the morale of the law-abiding citizen and to undermine that of the terrorist by the quartering of two brigades of troops in certain districts of the Presidency.

8. In conclusion, I would draw the attention of the Committee to the relations, limited though they may be, which exist between

terrorism and other subversive movements. The particular relation between communism and terrorism in Bengal is treated in paragraphs 11 and 32 of Appendix A. As regards other Provinces, reference is made in paragraph 3 above to the connection between the Hindustan Socialist Republican Association and communists, and in paragraph 5 to the attempts at a *rapprochement* between communists, terrorists and members of the Ghadr Party. It is unnecessary for me to do more than mention these tendencies; the dangers which have been and may be involved in such combinations are obvious.

[30th NOVEMBER, 1933.]

APPENDIX A.

Terrorism in Bengal.

SECTION I. 1905–1919.

1. Terrorism in Bengal had its origin in the anti-partition agitation. The original organisers were two brothers, Barindra and Arabinda Ghosh, and they laid the foundations of the main Western Bengal terrorist association, the Jugantar Party. A year or two later one Pulin Behari Das started a similar organisation in Eastern Bengal, out of which evolved the other great terrorist party—the Anushilan Samity. Starting with inflammatory writings in the Press, these terrorist organisations eventually started a campaign of dacoity and murder on a widespread scale, and by 1915 the situation had grown so serious that very drastic powers had to be taken under the Defence of India Act to enable the police to deal with the menace. It is unnecessary to deal in any further detail with this early period of terrorist history, for it was exhaustively dealt with in the report of the Committee appointed in December 1917 under the presidentship of the Hon'ble Mr. Justice Rowlatt.

The Committee summarised the position as follows :—

> "Since the year 1906 revolutionary outrages in Bengal have numbered 210 and attempts at committing such outrages have amounted to 101. Definite information is in the hands of the Police of the complicity of no less than 1,038 persons in these offences. But of these only 84 persons have been convicted of specified crimes in 39 prosecutions, and of these persons 30 were tried by tribunals constituted under the Defence of India Act. Ten attempts have been made to strike at revolutionary conspiracies by means of prosecutions directed against groups or branches. In these prosecutions 192 persons were involved, 63 of whom were convicted. Eighty-two revolutionaries have rendered themselves liable to be bound over to be of good behaviour under the preventive sections of the Criminal Procedure Code. In regard to 51 of these, there is direct evidence of complicity in outrages. There have, moreover, been 59 prosecutions under the Arms and Explosives Acts which have resulted in convictions of 58 persons."
>
> "The main reason why it has not been possible by the ordinary machinery of the criminal law to convict and imprison on a larger scale those guilty of outrages, and so put down crime, is simply want of evidence. There have been 91 dacoities since 1907, of which 16 were accompanied by murder, and from 1st January 1915 to 30th June 1916 there were 14 murders, 8 of them being of police officers, for which it has not been possible to put anyone upon trial. This difficulty in obtaining legal evidence has been no doubt greatly enhanced by terrorism. But apart from that the inherent difficulties are formidable."

Then after an exhaustive examination of the difficulties, they found that it would be necessary to provide for the continuance, with certain limitation, of the powers conferred by the Defence of India Act. "By these means alone," they wrote, "has the conspiracy been paralysed for the present, and we are unable to devise any expedient, operating according to strict judicial forms, which can be relied on to prevent its reviving, to check it if it does revive, or, in the last resort, to suppress.

it anew. This will involve some infringement of the rules normally safeguarding the liberty of the subject. We have endeavoured to make that infringement as small as we think possible consistently with the production of an effective scheme." Again they wrote :—" The powers we suggest for dealing with future emergencies must be ready for use at short notice. They must, therefore, be on the statute book in advance. That fact alone is calculated to have some moral effect. To postpone legislation till the danger is instant is, in our view, to risk a recurrence of the history of the years 1906–17."

A Bill was, accordingly, drafted on the lines recommended, and passed in the Assembly in Delhi in March 1919 as the Revolutionary and Anarchical Crimes Act, 1919. The Act was stillborn, but the accuracy of the findings of the Committee has been proved by subsequent events.

2. Before the Rowlatt Committee had concluded their labours, a committee of two judges of the High Courts (viz. Chandravarkar and Beachcroft, JJ.), respectively, of Bombay and Calcutta, was appointed to examine and report on the cases in which the Local Government had taken action under the Defence of India Act. Between June 1916 and November 1919, 1,029 persons had been interned under the Act, and the judges after examining over 806 cases advised that in only six of them did they think that there were not sufficient grounds for believing that the persons concerned had acted in a manner prejudicial to the public safety or the defence of British India. This was a striking testimony to the care with which the information had been sifted by Government before they took action. The report of these judges also supported the conclusion of the Rowlatt Committee that revolutionary conspiracies of the kind which occurred in Bengal cannot be checked by the ordinary processes of the law. After discussing the special conditions of the problem, they wrote, " Under these circumstances, it is impossible to secure a fair trial by the procedure of the Evidence Act and the Criminal Procedure Code which is appropriate only to normal conditions of crime. The procedure to deal with revolutionary crime has to be practicable in the sense of being appropriate to its special conditions, so as to secure as fair a trial as is feasible under the exceptional situation."

3. Early in 1920 after the Royal Proclamation of 1919 all those who had been interned under the Defence of India Act were released and the amnesty was extended gradually to most of the leaders of the revolutionary movements.

SECTION II. 1920–1929.

4. The Montagu-Chelmsford Reforms were formally inaugurated by H.R.H. the Duke of Connaught in February 1921. These reforms were followed, in 1922, by the repeal of virtually all the enactments supplementing the Criminal Law except the Seditious Meeting Act, 1911, and Part II of the Indian Criminal Law Amendment Act of 1908. The Rowlatt Act, which had never been put into operation, and the Indian Press Act, were also repealed. The reforms had, however, failed to meet the demands of the extremists and the destruction of the reformed system of government became the avowed object of all the extremist political parties. The period was one of great political and economic difficulty. The high prices prevailing had engendered a vague resentment against the Government, the religious feelings of the Muslims had been greatly disturbed by the misfortunes of Turkey, and political feelings stirred by

events in the Punjab. Mr. Gandhi adroitly took advantage of all these factors to launch his non-co-operation movement in 1920. Schools and colleges and law courts were to be boycotted, titles renounced, national schools and arbitration courts started, foreign goods, and particularly cloth, boycotted, with a view to bring Government to its knees. It took a little time before the full effects of the furious agitation among the masses made themselves felt. Though Mr. Gandhi's ideas were non-violent, his followers gradually got out of control, and the movement eventually led to the shocking tragedy of Chauri Chaura in the United Provinces in February 1922. In Bengal the results of the movement were manifested in the mutiny in the Rajshahi Jail, the exodus of tea garden coolies from Assam, and a strike on the Assam-Bengal Railway and the India General Steam Navigation Co.'s steamer services. In the country districts the agitation was directed largely against the police, including the village police, and in many districts there was a refusal to pay the chaukidari tax and the rents of Government and private landlords. All through, the Press poured forth a torrent of propaganda and abuse and kept the Province in a ferment of excitement.

5. The terrorists, now freed from restraint, were content to watch developments while utilising every opportunity (such as the volunteer movement) of drawing their followers together and extending their influence. Endeavours were made to organise *ashrams* on lines similar to those which played so important a part in former movements. Leading members of the two main organisations were active in every form of propaganda, particularly among the student class. Every cause of unrest was exploited and every centre of agitation utilised for the dissemination of terrorism and capture of new recruits. Many of their leaders obtained responsible positions in district Congress committees and used their positions to consolidate their followers. This penetration of the Congress machine had very important consequences, for it helped them internally in the matter of recruitment and organisation and externally in the matter of public sympathy. The penetration was so rapid that in 1924 the terrorists were in a position to compel the Bengal Provincial Congress to put through a resolution eulogising one Gopi Mohan Shaha, who was executed for assassinating Mr. Day of Calcutta in mistake for Sir Charles Tegart, the Commissioner of Police. The time was to come when there were few districts in the Province where terrorists were not represented on local Congress committees.

6. Being satisfied by Mr. Gandhi's arrest and conviction, in 1922, that his programme had definitely failed, they decided then to resume their campaign of violence. There is reason to believe that the Chittagong Congress of April 1922 was the occasion of the decision to resume violent methods. This second terrorist campaign was ushered in, like the first, by a resumption of terrorist propaganda in the extremist Press. Within a short time of the repeal of the Indian Press Act in March 1922, mushroom vernacular journals like the *Atma Sakti*, the *Sarathi*, the *Mukti Kam*, *Bijali*, and others began to publish articles having a direct or indirect tendency to incite violent hostility against Government and the British. The commonest type of propaganda was to denounce the economic oppression of the British in India, to extol in mystical and sometimes in poetic language freedom and self-sacrifice, and to publish appreciative articles in praise of revolutionaries. This last was a new feature of revolutionary propaganda, and its nature will appear from the

A NOTE BY THE SECRETARY OF STATE FOR INDIA ON TERRORISM IN INDIA.

following extract from the annual report on Indian newspapers in Bengal for the year 1923:—

> "A noteworthy feature in the year under review was the large amount of writing in frank praise of old revolutionaries. The *Ananda Bazar Patrika* referred to them as selfless youths with indomitable resolution, who kindled the lamp of life by undergoing death. The *Prabartak*, in continuation of previous issues, extolled Kanai Lall Dutt (the murderer of the approver Narenda Lal Gossain in the Alipore Conspiracy Case). These are primarily narratives. Highly appreciative biographical notices of Jatindra Mukherjea and his three associates (killed at Balasore in an encounter with the police) now appeared in many papers. It was explained, however, that this laudation did not necessarily imply adoption of their methods. The justification was set forth by the *Sarathi*. The distrust of the people must be removed. To give them such a training, the life stories of self-sacrificing heroic patriots must be recited to them. We may not adopt their methods, but are we not on that account to respect their renunciation, their heroism, and their patriotism?"

7. The Jugantar group was the first to strike. In May 1923 they committed a dacoity with double murder at Kona near Howrah; in the same month the Ultadinghi post office was looted. The same gang committed a robbery with murder at Garpar Road on the 30th July in which firearms were used. The murder of a postmaster at Sankaritola followed. The investigation in this resulted in full corroboration of the information already in the possession of Government, and showed that these outrages were all the work of a particular group of the terrorist party. Seven members of this group were put on trial in the Alipore conspiracy case, but many of the facts in the possession of Government could not be placed before the court and they were eventually acquitted.

The situation after these outrages had been committed was serious. It was clear that the terrorists had been encouraged by the belief that Government could no longer deal with their conspiracies effectively. It was clear also that unless immediate action was taken, Bengal would again be exposed to the dangers of the previous outbreak of revolutionary crime. Accordingly, several of the important suspects, including Subash Chandra Bose, the Chief Executive Officer of the Corporation, were incarcerated under Regulation III of 1818. This action served, however, to check the movement only for the time being. New leaders were found and operations were resumed. In December 1923 a robbery of Rs. 17,000, the property of the Assam-Bengal Railway, was committed at Chittagong by four *bhadralok* youths armed with revolvers. Subsequent investigation showed that certain *bhadralok* youths were hiding in suspicious circumstances in a house in a village at some distance from Chittagong. The search of this house 10 days after the robbery led to the discovery of a number of weapons and ammunition of a foreign make. The attempt to arrest the occupants of the house led to a running fight between them and a body of police and to the arrest of two youths with firearms. An attempt was made to decoy from his house one of the chief witnesses in the robbery case with the intention of murdering him, and on the next evening a sub-inspector who had arrested one of the accused in this case and knew the others by sight, was shot at Chittagong.

Some of the accused in the Alipore conspiracy case stated subsequently that one of the immediate objects of the conspiracy was the assassination

of police officers. In the early part of 1923 persons were found watching the movements of these officers and their residences. These watchers were themselves placed under observation, and traced to places known to be haunts of the conspirators. In January 1924 Mr. Day was murdered in Calcutta, by Gopi Mohan Saha, in mistake for Mr. Tegart (later Sir Charles). In March, a bomb factory was discovered in Calcutta fully equipped with explosives and implements for loading and fitting bomb-shells, of which a number, both loaded and unloaded, were found. The bombs showed a marked advance on anything which had previously come to light. About the same time a young *bhadralok* was severely injured while handling explosives at Faridpur. In July a well-known member was arrested in the streets of Calcutta with a fully-loaded revolver in his possession. At the end of July "Red Bengal" leaflets made their appearance. The first issue announced the initiation of a campaign of assassination of police officers, the second impressed on the political leaders of Bengal the necessity for the existence of an active violence party. This was followed in August by the explosion of a bomb in a *khaddar* shop in Mirzapur Street. The man who actually threw the bomb was pursued and seized and another arrest was made at the same time on the spot.

8. The above is a brief outline of the outward manifestations of the existence of a widespread conspiracy. Apart from these, Government were in possession of information to show that, during the year 1924, the conspirators attempted to assassinate police officers, high Government officials and suspected members of their own organisations. No less than five such attempts were made between July and October, and the escape of the intended victims could only be regarded as providential. In some cases the would-be assassins suspected police vigilance, in others they were thwarted by the unexpected movements of their intended victims. In June 1924 the Bengal Provincial Congress at their meeting at Serajgunj passed a resolution expressing admiration for the spirit of self-sacrifice exhibited by Gopi Mohan Saha. The effects of the resolution were electrical. It was by far the most potent instrument for organisation, and became a perpetual incitement to the youth of Bengal to take to violent ways.

9. The situation towards the end of 1924 had, therefore, become one of considerable anxiety. The existence of a widespread revolutionary movement was hardly disputed; indeed, it was acknowledged by Mr. C. R. Das, the Swarajist leader, himself. It was daily increasing in strength, and as in the years before 1916, ordinary measures had failed to check it. The Local Government felt bound, therefore, to meet the menace by obtaining from the Governor-General the issue of an Ordinance arming the Executive with powers similar to those they had had under the Defence of India Act. A special session of the Legislative Council was called in the following January to pass a Bill to replace the Ordinance, but leave to introduce the Bill was refused by the Council. The Bill was, accordingly, certified by the Governor; under it the special powers were to remain in force for five years. The powers taken were not as wide as under the Defence of India Act. The definition of persons against whom section 11, which allowed of preventive arrest and detention by Executive order, could be used was narrowed to prevent the net being cast too wide, and to avoid the criticism that it was aimed at the Swaraj party. The schedule, of offences in connection with which action could be taken, too, was shortened, and the net result was that it was possible to take action only against active

terrorists as distinguished from recruiters or organisers. Nevertheless, prompt use of these powers, by placing leaders and active members under restraint, enabled Government to bring the movement under control. Between the issue of the Ordinance in 1924 and the end of 1928 only one murder occurred, the brutal murder of a distinguished police officer, Rai Bhupendra Nath Chatterjee Bahadur, Special Superintendent of Police, Intelligence Branch, in the Alipore Jail, in May 1926. Only 187 persons were dealt with under the Act and by September 1928 all had been set free, though a certain number remained for some time longer under restriction orders which limited their movements. When the Act expired in 1930 no use had been made of the special powers for the purpose of making fresh arrests for nearly three years. This result was made possible by the recognition on the part of the terrorist leaders that they were not sufficiently well organised to conduct a campaign against Government. It was not an indication that terrorist activities had ceased.

10. The position in December 1929 was, in fact, that the principal leaders of the two parties—the Jugantar and the Anushilan—had an ambitious scheme for bringing about a general rising. For some time there had been much controversy over the adoption of a resolution by the Congress, favouring complete independence as India's goal. The Congress sessions of 1928 and 1929 afforded opportunities for a meeting of revolutionary leaders all over India, and there is reason to believe that plans for a rising were discussed and given definite shape on these occasions. But the principal revolutionary leaders considered that an adequate supply of arms and man-power had not yet been collected, and were, therefore, in favour of waiting until the deficiencies were supplied. A large number of groups of terrorists led by young hotheads had sprung up, who wanted a campaign of immediate violence launched. As will be seen in the next section, it was the latter who forced the issue.

11. To make this section complete, it is necessary to add a word dealing with the influence of events in Russia on the thought and programme of the terrorists.

The Bolshevik revolution had received the close attention of Indian revolutionaries by reason both of the violent methods on which it was based and also because of its connection with several Indian revolutionaries, of whom the most notable was Narendra Bhattacharya *alias* M. N. Roy, who had been prominently associated with German plots during the war, and was later maintained by the Third International to organise action in India. Several members of the Anushilan and Jugantar organisations were sent to Europe to study revolutionary methods, and by 1924–25 the influence of this movement is definitely traceable in the ideas and plans of terrorists in general.

In March 1925 definite information was received that Sachindra Sanyal, a notorious revolutionary of the Anushilan party, who was convicted in the Kakori conspiracy case (1926), was in touch with M. N. Roy, from whom he was receiving money. The latter's *Appeal to the Nationalists*, which was an attempt to lead the Congress back to civil disobedience and mass revolution, was distributed at the Belgaum Congress by two members of the All-India Congress Committee. There is also reason to believe that the resolution to establish a "political sufferers' fund," which was thrown out at the Belgaum Congress and passed subsequently at a later session, was inspired by M. N. Roy and adopted by the Jugantar party. A mass of proscribed revolutionary literature addressed to various

revolutionaries continued to be intercepted in the foreign mail. Towards the end of 1925 a party called the "Labour Swarajya Party" was formed, by persons closely connected with the Congress, of which the name was subsequently changed to "The Bengal Labour and Peasants Party." The object of the party was "the attainment of Swarajya in the sense of complete independence of India based on economic and social emancipation and political freedom of men and women." Its demands were the nationalisation of "industries and public utilities such as mines, railways, telegraphs, inland waterways, tramways, &c." under the control of "Workers' Committees," and the "ultimate ownership of land to be vested in autonomous village communities consisting of intellectual as well as physical labourers." Its organ, *The Langal*, ceased after 15 issues for want of funds, and the party itself laboured under the ever-present threat of bankruptcy, but a secret branch of it was reported to be working in co-operation with the Anushilan Samity.

The Anushilan Samity's programme at this stage (1926) was itself greatly influenced by M. N. Roy, and advocated the preparation of the masses for revolution by inculcating first communist, and then terrorist, doctrines.

SECTION III. 1930–1933.

12. Mr. Gandhi began the civil disobedience movement early in 1930 by his march on Dandi. His action at once released the widespread wave of unrest which had gathered round the discussions of the future constitution, and the personnel of the Simon Commission, during the past two years. The general wave of rebellion against authority which followed provided the terrorists with an unrivalled opportunity for launching their campaign, of which the younger groups were not slow to take advantage. The Chittagong Jugantar group, one of the most active sections of the new violence party, which was in control of the Congress organisation in Chittagong, was the first to take the offensive.

13. On the night of the 18th April they carried out a spectacular and daring raid on a much larger scale than anything previously attempted by the terrorists. Four batches of varying strength set out from the Congress office in Chittagong. One was to capture the Police Armoury, one to capture the Auxiliary Force Armoury, one to massacre the Europeans in the Club, and the other to destroy the telephone exchange and telegraph office. As it happened, the Club was practically deserted and the party deputed to attack the Club joined the other groups. The Police Armoury party consisted of about 50 youths led by Ananta Singh and Ganesh Ghosh. All were in khaki, and the leaders were dressed as officers. They were challenged by the police sentry, who was shot down, while the remainder of the force swarmed into the building, broke into the Armoury and Magazine, and armed themselves with muskets, revolvers, and ammunition. Practically the same procedure was followed in the case of the Auxiliary Force Armoury. The sentry, another sepoy, and the Sergeant Major who lived close to the Armoury, were shot dead. The place was then forced open, and pistols revolvers, rifles and a Lewis gun were taken away. While this party were in possession of the Armoury they fired on motor-cars passing on the road and killed a railway guard, the driver, and assistant driver of a taxi and a police constable who was in the car of the District Magistrate. They also wounded the District Magistrate's driver and the occupant of a

passing taxi. The telegraph office party seized and chloroformed the telephone operator, hacked the telephone board to pieces and set fire to it. The Telegraph Master was fired at when he came to the operator's assistance, but he returned with a gun and drove the raiders off before they destroyed the telegraph office. This party then went to the police lines and joined the main party. A counter-attack under the Deputy Inspector-General of Police was organised, and although few in numbers and poorly equipped, it succeeded in forcing the raiders to leave the town and retreat towards the hills. The raiders thus had to abandon their further project of raiding the Government Treasury and massacring the Europeans in the town.

14. Meanwhile, another party acting under orders of the terrorist leaders had cut all telegraph communications between Chittagong and the outside world, and attempted to interrupt railway communications by removing a rail and derailing a goods train; yet another party attempted, unsuccessfully, to derail the down-mail train to Chittagong at a place 70 miles from Chittagong on the same night.

Information of the raid was sent out by wireless from a ship in the harbour, and reinforcements reached Chittagong on the 20th April. Various skirmishes took place between the Government forces and the rebels, several of whom were shot dead, but the principal leaders remained absconding. One surrendered on the 28th June in Calcutta, and on the 31st August three others were arrested and one shot dead at Chandernagore (near Calcutta). The principal leader, Surjya Sen, was not arrested until 1933, and it is only recently that he has been condemned to death along with another of his associates by a Special Tribunal. His appeal is now pending before the High Court in Calcutta.

15. The news of this coup, unprecedented in the annals of terrorist crime in Bengal, was received by revolutionaries all over the Province with delight. The effect was electric and from that moment the outlook of the Bengali terrorists changed. The younger members of all parties, whose heads were already crammed with ideas of driving out the British by force of arms, but whose hands had been restrained by their leaders, clamoured for a chance to emulate the Chittagong terrorists. Recruits poured into the various terrorist groups in a steady stream. The leaders could no longer hope, nor did they wish, to keep them back, for in the face of the results achieved at Chittagong there seemed to be no reason why their over-cautious policy should be maintained. The romantic appeal of the raid attracted into the fold of the terrorist party women and young girls, who from this time onwards are found assisting the terrorists as housekeepers, messengers, custodians of arms and sometimes as comrades.

16. The Bengal Criminal Law Amendment Act of 1925 was due to expire on 21st March 1930. In November 1929 the police view was that the Act should remain permanently in force to act as a constant restraining influence on revolutionaries. It was urged that a five years' limit had prevented any reformation of those with whom it dealt. In the discussions that followed the following alternatives were considered:—

(i) The Local Government should be empowered to bring the Act into force by notification, at any time, and for as long as necessary.

(ii) The Act should be allowed to lapse with the prospect of immediate re-enactment when necessary.

(iii) Continuance of the Act for five years.

(iv) Continuance for five years of the sections relating to trial by special procedure.

This last proposal was eventually agreed to and enacted as the Bengal Criminal Law Amendment (Part Continuance) Act, 1930, on the 1st April 1930.

After the Chittagong raid, however, the lost powers of arrest and detention were immediately conferred by Ordinance. In July, the Bengal Government asked for the replacement of the Ordinance by permanent legislation. In the Act as passed, however, a five-year limit was imposed. With this modification the Bill was passed by the Legislative Council by a large majority and became law as Bengal Act VI of 1930 on the 16th October 1930.

17. To resume the narrative of events, the Chittagong Armoury raid took place, as has been stated, in April. In May, the leaders of the main Jugantar party in Calcutta drew up a programme of terrorism and made arrangements for the manufacture of bombs. Information in possession of Government shows that the principal features of this programme were:—

(1) The murder of Europeans in hotels, clubs and cinemas, simultaneously in Calcutta and the districts by bombs.
(2) The burning of the aerodrome in Dum-Dum with petrol.
(3) The cutting off of the gas and electric supply of Calcutta, by destroying the gas works and electric power stations.
(4) The cutting off of the petrol supply of Calcutta by destroying the depot at Budge-Budge.
(5) The disorganisation of the tramway service in Calcutta by cutting overhead wires.
(6) The destruction of telegraphic communication between Calcutta and the districts in Bengal.
(7) The destruction of bridges and railway lines by dynamite and hand grenades.

The first blow was struck on the 25th August 1930 by an attempt made by Anuja Sen and Dinesh Chandra Mazumdar (under orders of the Jugantar leaders) to murder the Commissioner of Police, Sir Charles Tegart, in Dalhousie Square. One of the bombs exploded behind the Commissioner's car and killed Anuja Sen. Dinesh Mazumdar, who was also wounded by the bomb, managed to run away a short distance, but was arrested. Two loaded bombs and one loaded revolver were found on the person of Anuja Sen, and one loaded bomb, one loaded revolver, and four spare cartridges on the person of Dinesh Mazumdar. It was the intention of the Jugantar leaders that the murder of Sir Charles Tegart should be the signal for all Jugantar groups in the Province to begin a widespread series of outrages.

On the 26th August a bomb was thrown into Jorabagan Police Station in Calcutta, but fortunately it exploded outside the station. No police officers were injured, but three members of the public were hit. On the following day, at 9 a.m., another bomb was thrown into the compound of the Eden Garden police outpost, in Calcutta, and injured three persons including one constable. Two days later Mr. Lowman, the Inspector

General of Police, and Mr. Hodson, the Superintendent of Police, were shot at Dacca. Mr. Lowman died, but Mr. Hodson, though severely wounded, survived. On the 31st August a police party led by Sir Charles Tegart surrounded a house in Chandernagore in which some of the Chittagong raiders were hiding, and after a brief engagement killed one of the absconders and arrested three with revolvers.

On the 25th August Dr. Narayan Chandra Ray, who was in charge of the bomb-making activities of this party, was arrested. In September many of his confederates were arrested and put on trial and sentenced to various periods of transportation from 20 years downwards. According to the confession of Dr. Narayan Ray made in this case, his mind had been inflamed by speeches made by Subhash Bose and another well-known political agitator. By the end of 1929 he had already joined a terrorist group and had begun to make experiments with explosives, especially Tri-Nitro-Toluol. Towards the end of 1929 he received formulæ for T.N.T. and Amatol procured through certain leaders of the Jugantar party. He attended the Lahore Congress and, before returning to Calcutta, he had learned how high explosive shells were loaded with Amatol. On his return to Calcutta early in 1930 he and his cousin Gobinda Ray (still absconding) actually manufactured some explosives. In May 1930 Dr. Narayan Ray was given by one of the Jugantar leaders a supply of empty bomb shells, which he loaded and fitted with detonators. A large number of these shells were distributed throughout the Province.

On the 8th December 1930 three young men dressed as Europeans rushed into the office of Colonel Simpson, Inspector-General of Prisons, in Writers' Buildings, Calcutta, and shot him dead. After this they went down the corridor firing into the rooms of other officials and wounded Mr. Townend, I.C.S., Secretary to the Government of Bengal, and Mr. Nelson, I.C.S., the Legal Remembrancer. They were trapped in the latter's room and all three attempted to commit suicide. One died on the spot. The other two were Binay Krishna Basu (the murderer of Mr. Lowman), who died a few days later, and Dinesh Gupta, who was hanged for this murder on the 7th July 1931.

In addition to the outrages that were actually carried out the police obtained information of various plots for raiding Treasuries and Armouries, for the assassination of officials and for other crimes of violence. Many plots were frustrated by the arrest of the plotters and consequent disorganisation of their groups. The police were also able to prevent the carrying out of any of their bigger or more sensational schemes. Owing to the limitations of the Bengal Criminal Law Amendment Act at this time, the powers of the police were confined to what may be described roughly as purely defensive action. These powers did not admit of wholesale attacks on various organisations, and although the action taken was certainly successful in preventing further outrages on the lines of the Chittagong armoury raid and several projected attacks on officials, at headquarters stations, and on police barracks, the terrorist organisations still remained intact.

18. At the end of 1930, then, several of the most important leaders of all parties were under arrest, but the organisations, to all intents and purposes, were still intact. Press and platform propaganda in pursuance of Gandhi's Civil Disobedience Movement was arousing anti-British sentiment and a spirit of lawlessness in the Province to a degree which would have been deemed incredible even in 1929. Seditious literature of the most violent description was being broadcast in the shape of

pamphlets and books. It is true that the Congress formally dissociated itself from terrorism, but it was equally clear that if some of the workers and leaders of the Congress were given a free hand they would not be averse to giving their general support to terrorism.

19. With the Irwin-Gandhi Pact, in March 1931, the Press Ordinance was withdrawn, and the Indian Press at once reverted to its old habit of glorification of assassins and the propagation of the cult of murder. During March the occasion for adulatory articles was found in the execution of Bhagat Singh and his two companions. When Mr. Peddie was assassinated on the 7th April 1931 the attitude of the Press was far from satisfactory. Similarly, praise of Dinesh Gupta, the murderer of Colonel Simpson, and Ram Krishna Biswas, convicted of the Chandpur murder, was widespread and in some cases unrestrained, and demands for their reprieve were loud and persistent. Every acquittal of a terrorist was hailed with delight, everything that could be said in favour of them being printed in bold type. The culmination of this attitude of mind was the resolution of the Congress-managed Corporation of Calcutta placing on record a token of homage to Dinesh Gupta, one of the murderers of Colonel Simpson. It is small wonder that in the circumstances described the terrorist cult should have found more votaries than even before, and that 1931 should have been one of the darkest years in the history of terrorist crime.

20. No less than 67 outrages, including nine murders, of which particulars will be found in Annexure III, occurred in 1931. Only a few instances need be quoted here to show the determined manner in which terrorist crimes were carried out.

On the 16th March at Barama, Chittagong, an Assistant Sub-Inspector of Police of the District Intelligence Branch encountered two absconders of the Chittagong armoury raid case. One of them fired at him with a revolver and wounded him and both escaped. On the 7th March at about 6.45 p.m. two *bhadralok* Hindu youths shot Mr. Peddie, I.C.S., District Magistrate of Midnapore, from behind, at close range, while he was attending an exhibition of manual work in a local school which he had himself arranged for the benefit of the students. Both the assailants escaped.

On the 27th July Mr. Garlick, I.C.S., Sessions Judge, 24-Parganas, was shot through the head by a youth while sitting in court. The assassin was immediately shot down by the sergeant on duty, but committed suicide by swallowing cyanide of potassium while lying wounded under the table. The murder was committed in revenge for the sentence of hanging inflicted on Dinesh Gupta by the tribunal of which Mr. Garlick was president.

On the evening of 21st August at Tangail, a *bhadralok* youth fired at Mr. Cassells, I.C.S., the Divisional Commissioner, who was on his way to inspect the Co-operative bank. The culprit escaped and a person subsequently tried for the offence was acquitted for want of sufficient identification.

On the 30th August Khan Bahadur Ahsanulla, Inspector of Police, Chittagong, was shot dead by a *bhadralok* Hindu youth, who was captured, convicted and sentenced to transportation for life. The murder inflamed Moslem feeling and was followed by a communal outbreak.

On the 28th October two *bhadralok* youths shot at and severely wounded Mr. Durno, I.C.S., District Magistrate, Dacca, while he was sitting in his car outside a shop in one of the main streets. The culprits escaped.

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On the 29th October Mr. Villiers, the President of the European Association, had a narrow escape from death, when he was attacked in his own office by one Bimal Das Gupta, the alleged murderer of Mr. Peddie.

On the 14th December Mr. C. G. B. Stevens, I.C.S., District Magistrate, Tippera, was shot dead in his house by two young girls who approached him with a request to arrange a swimming exhibition for them. Both were sentenced to transportation for life by a special tribunal.

21. By the end of July 1931 it was evident that the existing legislation was not sufficient to cope with the terrorist menace. The way in which the Press lent itself to constant and violent propaganda in favour of assassins has already been referred to. The murders which had already taken place could be traced, in no small measure, to incitements in the Press and the Local Government were convinced that action to control the Press was a vital necessity. As regards the powers of arrest and detention conferred by the Criminal Law Amendment Act, 1930, it was found essential to ask that its scope should be widened so that action could be taken, not only against persons actually concerned in the commission of terrorist associations, but also against those who are members or helpers of those associations. On the 9th October 1931 Act XXIII of 1931 (An Act to provide against publication of matter inciting to or encouraging murder or violence) was passed and on the 29th October the Government of India promulgated Ordinance IX of 1931 conferring the powers asked for in regard to arrest and detention and widening the schedule of offences by the inclusion of the sections relating to the waging of war against the King or the harbouring of absconders.

A month later, on the 30th November, the Bengal Emergency Powers Ordinance XI of 1931 was issued. Chapter I of the Ordinance provided for emergency powers which would apply immediately to the district of Chittagong. Military and police were to combine in operations to round up terrorists and absconders in that district, and to render these operations effective the District Magistrate was given powers, among others, to commandeer property, limit access to certain places, regulate traffic and transport and impose a collective fine upon recalcitrant inhabitants. Chapter II provided for special tribunals and special magistrates and a procedure designed to overcome delaying tactics.

Thus, though the situation at the end of 1931 was far from reassuring, the police were again armed with adequate powers. Civil disobedience was waning and they were, therefore, free to devote all their energies to the suppression of terrorism.

On the expiry of the Ordinances it was felt that the Bengal Government should be armed with the legislative weapons necessary to grapple with the menace of the terrorist movement. Accordingly the Bengal Suppression of Terrorist Outrages Act, 1932,* and the Bengal Criminal Law (Arms and Explosives) Act, 1932, were introduced and passed by the Legislative Council.

22. During the first part of the year 1932 rumours were rife of threats to carry out indiscriminate massacres of Europeans in clubs and cinemas. Actually one outrage of this dastardly nature was carried into effect when the Pahartali Railway Institute at Chittagong was attacked in September 1932 with bombs and revolvers. The attack was led by a girl named Priti Waddadar, who committed suicide on the scene of attack.

* This Act embodied the provisions of Ordinance XI of 1931.

Earlier in the year Mr. Douglas, I.C.S., District Magistrate of Midnapore, was shot dead on the 30th April while presiding at a meeting of the District Board; on the 27th June a Sub-Deputy Magistrate was shot dead in his house in Dacca town, and on the 29th July Mr. Ellison, Superintendent of Police, was shot dead in Comilla town. On the 5th August and again on the 28th September 1932, attempts were made to murder Sir Alfred Watson, the editor of the *Statesman*. On the 22nd August an attempt was made to shoot Mr. Grassby, the Additional Superintendent of Police, Dacca, and on the 18th November an attempt was made to murder Mr. Luke, Superintendent of the Rajshahi Central Jail, both of which fortunately failed.

23. The list is formidable enough, but it will be seen from Annexure III, where the particulars of all the outrages in 1930–33 are given, that the total number of crimes both against persons and against property have registered a notable decline in 1933. From the latter part of 1932 the tide began to turn, and between September 1932 and July 1933 the only murderous outrage which the terrorists could carry out in British India was the attempt on Mr. Luke, though in French Chandernagore M. Quin, the French Commissioner of Police, was shot on the 10th March 1933. Plot after plot was discovered and foiled, and one leader after another was captured. A stage has at last been reached when, in spite of dangerous conspiracies which every now and again come to light, the situation is definitely under control, so far as large-scale organised outrages are concerned. But there are a large number of individuals abroad who are prepared to commit or take part in isolated outrages and have apparently no difficulty in securing arms. As an instance there may be quoted the latest outrage, the murder of Mr. Burge, the District Magistrate of Midnapore. He was shot dead on the Police football ground just before the start of a match in which he was to play. Still more recently it was reported that a veritable armoury of revolvers, ammunition and dynamite had been discovered in North Calcutta. Hence, constant vigilance and continual action are required, not only against old members who are plotting outrages, but also against new recruits who appear still to be drawn into the movement in fairly large numbers, and to be ready for any kind of crime.

SECTION IV.—GENERAL SURVEY.

24. It will be seen from the figures given in Annexure IV that 2,167 persons have been dealt with under the Bengal Criminal Law Amendment Act since 1930, and that of these there are no less than 1,351 in gaols and detention camps at present, and 288 in village and home domicile, making a total of 1,639. Of those dealt with, only 389 persons have been unconditionally released. There are, besides, 19 State prisoners under Regulation III of 1818 at present. Though the number of fresh arrests has declined in recent months the present monthly average is still disquietingly high and indicates that considerable recruitment is still going on.

One reason for this is that subversive propaganda and activities have been so rife in recent years that they have succeeded in creating a revolutionary mentality which has permeated almost every stratum of the literate *bhadralok* society. To a certain extent the unemployment problem among the educated middle classes in Bengal has been a powerful accessory to those who have deliberately sought to bring about this result,

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but the factors which have been chiefly responsible for the propagation of revolutionary ideas are a subversive Press, and successive organised movements for defiance of the laws by the methods variously known as *non-co-operation* and civil disobedience.

25. The Press has, for years, poured forth a venomous propaganda against the established Government, twisted and distorted every motive and every act of theirs, and held up to the admiration of the growing youth the heroism and self-sacrifice of the devotees of the pistol and the bomb who have been made to pay the penalty of the law. Nothing is more noticeable in the history of the revolutionary movement than the connection between the recrudescence of violent propaganda in the Press and of terrorism. Normally prone to unrestrained criticism of Government action the Press has allowed itself to be used by terrorist leaders for their own ends. The natural consequence of the daily poisoning of the minds of the credulous public was to create a mentality which believed that there was no enormity of which Government was not capable, and the mischief caused did not end with the generation, for the children of those who minds were warped in their youth grew up in an atmosphere of hostility, suspicion and ill-will to Government. Every subversive movement, therefore, met with the open or tacit approval of large sections of the people. Happily, at the present moment the tone of the Press is generally a good deal healthier than it has been for years. How much of it is due to the prevalence of good sense and how much to the existence of a Press law it is not possible definitely to say, but judging by past experience, and having regard to the fact that terrorists appear to be able to influence the Press to a high degree, it is more than doubtful if the present healthy tone can be maintained without the assistance of a Press law.

26. Of the part played by successive movements for civil disobedience it is unnecessary to speak at length. Contrary to the expressed intentions of the author, they have, on many an occasion, broken out into violence, and even when they have, in fact, remained non-violent, succeeded in engendering a violent mentality towards the established Government which has pre-disposed young men to succumb readily to the arguments of the terrorist recruiter. It is a remarkable fact that a large percentage of the recruits to the terrorist movement are found to have made their political *debut* as civil resisters. Mr. Gandhi's association with the movement has served to give it an odour of sanctity and blurred the distinction between lawful and unlawful activities. It is not a matter of surprise, therefore, that the action of the police to disperse mobs of civil resisters should have met with a chorus of denunciation from the Press and the platform as acts of tyranny and oppression, and that the minds of youths should have been filled with thoughts of vengeance.

27. The net result of these facts has been greatly to widen the field of recruitment to the terrorist ranks. Gone are the days when elaborate ceremonies of initiation and of administration of vows, before an image of the goddess Kali, were necessary to ensure the devotion of recruits to the terrorist cause. It is sufficient now-a-days to give a boy a few seditious books to read, and to supplement this by instructions from persons who have won his trust and confidence. Further, good moral character is no longer an essential in a recruit. Throughout the Province, students in schools and colleges are now far more deeply permeated by a spirit of unreasoning resentment against Government, and of defiance of authority, and there are a large number of districts in which some or all

of the educational institutions have terrorist groups connected with them under the control of the main leaders. The result is that murders are now committed by youths unknown to the police, at the bidding of their leaders. It is only fair to say, however, that only in a very few cases is evidence available to show that recruitment takes place inside the school or college, or through, or with, the sympathy of the staff. It is the students of the schools or colleges who form a suitable recruiting ground which is usually worked upon by outsiders, whose success is made more easy by the general failure of teachers generally to take any interest in or undertake any responsibility for the doings of their pupils outside the class-room.

28. Another recent and sinister development is the advent of the female terrorist. In the civil disobedience movement of 1930 women took an active part in picketing at the bidding of the leaders, who deliberately aimed at bringing women into the movement in the name of patriotism and service to the motherland. As has been shown, the step from non-violence to violence is a short one, and it is, perhaps, scarcely a matter of surprise, therefore, that under the stimulus of patriotic excitement working on distorted minds, two girls should have readily lent themselves as instruments for the murder of the District Magistrate of Tippera, and another should have made a treacherous attempt to take the life of Sir Stanley Jackson. The attack on the railway institute at Chittagong in September last year, in which one Englishwoman was killed and 11 other guests, including four women, wounded, was led by a woman, while another has just been sentenced by the tribunal to transportation for life in the supplementary raid case at Chittagong. Of those detained under the Bengal Criminal Law Amendment Act, 15 are women, and there are several against whom Government have so far refused to take action. There is evidence, therefore, that women are taking an increasing part in revolutionary conspiracies, a fact which adds to the difficulty of the police in dealing with them.

29. Reference has already been made to the encouragement which terrorism has received from time to time from the public adulation of terrorists in the Press. It has also been mentioned that after 1920 terrorists set themselves to penetrate the Congress machine by the capture of seats on the Executive Committees and on the all-India Congress Committee, and that under their influence the Bengal Provincial Congress passed a resolution in 1924 eulogising Gopi Mohan Saha, the murderer of Mr. Day.

30. To complete the picture it is necessary to say a word about the connection of the Congress Committee and the Calcutta Corporation and the manner in which subversive movements in general, and terrorism in particular, have received encouragement from the Corporation. The present Calcutta Corporation was the creation of the Act of 1923. In 1924, the Congress, under the lead of the late Mr. C. R. Das, obtained a large majority on it and since then has dominated it under the leadership successively of the late Mr. J. M. Sen Gupta, Mr. Subash Chandra Bose, both ex-Presidents of the Bengal Provincial Congress Committee, and of Dr. B. C. Roy. The two former were bitter critics of Government and at various times were incarcerated under Regulation III of 1818; the latter suffered imprisonment during the civil disobedience movement. One of the earliest acts of Mr. C. R. Das after his election as Mayor was to offer employment to those who had suffered in the "country's cause," many of them in the capacity of teachers in Corpora-

tion Primary Schools, which under Swarajist control multiplied greatly. In the year 1923–24 there were 19 such schools under the Corporation. By the end of December 1931 there were 225 of them. When early in 1930 Mr. Gandhi opened his civil disobedience campaign, a large number of teachers of these schools took part in the campaign and continued to do so throughout 1931. The attitude of the Corporation in this matter was illustrated by the correspondence that passed between the Commissioner of Police and the Chief Executive Officer in 1931. On the 14th August 1931 Sir Charles Tegart drew the attention of the Chief Executive Officer to the fact that 12 Corporation teachers had been arrested for illegal picketing and requested him to see that this conduct on the part of Corporation employees was not repeated. No answer was given to this letter, but on the 8th September 1931 the Chief Executive Officer wrote complaining about the searches made by the police in Corporation schools. To this, Sir Charles replied that the searches were inevitable since evidence was accumulating to show that Corporation school teachers were conspiring to break the law, and that the Corporation schools were being used for unlawful purposes. He offered to supply the Corporation with details of searches and prosecutions. The Chief Executive Officer replied on the 25th September 1931 denying that there was any conspiracy on the part of the teachers, and then proceeded to allege that 14 teachers who had been arrested by the police had been beaten unmercifully by them.

Many Corporation buildings were used for the furtherance of the civil disobedience movement, and the occasions on which the Corporation adjourned as a mark of respect owing to the arrests of prominent persons connected with the civil disobedience movement are numerous.

31. But the Corporation were not content with participating in the civil disobedience movement alone. On the 13th September 1929 they expressed "their great sorrow at the untimely death of the great hero, Jatindra Nath Das" (an undertrial prisoner in the Lahore Conspiracy Case who died of hunger-strike), and under the direction of the Mayor, closed the offices and schools for one day. Later, a street was named after him. On the 11th February 1931 the Corporation granted six months' leave of absence to Dr. Narayan Ch. Ray, a Councillor, and convicted in the Dalhousie Square Bomb Conspiracy Case, "as his absence is due to causes which the Corporation considers sufficient to justify such an absence." On the 8th July 1931 the Corporation recorded its sense of grief at the execution of Dinesh Chandra Gupta, "who sacrificed his life in the pursuit of his ideal." In this form the resolution was published on the front page of the *Calcutta Municipal Gazette*, and below it a photograph of the murderer. Sixteen days later, Mr. Garlick, the President of the Tribunal which convicted Dinesh, was shot dead in his Court by a terrorist, on whose person a slip containing the following words was found:—"Cursed be your Court the injustice of which condemned Dinesh Gupta to death."

It will readily be appreciated that the public tributes paid by bodies like the Bengal Provincial Congress and the Calcutta Corporation to persons convicted of terrorist crime, and their general attitude of sympathy towards subversive movements, have been a perpetual incitement to emotional youth to undertake fresh outrages. Factors such as these did not weight the scale against Government in their campaign of 1916–19.

32. The formation of a "Peasants and Workers" organisation on communistic lines has already been referred to, and a brief reference may

now be made to other open organisations through which the revolutionaries have sought to subvert existing society. The non-co-operation movement of 1921 showed that Government could be really seriously embarrassed by mass action. Communist literature and methods, therefore, found an increasing number of readers and exponents, and the advantages of mass action as a revolutionary instrument received considerable attention. It was thought that the doctrines based on class solidarity would be an effective antidote to the schisms of religious differences. Moscow was willing to help with money, and the doctrines had an intellectual appeal of their own to the *bhadralok* youths, themselves faced with the menace of unemployment. The "Peasants and Workers" movement died of inanition, but in the youth leagues and conferences which came into vogue in the period 1925–30 the doctrines of the Third International found considerable favour. Dr. Bhupendra Nath Dutt (an old terrorist), Kanai Lal Ganguli, Subash Bose (detained twice under Regulation III), Bankim Chandra Mukherji and others devoted their energies, from varying motives, to the development and growth of organisations based on communist or semi-communist ideas.

At the instance of Subash Chandra Bose, Pandit Jawahar Lal Nehru presided over the All-Bengal Students' Conference in 1928, and in his speech advocated communism and internationalism for India. Immediately on his departure an Independence League for Bengal was started by Subash Bose with a number of ex-*detenus* and State prisoners. They drew up a manifesto on Bolshevik lines which evoked some protest. When later, however, Jawahar Lal himself started the "Independence for India League," having for its object the achievement of Swaraj for India, with the help and support of Kanai Lal Ganguli and Bhupendra Dutt, it met with strong opposition from Subash Chandra Bose and his followers, who now formed a separate "Independence for India League" in Bengal from which Kanai Lal and Bhupendra Dutt were practically excluded. Later, when Jawahar Lal came to Calcutta in connection with the 1928 Congress, he addressed the Howrah District Workers' Conference and the All-Bengal Youth Association, both Congress organisations. To the former he spoke disparagingly of the Congress, who would be prepared to wait for another 10 years for Swaraj, but added that if the labouring classes and the starving millions of the country could be convinced that independence would remove their want and get them better food and clothing, they would not agree to wait for a single day for the achievement of Swaraj. This speech gives the clue to the primary object for which Labour was to be exploited and may be compared with the statement which appeared in *Liberty* of the 18th August 1929—"The Labour movement is very closely connected with the Swaraj movement, and what is needed at the present moment is a co-ordination between the two in order to force the hands of an unsympathetic Government." During the jute mill strikes of 1929 there were indications that the Congress scheme was to get the *intelligentsia* to organise a mass upheaval through the youth and students' and volunteer movements, with a view to coerce the Government. The scheme did not materialise and the Meerut case has for the time being ended attempts to form organisations on communist lines.

33. It remains now to say a word about the effect of the murder campaign on the daily lives of officials. During the last three years officials, particularly district and police officers, were in serious danger, and the unusual precautions which had to be taken for their safety

undoubtedly interfered with their normal duties. They live in houses guarded by armed sentries; many of them when they go out are accompanied by armed personal guards, sometimes with their revolvers drawn; the roads they use are constantly patrolled; intending interviewers when not known are searched before admission; and in Calcutta and some other places there are restrictions on entrance to clubs which at times give rise to irritation and bad feeling. The precautions have necessarily interrupted the free intercourse between officials and non-officials which was such a feature of the administration, especially in the districts. During the last year or so, though the situation had apparently greatly improved, the full precautions have had to be maintained, and the latest tragedy at Midnapore is a stern warning that no relaxation of precautions can yet be permitted, even in connection with games, which were becoming more and more a common meeting ground for all sections of the community. So long as there is a group of people who consider it their business to murder officials there is no escape from the present position. Otherwise the normal administration goes on much as before, and though officers of all grades—and their wives and families—may view their daily work with greater anxiety than in the past, the tone generally is good, and there is none of that spirit of gloom and helplessness which was apparent two years ago. In the background there is a general realisation that in spite of the poignant tragedies that from time to time send a feeling of horror through all classes, the situation is better than it was. In some quarters there is a growing belief, or perhaps still only a hope, that public opinion is slowly turning against terrorism and that in their efforts to crush it Government and their officers have a steadily increasing amount of sympathy and support, though much of it may be tacit, from the community at large. In other quarters this is ascribed to a realisation that Government are in earnest in their efforts to stamp out terrorism and to the instinctive desire to be on the winning side, and it is held that any relaxation of effort on the part of Government will mean an immediate deterioration of the situation and a decrease in the amount of public sympathy and support for Government.

ANNEXURE I.

CLASSIFIED STATEMENT OF THE NUMBER OF CASES OF OUTRAGES DURING THE YEARS 1930–33, YEAR BY YEAR.

Items	1930	1931	1932	1933
Murderous outrages	7	5	5	3
Attempts at outrages	4	6	14	3
Dacoities*	10	23	68	34
Attempted dacoities*	—	2		
Robberies*	6	18		
Attempted robberies*	1	5		
Bomb throwing	6	7	3	—
Bomb explosions	1	—	4	3
Armed raids	1	—	—	—
Total	36	66	94	43

* Including mail, post and train.

ANNEXURE II.

LIST OF CASUALTIES DUE TO TERRORIST OUTRAGES DURING THE YEARS 1930–33.

Class	1930		1931		1932		1933	
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Officials -	11	12	5	13	6	10	1	1
Non-officials -	10	14	4	3	6	27	—	—
Terrorists -	26	4	—	1	5	3	2	—

ANNEXURE III.

DETAILS OF CASES OF TERRORIST OUTRAGES DURING THE YEARS 1930–33. LIST "A" INCLUDES THE OUTRAGES OF MAJOR IMPORTANCE EACH YEAR LIST "B" ALL OTHER OUTRAGES.

1930—"A."

(1) On 1st February 1930, Satish Chandra Ray, an Assistant Teacher of the Ramananda Union H.E. School, was murdered at Kishoreganj, Mymensingh.

(2) On 18th April 1930, the terrorist party of Chittagong headed by Ananta Singh, attacked and looted the Auxiliary Force Armoury, the Telephone Exchange and the District Police Armoury in Chittagong town.

(3) On 7th May 1930, some absconding insurgents, while passing through village Sikalbaha, Chittagong, opened fire on villagers and escaped.

(4) On 16th May 1930, a bomb was thrown at the house of the officer-in-charge of the Shibpur Police Station, Howrah.

(5) On 19th July 1930, a bomb exploded on being thrown at police officers passing along Gaibandha Road in Gaibandha town, Rangpur.

(6) On 2nd August 1930, a constable was shot at while arresting certain accused in the warehouse looting case of Mymensingh town.

(7) On 25th August 1930, bombs were thrown at Sir Charles Tegart, Commissioner of Police, Calcutta, in Dalhousie Square.

(8) On 26th August 1930, a bomb was thrown in the compound of the Jorabagan Police Court, Calcutta.

(9) On 27th August 1930, a bomb was thrown at the Eden Gardens Police Outpost, Calcutta.

(10) On 29th August 1930, Ratan Bhusan Hazra was murdered at Deshbandhu Park, Calcutta.

(11) On 29th August 1930, Mr. Lowman, Inspector-General of Police, Bengal, and Mr. Hodson, Superintendent of Police, Dacca, were shot in the Mitford Hospital, Dacca.

(12) On 30th August 1930, a bomb was thrown in the house of Inspector Pabitra Bose of the Mymensingh Detective Department, Mymensingh town.

(13) On 23rd September 1930, a bomb was thrown in the compound of the Khulna Police Station where the District Intelligence Branch Inspector and others were sitting.

(14) On 13th October 1930, the Sub-Inspector of the Mymensingh District Intelligence Branch and his guard were shot at while endeavouring to arrest two absconders in the Mymensingh Excise Warehouse looting case.

(15) On 1st December 1930, Inspector Tarini Mukharji of the Railway Police, was fatally shot at Chandpur Railway Station, in mistake for the Inspector-General of Police, who was travelling on the same train.

(16) On 8th December 1930, Colonel Simpson, Inspector-General of Prisons, Bengal, was fatally shot in Writers' Buildings, Calcutta.

1930—"B."

(1) On 24th March 1930, the body of Bhupendra Raha Ray, *alias* Pola, was found on the railway line, Mymensingh town, severely mutilated by being run over by a train.

(2) On 12th April 1930, five or six *bhadralogs* visited the *gaddi* of Messrs. Harish Chandra Sen and Ram Kanai Bhuiya at 23, Kali Kumar, Banarji Lane, Tala, Calcutta, and decamped with Rs. 15,000 in G. C. notes.

(3) On 23rd April 1930, Ananta Lal Singh and three others were arrested at Feni, when they fired on the police and decamped.

(4) On 29th April 1930, a dacoity occurred in the house of Amrita Lal Ray, Samanta Sena, Khulna, when articles worth Rs. 36 were looted.

(5) On 2nd June 1930, a postal overseer was waylaid and robbed of Rs. 1,000 while he was proceeding from Mulchar Police Station to Swarmgram Post Office, Dacca.

(6) On 25th August 1930, an attempt at mail robbery was made at Shahatali Railway Station (Saidpur, G. R. P.), by three persons who assaulted the postal peon carrying bags containing about Rs. 1,000 in cash.

(7) On 3rd September 1930, a mail peon was robbed of cash, &c., to the value of Rs. 3,650, near Rajshahi Railway Station.

(8) On 8th September 1930, a dacoity was committed in the Ichapura Post Office, Serajdikhan, Dacca, when Rs. 1,347, which included private money and ornaments of the postmaster, was looted.

(9) On 24th September 1930, a dacoity was committed in the houses of Chandi Charan Saha Poddar and Raj Kumar Saha Poddar, at Gopalpur, police station Kalkini, Faridpur, and cash and ornaments worth Rs. 551 were looted.

(10) On 17th October 1930, a dacoity with murder occurred at Armenian Street, Calcutta, in the gadi of Manikchand Gopalchand, in which the culprits decamped with Rs. 2,346.

(11) On 23rd October 1930, a dacoity occurred in the house of Jagatbandhu Bandopadhya, of Kalabaria, in which Rs. 400 in cash were looted.

(12) On 30th October 1930, a dacoity was committed in the house of Rajnath Banik, Madhabpasha, Babuganj, police station Barisal, in which Rs. 3,451 was looted.

(13) On 31st October 1930, a dacoity was committed in the house of Chandra Nath Tewari, Saldah, Mymensingh, when properties worth Rs. 35 were looted.

(14) On 1st November 1930, a peon of Rajshahi College was waylaid and robbed of Rs. 368.

(15) On 4th November 1930, a dacoity was committed in the house of Kali Charan Bhattacharji, of Jashodal, Mymensingh, in which cash and ornaments of unknown value were taken away.

(16) On 8th November 1930, the house of Umanath Majumdar, of Gangail, police station Kishoreganj, Mymensingh, was dacoited, but nothing was taken away.

(17) On 12th November 1930, while the Jamadar and two durwans of Messrs. R. Sim & Co., of Elashin, were taking a cash remittance of Rs. 15,000 by road from Tangail to the Company's office, they were waylaid and the whole amount snatched away.

1930—"B"—*cont.*

(18) On 26th November 1930, a dacoity was committed in the house of Sarat Kumar Guha, Raghunathpur, police station Kotwali, Barisal, in which the dacoits carried away Rs. 941 in cash.

(19) On 8th December 1930, the bearer of the Intermediate College, Lalbag, Dacca, was waylaid and robbed of Rs. 2,093 which he was carrying to the Treasury for deposit.

(20) On 18th December 1930, a dacoity was committed in the house of Kailash Chandra Banarji, of Paisagaon, Tangibari, Dacca, in which properties worth Rs. 2,145 were carried away.

1931—"A."

(1) On 12th January 1931, a clerk of the Bhowal Court of Wards, Dacca, was shot at and wounded in an attempt at robbery.

(2) On 23rd February 1931, a bomb was thrown into the District Intelligence Branch Sub-Inspector's house at Barisal.

(3) On 16th March 1931, an Assistant Sub-Inspector of the Chittagong District Intelligence Branch was shot at and wounded by Tarakeswar Dastidar at Barama, police station Patiya, Chittagong.

(4) On 17th March 1931, a bomb was thrown into the house of the District Intelligence Branch Inspector, Nadia.

(5) On 17th March 1931, a bomb was thrown at the Kotwali Police Station, Nadia.

(6) On 17th March 1931, a bomb was thrown into the house of the Superintendent of Police, Nadia.

(7) On 7th April 1931, Mr. J. Peddie, I.C.S., District Magistrate, Midnapur, was assassinated.

(8) On 24th April 1931, a bomb was thrown at the Royal Calcutta Golf Club.

(9) On 27th July 1931, Mr. Garlick, I.C.S., District and Sessions Judge, Alipur, was assassinated.

(10) On 21st August 1931, an attempt was made on the life of Mr. A. Cassells, C.I.E., I.C.S., Divisional Commissioner, Dacca, at Tangail, Mymensingh.

(11) On 30th August 1931, Khan Bahadur Asanullah, Inspector of Police, Chittagong, was assassinated.

(12) On 9th September 1931, a bomb was thrown into the compound of Kalna Police Station, Burdwan.

(13) On 10th September 1931, a bomb was thrown into the Officer Commanding's quarters, Memari Police Station, Burdwan.

(14) On 29th October 1931, an attempt was made to murder Mr. Villiers, President, European Association, in his office at Clive Buildings.

(15) On 28th October 1931, an attempt was made to assassinate Mr. Durno, I.C.S., District Magistrate, Dacca, in Dacca town.

(16) On 11th November 1931, an attempt was made to shoot Inspector Monoranjan Chaudhuri at Rajballavpur, Sherpur, Mymensingh.

(17) On 14th December 1931, Mr. C. G. B. Stevens, I.C.S., District Magistrate, Tippera, was fatally shot.

(18) On 30th December 1931, an important witness in the Maniktolla dacoity case, was fatally shot at No. 52, Gouribari Lane, Calcutta.

1931—"B."

(1) On 5th January 1931, an attempt was made to rob the Post Office at Bazarkhola, Amanatganj, Barisal town.

(2) On 11th January 1931, a dacoity occurred at Nilganj Railway Station, police station Bhairab, Mymensingh, at which Rs. 22 was looted.

A NOTE BY THE SECRETARY OF STATE FOR INDIA ON TERRORISM IN INDIA.

1931—"B"—*cont.*

(3) On 20th January 1931, an attempt was made to rob the Bagerhat mail bag, which contained insured covers valued at Rs. 834, from the train.

(4) On 26th January 1931, a postal peon was robbed of Rs. 1,500 at Farashganj Road, Dacca town.

(5) On 14th February 1931, a dacoity occurred at Messrs. Ralli Bros. Agency, Jamalpur, Mymensingh, at which Rs. 7,919 was looted.

(6) On 21st February 1931, a dacoity occurred at Suapara, Dacca, at which Rs. 2,022 was looted.

(7) On 5th March 1931, a highway mail robbery took place at the Brahmanbaria Post Office, Tippera, when Rs. 10,942 was looted.

(8) On 10th March 1931, an armed dacoity occurred at Kauthal, police station Palong, Faridpur, at which Rs. 2,783 was looted.

(9) On 27th March 1931, a dacoity occurred in the house of Upendra Mazumdar, Khamargaon, police station Nandail, Mymensingh, at which Rs. 2,249 was stolen.

(10) On 7th April 1931, an armed mail dacoity occurred at Palong Steamer Station, at which Rs. 1,540 in cash was looted.

(11) On 11th April 1931, a train robbery took place between Atharbari and Sohagi stations, at which Rs. 9,160 was looted.

(12) On 17th April 1931, a dacoity occurred at Ranibazar, Rajshahi town, at which Rs. 1,000 was looted.

(13) On 20th April 1931, an armed robbery took place at Sealdah Railway Station, Rs. 4,938 being looted.

(14) On 11th May 1931, an armed dacoity occurred at Sontiabazar II, Mymensingh, Rs. 540 being stolen.

(15) On 16th May 1931, the Dacca postal van was robbed of Rs. 800.

(16) On 5th June 1931, a mail robbery took place at Samantasena, Khulna, Rs. 70 being looted.

(17) On 17th June 1931, Rs. 278 was looted from the office of the Assistant Station Master at Nayanpur Railway Station, Assam-Bengal Railway.

(18) On 2nd July 1931, a train robbery occurred at Gouripur-Iswarganj, Rs. 1,206 being looted.

(19) On 7th July 1931, an attempt was made to rob the mails at Kumarkhali, Nadia.

(20) On 17th July 1931, an armed dacoity occurred at Nitaiganj, Narayanganj, Dacca, Rs. 8,479 being looted.

(21) On 24th July 1931, an attempted mail robbery took place at Narayanpur, police station Jhalakati, Barisal.

(22) On 31st July 1931, an attempted mail robbery took place at Dharmaganj, police station Mendiganj, Barisal.

(23) On 1st August 1931, an armed robbery occurred at the Municipal office gate, Rs. 6,202 being looted.

(24) On 4th August 1931, an armed dacoity occurred at a jute firm at Nandail Road Bazar Station, Mymensingh, Rs. 395 being looted.

(25) On 10th August 1931, an armed robbery occurred at the Saraswati Samaj, Dacca town, Rs. 627 being looted.

(26) On 3rd September 1931, an armed robbery of postal money amounting to Rs. 348 occurred at the junction of Hare and Wyre Street, Dacca town.

(27) On 9th September 1931, a highway robbery occurred at Mankunda, Hooghly.

1931—"B"—*cont.*

(28) On 11th September 1931, an armed dacoity occurred at Raghunathpur, police station Bagerhat, Khulna, Rs. 2,000 being stolen.

(29) On 13th September 1931, an armed dacoity occurred in the house of Bhagaban Saha of Neamatpur, police station Karimganj, Mymensingh, Rs. 2,333 being stolen.

(30) On 18th September 1931, an attempted mail dacoity took place near Ghoramara Post Office, Rajshahi.

(31) On 2nd October 1931, a dacoity occurred in the *gaddi* of Krista Ch. Sanatan Pal, Canal West Road, Maniktala, Calcutta. Rs. 300 which was looted, was subsequently recovered.

(32) On 5th October 1931, an armed dacoity occurred in the shop of Sushil Mohan Sahai Madhabdi Bazar, police station Narsingdi, Dacca; the amount looted not known.

(33) On 10th October 1931, a dacoity occurred in the house of Satish Ch. Malakar, police station Taltalla, Khulna, Rs. 412 being looted.

(34) On 10th October 1931, an attempted dacoity occurred in the house of Hriday Pal, Kalabandha, police station Melandah, Mymensingh.

(35) On 12th October 1931, a dacoity occurred in the house of Purna Ch. Saha, Kamalpur, police station Bajitpur, Mymensingh, Rs. 900 being looted.

(36) On 13th October 1931, an armed robbery of Rs. 28,000 in cash, which was being transmitted from the Imperial Bank, Dacca, to the Dacca Post Office, took place, but the money was recovered.

(37) On 16th October 1931, the mail bags containing Rs. 83 were robbed from Jinardi Railway Station Office (Bhairab Bazar, Government Railway Police, Saidpur Railway Police).

(38) On 17th October 1931, a dacoity occurred in the house of Nurjan Mallik of Khagragoria, Burdwan Police Station.

(39) On 20th October 1931, a postal runner was robbed of Rs. 1,272 near Nagargaon, police station, Katiadi, Mymensingh.

(40) On 21st October 1931, a dacoity occurred in the house of Radha Krista Deb Nath of Chandani, police station Naria, Faridpur, Rs. 994 being looted.

(41) On 28th October 1931, an armed dacoity occurred in the jute agency of Rukhini Kanta Sarkar, Gochihata, police station Katiadi, Mymensingh, Rs. 1,245 being looted.

(42) On 10th November 1931, an armed mail robbery occurred at Dharbila, police station Charghat, Rajshahi, Rs. 195 being looted but subsequently recovered.

(43) On 11th November 1931, an armed dacoity occurred in the house of Radha Madhab Pal, of North Madhyapara, Palong, Faridpur, Rs. 1,950 being stolen.

(44) On 16th November 1931, an armed mail robbery occurred at Kanaikati, Madaripur, Faridpur, Rs. 2,500 being looted.

(45) On 4th December 1931, an armed dacoity occurred in the house of Abdul Majid of Seorakanda, police station Tangail, Mymensingh, Rs. 2,608 being looted.

(46) On 7th December 1931, a dacoity occurred in the house of Mohendra Nath Sarkar, of Darimonpur, police station Hemtabad, Dinajpur, Rs. 100 being looted.

(47) On 15th December 1931, mail bags containing Rs. 1,900 were looted by armed men, near Naria Steamer Station, Faridpur.

(48) On 18th December 1931 an armed dacoity occurred in the house of Mohanta Nath of Telirbag, police station Tangibari, Dacca, Rs. 677 being looted.

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1932

MURDERS—5.

(1) On 30th April 1932, Mr. R. Douglas, I.C.S., District Magistrate, Midnapore, was shot dead at the District Board Office, Midnapore.

(2) On 14th June 1932, Captain Cameron was shot dead while leading a military raid on an absconders' den at Dhalghat police station, Patiya, Chittagong.

(3) On 27th June 1932, Babu Kamakhya Sen, Sub-Deputy Magistrate, was shot dead in his house in Dacca town.

(4) On 29th July 1932, Mr. Ellison, Superintendent of Police Tippera, was shot dead in Comilla town.

(5) On 24th September 1932, the European Institute at Pahartali, Chittagong, was raided by terrorists armed with revolvers and bombs and led by a woman terrorist, who eventually committed suicide. One European lady was killed and several Europeans and Anglo-Indians wounded.

ATTEMPTED MURDERS—14.

(1) On 19th January 1932, a murderous attack with iron rods was made on Sergeant Bourne in Dacca town and his revolver was stolen.

(2) On 22nd January 1932, a bomb was thrown at the compartment occupied by the District Magistrate, Howrah, at Patihal Railway Station, on the Howrah-Amta Railway.

(3) On 6th February 1932, an attempt was made on the life of His Excellency the Governor of Bengal at the annual Convocation of the Calcutta University in the Senate House, Calcutta.

(4) On 11th March 1932, a bomb was thrown into the quarters of the Sub-Divisional Officer, Kandi, Murshidabad.

(5) On 28th March 1932, the tents in the camp of the Settlement Officers, Lalmonirhat, Rangpur, were set fire to, for the purpose of stealing the revolvers of the officers.

(6) On 21st April 1932, a bomb exploded in the vestibule of the Head Office of Messrs. Martin & Co., Mission Row, Calcutta.

(7) On 18th May 1932, a parcel exploded in the Lamabazar Post Office, Chittagong town, injuring a packer of the Post Office.

(8) On 26th May 1932, guard constable Soleman Khan was assaulted near Government House, Dacca, and his revolver was stolen.

(9) On 12th June 1932, a bomb was thrown at the train at Rajbari Railway Station, Eastern Bengal Railway, in which the District Magistrate and Superintendent of Police, Faridpur, were travelling.

(10) On 5th August 1932, the first attempt was made to shoot Sir Alfred Watson, Editor of the *Statesman*, at Chowringhee. The assailant committed suicide.

(11) On 22nd August 1932, an attempt was made to shoot Mr. C. Grassby, Additional Superintendent of Police, Dacca, at the Nawabpur Railway Crossing, Dacca.

(12) On 28th September 1932, a second attempt was made on the life of Sir Alfred Watson, Editor of the *Statesman*, near Strand Road, Calcutta.

(13) On 18th November 1932, an attempt was made to murder Mr. Luke, Superintendent, Rajshahi Jail, at Rajshahi.

(14) On 19th November 1932, an attempt was made to murder a spy "Malia" at Kalikatcha, Sarail, Tippera.

1932—*cont.*

DACOITIES AND ROBBERIES (INCLUDING ATTEMPTS)—68.

(1) On 3rd January 1932, a robbery was committed by four persons armed with revolvers in a shop at Kamalaghat, Mirkadim, Munshiganj Dacca.

(2) On 4th January 1932, an attempt was made at Munshiganj, Dacca, to rob a clerk and durwan of the Munshiganj Middle English School. The Durwan was wounded by a revolver bullet.

(3) On 9th January 1932, a boat dacoity was committed at Kurchai, police station Gaffargaon, Mymensingh.

(4) On 11th January 1932, a dacoity was committed in a house at Swarikanda, police station Netrakona, Mymensingh.

(5) On 18th January 1932, the mails were robbed by six persons armed with revolvers between Natherpetua and Uttardah railway stations on the Assam-Bengal Railway.

(6) On 18th January 1932, a dacoity was committed in a house at Sotashi, police station Bhusna, Faridpur.

(7) On 22nd January 1932, a dacoity was committed in a house at Kalyanchak, police station Amta, Howrah.

(8) On 10th February 1932, a dacoity was committed in the house of Kamini Kanta De of Madhakhola, police station Hossainpur, Mymensingh.

(9) On 10th February 1932, a dacoity was committed in a house at Massimpur, Bhabanipur, Kuliarchar, Mymensingh.

(10) On 13th February 1932, a dacoity was committed in the house of Hari Das Saha, of Banwaribad, police station Bharatpur, Murshidabad.

(11) On 15th February 1932, a dacoity was committed in a house at Sawali Charpara, police station Mirzapur, Mymensingh.

(12) On 18th February 1932, a mail dacoity was committed at Gangadarpatti, near Munshiganj, Dacca.

(13) On 23rd February 1932, a dacoity was committed at the Agency of Messrs. Ralli Bros. at Atharabari, police station Iswarganj, Mymensingh.

(14) On 27th February 1932, a dacoity was committed in a house at Sararchar, police station Bajitpur, Mymensingh.

(15) On 2nd March 1932, three youths attempted to rob a mail runner near the Boalia Post Office, police station Ghoramara, Rajshahi.

(16) On 5th March 1932, a dacoity was committed in a house at Uttar Bagdanga, Narail, Jessore.

(17) On 14th March 1932, a mail dacoity with murder was committed at Charmuguria Post Office, police station Madaripur, Faridpur.

(18) On 14th March 1932, a dacoity was committed in a house at Tegharia, Dacca.

(19) On 15th March 1932, a dacoity was committed in a house at Saldah, police station Naria, Faridpur.

(20) On 15th March 1932, a mail robbery was committed by three *bhadraloks* armed with revolvers at Lalbag, police station Lalbag, Dacca town.

(21) On 22nd March 1932, a mail runner was attacked and robbed of the mails at Nalchiti Steamer Ghat Road, Barisal.

(22) On 24th March 1932, a robbery was committed in a house at Sararchar, police station Bajitpur, Mymensingh, by two persons.

(23) On 4th April 1932, an attempt was made to rob a man by two youths armed with daggers on the road to Berhampore Railway Station near Cemetery), District Murshidabad.

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1932—*cont.*

(24) On 5th April 1932, a mail robbery was committed on the Keora Road, police station Jhalakati, Barisal.

(25) On 5th April 1932, an attempt at highway robbery was made at Dolaiganj Station Road, Dacca.

(26) On 5th April 1932, a house dacoity was committed at Agartola, Tripura State.

(27) On 11th April 1932, a mail robbery with murder was committed in Hari Mohan Roy Lane, Bellaghata, Calcutta.

(28) On 12th April 1932, a merchant was attacked and robbed by three youths armed with revolvers in a running train near Nilphamari Railway Station, Rangpur.

(29) On 13th April 1932, a mail robbery was committed at Jobsa Steamer Station, police station Naria, Faridpur.

(30) On 15th April 1932, a dacoity was committed in a shop at No. 8A, South Sealdah Road, Calcutta.

(31) On 1st May 1932, a dacoity was committed in the house of Mahesh Chandra Singh of Chandpur, Palashia, police station Nandail, Mymensingh.

(32) On 3rd May 1932, a dacoity was committed in the house of Muzaffar Sheik at Aynargop, police station Bajitpur, Mymensingh.

(33) On 9th May 1932, a dacoity was committed in the house of Joynarain Kapali of Noabad, police station Karimganj, Mymensingh.

(34) On 11th May 1932, a dacoity was committed in a house at Chagaldanda, Banaripara, Barisal.

(35) On 13th May 1932, a train dacoity was committed between Tezgaon and Dacca Railway Stations, Dacca.

(36) On 13th May 1932, a mail robbery was committed on the District Board Road, Rajnagar, Tippera.

(37) On 17th May 1932, a mail robbery, in which one dacoit was killed, was committed at Angaria, police station Palong, Faridpur.

(38) On 21st May 1932, a mail robbery was committed at Kanakshar, police station Bhedarganj, Faridpur.

(39) On 29th May 1932, a dacoity was committed in a house at Kamalpur, police station Bajitpur, Mymensingh.

(40) On 31st May 1932, a highway robbery was committed at Gourhati, police station Arambag, Hooghly.

(41) On 5th June 1932, a dacoity with murder was committed at Ramnagarpara, Kuniati, police station Kendua, Mymensingh.

(42) On 13th June 1932, a dacoity with murder was committed in a house at Mograbazar, police station Kasba, Tippera.

(43) On 14th June 1932, a dacoity was committed in a house at Binnahati, police station Kishoreganj, Mymensingh.

(44) On 15th June 1932, a dacoity was committed in the house of Rajani Kanta Karmakar of Jhilkipota, police station Maheshpur, Jessore.

(45) On 27th June 1932, a dacoity was committed in the house of Dr. Debendra Saha of Nayanpur Bazar, police station Kasba, Tippera.

(46) On 2nd July 1932, a highway robbery was committed on the Bejpara Road, police station Kotwali, Jessore.

(47) On 12th July 1932, a dacoity was committed on a Railwayganj hut at Halimpur, police station Bajitpur, Mymensingh.

(48) On 16th July 1932, a dacoity was committed in a house at Gangailpara, Taliapara, police station Karimganj, Mymensingh.

1932—*cont.*

(49) On 18th July 1932, a dacoity with murder was committed in a house at Singa, police station Gournadi, Barisal.

(50) On 22nd July 1932, a dacoity was committed in the house of Mati Mandal of Srikantapur, police station Suri, Birbhum.

(51) On 15th August 1932, a train dacoity was committed by four or five *bhadralok* youths armed with revolvers between Dacca and Tezgaon Railway Stations, Dacca.

(52) On 15th August 1932, while the school-fees of the Bogra Coronation School were being taken to the Post Office, the servants were robbed by two youths armed with revolvers in Bogra town.

(53) On 15th August 1932, a dacoity was committed in two houses in Charmuguria, police station Madaripur, Faridpur.

(54) On 30th August 1932, a dacoity was committed in a house at West Noapara, police station Raozan, Chittagong.

(55) On 1st September 1932, five persons were arrested in a boat with arms, while on their way to commit a dacoity at Bhangeswardi, police station Bhusna, Faridpur.

(56) On 7th September 1932, a highway robbery by three youths armed with a pistol and daggers was committed near the Dacca Railway Station, Dacca.

(57) On 9th September 1932, a dacoity was committed in the house of Kanjali Charan Parui of Konnagar, Hooghly.

(58) On 14th September 1932, a dacoity was committed in the house of Narendra Shome of Shomepara, police station Munshiganj, Dacca.

(59) On 15th September 1932, an armed youth attempted to snatch away the mail bags from the mail peon near Khankhanapur Railway Station, Faridpur.

(60) On the 15th September 1932, a robbery with murder was committed at Begutia, police station Memari, Burdwan.

(61) On 25th September 1932, a dacoity was committed in the Lonesingh Post Office, Faridpur.

(62) On 26th September 1932, a dacoity was committed in a house at Panjia, police station Keshabpur, Faridpur.

(63) On 12th October 1932, a mail robbery was committed at Kamarpukur, Bankura.

(64) On 1st November 1932, a dacoity was committed in a house at Medda, police station Brahmanbaria, Tippera.

(65) Between 1st November 1932 and 2nd November 1932, a dacoity was committed at the Chandeo Kandi Board School in Mymensingh district.

(66) On 5th November 1932, an attempt to rob the mails was made at Islampur, police station Dhamrai, Dacca.

(67) On 28th November 1932, a dacoity was committed in the house of Brajabashi Banikya of Bejoypur, police station Parasuram, Noakhali.

(68) On 18th December 1932, a dacoity was committed in the house of Rakhal Chandra Mukharji of Chituri, police station Labpur, Birbhum.

OTHER OUTRAGES.

(*a*) *Bomb Throwing*—3.

(1) On 11th January 1932, a bomb was thrown at the boat of Circle Officer Maulvi Anwaruddin at Gohala, Muksudpur, Faridpur.

1932—*cont.*

(2) On 2nd April 1932, a bomb was thrown at the house of Fatik Sinha of Plasseypara, police station Tehatta, Nadia.

(3) On 11th April 1932, a bomb was thrown into the quarters of the officer in charge of the Amta police station, Howrah.

(*b*) *Bomb Explosions*—4.

(1) On 15th April 1932, a bomb while being prepared exploded at Swamibag, police station Sutrapur, Dacca.

(2) On 27th May 1932, a bomb while being prepared exploded in the house of Kanai Lal Banarji of 35, Baikantha Chatarji Lane, Howrah.

(3) On 22nd October 1932, a bomb exploded at Joypurhat, Bogra.

(4) On 11th December 1932, a bomb exploded in the house of Suren Kabiraj of Raniganj, police station Asansol, Burdwan.

1933—"A."

(1) On 18th May 1933, when a suspected shelter was surrounded by the Police and Military at Gahira, Anwara, Chittagong, certain Armoury raid and terrorist absconders opened fire on the Government forces. Two absconders, viz. Tarakeswar Dastidar and Miss Kalpana Dutt, were arrested. The Government forces sustained no casualties.

(2) On 22nd May 1933, when No. 136/3B, Cornwallis Street, Calcutta, a suspected shelter of absconders, was surrounded by the Police, the absconders opened fire on the raiding party and wounded Special Branch Inspector M. Bhattacharji. Three dangerous absconders, including two who had escaped from custody, were arrested after an exchange of shots.

(3) On 2nd September 1933, Mr. B. E. J. Burge, I.C.S., District Judge of Midnapore, was shot dead at Midnapore. Two of his assailants were killed.

(4) On 28th October 1933, a party of 15 youths, carrying arms, raided the Hili railway station in the Dinajpur District and got away with cash and mail bags, after wounding a postal peon, a railway mechanic and four coolies. The postal peon subsequently died. Seven of the dacoits were arrested by the police later in the same day.

1933—"B."

(1) On 3rd January 1933, a mail dacoity was committed at Baramaira, police station Amta, Howrah.

(2) On 4th January 1933, a dacoity was committed in a house at Nalua, police station Matlab, Tippera.

(3) On 9th January 1933, two *bhadralog* youths attacked Private Flavell with iron rods on Savage Road, police station Lalbag, Dacca, for the purpose of stealing his revolver.

(4) On 22nd May 1933, an attempt was made to rob mails between Fakirhat and Rangdia, Khulna.

(5) On 24th May 1933, a mail robbery was committed at Kanchanpur Road, Bankura.

(6) On 13th June 1933, a mail dacoity was committed at Falshatia, police station Manikganj, Dacca.

(7) On 14th April 1933, an attempt was made by two armed youths on cycles to rob a jeweller in Lalchand Makim's Lane, police station Sutrapur, Dacca.

(8) On 16th June 1933, while a local merchant was taking an insured cover containing Rs. 1,000 to the Ghorama Post Office, he was attacked and robbed by three youths at Ranibazar, Boalia, Rajshahi.

(9) On 28th June 1933, an armed mail robbery was committed at Deruabari, police station Kotulpur, Bankura.

ANNEXURE IV.

STATEMENT SHOWING NUMBER OF PERSONS ARRESTED AND DEALT WITH UNDER THE BENGAL CRIMINAL LAW AMENDMENT ACT, 1930, AND REGULATION III OF 1818, DURING THE YEARS 1930 TO 1933.

A

Year	Number of Persons arrested and dealt with under the *B.C.L.A. Act, 1930*	Number of Persons arrested and dealt with under Regulation *III of 1818*
1930	454	Nil.
1931	452	18
1932	927	3
1933	334	Nil.
Total	2,167	21

B

Analysis of the 2,167 persons arrested and dealt with under the Bengal Criminal Law Amendment Act, 1930 :—

(i) Number in jails in Bengal under section 4 (3)	57
(ii) Number in jails in Bengal under section 2 (1)	212
(iii) Number in jails outside Bengal under section 2 (1)	3
(iv) Number in camps :—	
(*a*) Berhampore	477
(*b*) Buxa	150
(*c*) Hijli	317
(*d*) Deoli	192
(v) Number in Home Domicile and village domicile	288
(vi) Number released and not under restraint	389
(vii) Number otherwise under restraint	46
(viii) Number undergoing imprisonment	25
(ix) Number of deaths	5
(x) Number absconding	6
Total	2,167

C

Analysis of the 21 persons arrested and dealt with under Regulation III of 1818 :—

(i) Number in jails outside Bengal	18
(ii) Number on parole	1
(iii) Number released	1
(iv) Number of deaths	1
Total	21

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APPENDIX B.

LIST OF IMPORTANT OUTRAGES, CRIMES AND OTHER INCIDENTS CONNECTED WITH THE TERRORIST MOVEMENT, UP TO THE 30TH JUNE 1933, IN THE FOLLOWING PROVINCES :—

(1) The United Provinces.
(2) Bihar and Orissa.
(3) The Punjab.
(4) Delhi.
(5) The Bombay Presidency.
(6) The Madras Presidency.
(7) Burma.
(8) Central Provinces.
(9) Assam.
(10) North-West Frontier Province.

UNITED PROVINCES.

1930.

(1) On 31st May, at Cawnpore, an explosion occurred of some chemicals while explosives for bombs were being prepared.

(2) On 8th August, at Jhansi, one Laxmi Kand Pande attempted to assassinate the Commissioner of the Division.

(3) On 8th September, in Benares City, a bomb in a barley tin exploded, killing an elderly woman.

(4) On 1st December, at Cawnpore, a police search party was attacked and three wounded by one Salig Ram Shukla, who was shot dead.

1931.

(5) From 1st to 13th January, in Benares, a series of bombs exploded. A small boy was injured.

(6) On 2nd January, at Cawnpore, one Asoka Kumar Bose attempted unsuccessfully to assassinate Inspector Tika Ram, C.I.D., and a Sub-Inspector. The assailant was arrested and was convicted.

(7) On 3rd January, at Farrukhabad, a bomb exploded against a wall.

(8) On 7th January, at Benares, an attempt was made, in which bombs were used, to rob the Mail Van.

(9) On 11th January, at Cawnpore, a cocoanut-shell bomb was thrown into the camp of the Deputy Collector. It did not explode.

(10) On 21st January, at Cawnpore, a bomb exploded in a Mohalla without injury.

(11) On 6th February, at Benares, a cocoanut-shell bomb was discovered unexploded.

(12) On 6th February, at Benares, a cocoanut-shell bomb exploded in the compound of a house occupied by a Munsiff.

(13) On 17th February, at Shahjahanpur, a bomb exploded in a Dharamsala. One person was injured.

(14) On 27th February, at Allahabad, Chandra Shekhar Azad, an important terrorist leader, was shot dead at the Alfred Park, after a revolver fight with the police.

(15) On 3rd March, at Sitapur, a liquor vendor was injured by a bomb, and subsequently a crude bomb was found in the house of a goldsmith.

(16) On 6th June, at Cawnpore, two constables who had arrested a "wanted" revolutionary were attacked and seriously wounded.

(17) On 20th June, at Cawnpore, an armed robbery was committed in a shop. The Munim (clerk) of the shop was killed.

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UNITED PROVINCES—1931—*cont.*

(18) On 22nd–23rd June, at Lucknow, two young men on bicycles stopped a carriage in which were a cloth merchant and two of his friends, throwing two bombs and slightly injuring the cloth merchant, one of his friends and the driver. They were subsequently arrested in Patna.

(19) On 18th July, at Cawnpore, an attempt was made on the life of a terrorist named Bir Bhaddar Tiwari, suspected of having turned informer.

(20) On 21st July, at Cawnpore, Ramesh Mehta, a terrorist, was shot and wounded by, it is alleged, one Raja Ram Zalim, a suspected terrorist.

(21) On 6th August, at Cawnpore, an employee of a cloth merchant was attacked and robbed at the point of a revolver. The culprit was arrested after he had wounded two of his captors.

(22) On 11th August, at Cawnpore, Raja Ram Zalim was shot dead by an unknown assailant.

(23) On 18th August, at Benares, a bomb exploded in a Police Outpost, injuring a policeman.

(24) On 24th November, at Jalaun, a second murderous attack was made on Bir Bhaddar Tiwari.

1932.

(25) On 23rd January, at Allahabad, Yashpal, said to be Commander-in Chief of the Hindustan Socialist Republican Army, was arrested after an exchange of revolver shots with the police. Two revolvers and a large quantity of ammunition were found.

(26) On 26th January, at Lucknow, a bomb was thrown at a policeman, but did not explode.

(27) On 1st February, at Lucknow, a bomb was thrown, injuring four sub-inspectors, two naiks and two members of the public.

(28) From 23rd February to 8th April, at Allahabad, a series of bombs exploded. Two constables and one private person were injured.

(29) On 1st April, at Benares, five persons were arrested attempting to destroy one of the piers of the Dufferin Bridge over the Ganges.

(30) On 10th May, at Sitapur, a country-made bomb exploded outside the house of the Superintendent of Police, causing no damage.

(31) On 13th July, at Agra, an armed dacoity was attempted by about half a dozen men. Two of them entered into the house of a rich business man, and fired at him and his munim, killing the latter. An alarm was raised and the dacoits fled.

(32) On 22nd November, in the Hardoi district, an express train was stopped by the communication cord. Two youths descended and on being challenged by the guard, they fled after one of them had fired at and wounded him. On their arrest the culprits admitted that they were on their way to join the revolutionary party in Calcutta.

1933.

(33) On 4th January, at Agra, three youths endeavoured to relieve a postman of Rs. 4,475 to gain funds for revolutionary purposes. One was arrested.

(34) On 5th January, at Cawnpore, the police were subjected to revolver fire when arresting a revolutionary absconder. The absconder was subsequently convicted.

(35) On 2nd February, at Sitapur, a postman carrying Rs. 633 was held up at the point of a revolver by two young men in broad daylight. The men seized the cash bag and made off.

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UNITED PROVINCES—1933—*cont.*

(36) On 5th February, at Cawnpore, a country-made bomb containing broken glass and pieces of metal was found broken but unexploded.

(37) On 25th February, at Benares, a merchant carrying money was attacked by two men, one of whom shot him when he refused to part with his property. One of the assailants was arrested after a running fight in which three more men were wounded by pistol shots. The other was also arrested on the spot. The merchant died.

(38) On 15th March, at Benares, a revolutionary absconder was arrested and found to be in possession of a loaded revolver and 59 cartridges.

(39) On 21st May, at Lucknow, a dangerous bomb was placed in the drain of a Police Outpost, but failed to explode.

BIHAR AND ORISSA.

1930.

(1) On 28th May, at Jhanjhara, an armed dacoity was committed.

(2) On 30th May, at Dheluaha, an armed dacoity was committed.

(3) On 13th October, at Jamalpur, three unknown men fired five shots at a Police Sub-Inspector and constable, who returned the fire, but the culprits escaped.

1931.

(4) On 13th April, at Patna, two cocoanut bombs exploded in an empty school and one unexploded bomb was found.

(5) On 15th June, at Hajipur, the Station Master and his Assistant and two coolies, while carrying cash bags, were attacked by armed dacoits, who opened fire. The Station Master and his Assistant were wounded, and the dacoits escaped with Rs. 640. A coolie was injured by a Kukri cut. The Station Master died.

(6) On 28th June, at Patna, a Sub-Inspector of Police was killed and a head constable seriously wounded by a bomb thrown by two revolutionaries, both of whom were injured also. Three bombs, one service revolver, 71 cartridges, one automatic pistol and two cartridges were recovered.

(7) On 31st July, at Patna, two men were injured while handling a bomb which exploded. One died.

(8) On 12th August, at Chapra, two youths were arrested, and one six-chambered revolver, an old pattern double-barrel pistol (loaded), some gunpowder and chloroform were recovered.

1932.

(9) On 9th November, at Bettiah, an approver in the Lahore Conspiracy Case of 1930 was fatally stabbed by two youths. One Ganesh Gupta was also fatally wounded by the assailants when he tried to prevent their escape.

PUNJAB.

1930.

(1) On 22nd February, at Amritsar, a country-made bomb was thrown at the Principal of the Khalsa College, while he was presiding over a gathering of 150 students. One person was killed and 11 wounded. Three persons were arrested and one convicted, but subsequently acquitted by the High Court.

PUNJAB—1930—*cont.*

(2) On 3rd March, at Jullundur, two cocoanut bomb-shells and a quantity of chemicals were found.

(3) On 9th March, at Amritsar, three bombs exploded in front of the City Kotwali.

(4) On 14th April, at Simla, a crude bomb was thrown at a police constable, but did not explode.

(5) On 26th May, at Sialkot, while a Hindu youth was filling explosives into a cigarette tin, one of his hands was blown off and he died.

(6) On 28th May, at Lahore, an explosion occurred while members of the Lahore revolutionary party were testing a bomb.

(7) On 27–28th May, in the Ludhiana District, two bombs were thrown at the railway line, for experimental purposes, by certain local undesirables, who planned a conspiracy to murder the Superintendent of Police and Deputy Commissioner.

(8) On 2nd June, at Lahore, a bomb exploded in a house which was used by the revolutionaries as a depôt.

(9) On 6th June, at Lyallpore, a bomb was thrown into a club exclusively used by European officers, but caused no damage.

(10) On 16th June, at Jhang, a bomb was thrown into the Police Post. Two policemen were wounded. Four persons were arrested, three convicted.

(11) On 19th June, at Rawalpindi, Lahore, Amritsar, Lyallpore, Gujranwala, Sheikhupura, simultaneous explosions of six very powerful "booby trap" bombs occurred. Two police officers were killed and four wounded.

(12) On 20th July, at Lahore, a bomb exploded in a suitcase belonging to a Sikh member of the Lahore revolutionary party.

(13) On 22nd July, at Moghulpura (Lahore), a bomb exploded inside a Sarai while it was being tested by a member of a secret organisation.

(14) On 28th July, at Amritsar, two youths were arrested at the Railway Station. Two revolvers and some cartridges were recovered.

(15) On 28th July, at Bhiwani, Hissar, a bomb containing glass, &c., was thrown into City Police Station. No damage was done.

(16) On 29th August, at Amritsar, a bomb exploded near the police barracks. One person was injured.

(17) On 4th October, at Lahore, an attempt was made on the life of K. B. Abdul Aziz, Superintendent of Police, while he was going in his car. K. B.'s orderly received a wound as a result of which he died later. The driver was also injured.

(18) On 12th October, at Lahore, an attempt was made on the life of Sergeant Smyth of the Lahore Police, with a revolver, but he escaped unhurt.

(19) On 4th November, at Lahore, two revolutionaries, Tehl Singh and Bashehar Nath, fired revolver shots at a police party deputed to effect their arrest. One of them was shot and died of wounds.

(20) On 7th November, at Lahore, a bomb and explosive material were found in a house.

(21) On 15th November, at Lahore, six revolvers and cartridges were found.

(22) On 17th December, at Sialkot, one country-made bomb exploded in the Government High School and two live bombs were found in Murray College. No one was injured.

A NOTE BY THE SECRETARY OF STATE FOR INDIA ON TERRORISM IN INDIA.

PUNJAB—1930—*cont.*

(23) On 23rd December, at Lahore, when His Excellency the Governor of the Punjab was leaving the University Hall, at the conclusion of the Convocation, he was fired at by one Hari Kishan of Mardan (N.W.F.P.), and injured in the arm and hip. Two ladies, an Inspector of Police and an Assistant Sub-Inspector of Police were also wounded. The last mentioned subsequently succumbed to his injuries. The assailant was arrested on the spot and was sentenced to death.

1931.

(24) On 31st January, at Lahore, empty bomb-shells and a small quantity of bomb-making materials were found.

(25) On 14th April, at Ambala, two loaded revolvers, 24 live cartridges, an air-pistol and slugs, and three rounds of automatic ammunition were recovered from the luggage of a youth.

(26) On 30th April, at Chunian, District Lahore, three Hindus were arrested in the act of preparing bombs. Seven bombs in preparation were recovered.

(27) On 4th May, at Kup (P.S. Multan), cocoanut shell bombs filled with broken glass and razor blades were thrown into the Police Station.

(28) On 7th May, at Sucketgarh, while two suspects were being brought under escort from Jammu State they, along with two companions who were travelling with them for the purpose of standing bail, attacked the escort with revolvers. A constable was shot dead and a Head Constable and a Sub-Inspector were wounded.

(29) On 11th May, at Adampur, a bomb exploded in the hands of a Sikh, seriously injuring him and a companion. The former died.

(30) On 21st May, at Shahdara, two revolvers, one automatic pistol, five sticks of dynamite and some fuses were recovered from two arrested men.

(31) On 22nd May, at Sidh Marja, District Hoshiarpur, a bomb exploded, seriously injuring an Akali Sikh. Three more bombs were recovered.

(32) On 26th July, at Amritsar, two youths were arrested and a country-made muzzle-loading pistol was recovered. They were said to be members of a party for murdering high officials.

1932.

(33) On 12th March, at Lahore, a gold lace firm in the city was unsuccessfully attacked at a late hour by four young men armed with revolvers. It was found that the assailants were terrorists and the dacoity was attempted to serve political motives.

(34) On the night of 11th–12th May, at Ludhiana, all the wires on the Ludhiana-Ferozepore line were cut some $8\frac{1}{2}$ miles from Ludhiana. The following night all the wires were cut at three other places. A bomb in a cigarette tin which was picked up near the scene of one of the wire-cutting occurrences exploded.

1933.

(35) In March, in district Karnal, two men robbed a man of a gun and a bicycle and fled after shooting him in the wrist.

DELHI.

1930.

(1) On 6th July, a dacoity was committed at the Gadodia Store.

(2) On 28th October, Kailashpati, an absconder in the first Lahore Conspiracy Case, was arrested and four bomb shells, a Mauser pistol, ammunition, bomb-making materials and a mass of revolutionary literature was recovered. Enquiries resulted in the find of chemicals—enough to make explosives to fill about 6,000 bombs—in a house in Delhi.

(3) On 1st November, Dhanwantri, a listed absconder, attacked a policeman who attempted to arrest him, with a revolver. The policeman was injured but succeeded.

(4) On 26th December, a cigarette tin bomb was found at the railway station, and exploded. Two employees were injured, one fatally.

1931.

(5) On 17th April, four coolies were seriously injured and a passenger coach damaged, as a result of a bomb explosion near the Main Station.

(6) On 15th August, a revolver was recovered from the house of two Sikhs.

1932.

(7) On 2nd February, fragments of a bomb were found on the G.I.P. Railway line, at a spot 400 yards south-east of the Hardinge Bridge. The bomb was of a dangerous type but exploded harmlessly. The special train carrying the Lothian Committee passed the previous night.

(8) On 20th July, a constable on traffic duty was attacked by two persons who hit him on the head with an iron bar and attempted to snatch his revolver. They were disturbed, however, and were subsequently arrested and convicted.

BOMBAY AND SIND.

1930.

(1) On 21st February, at Jalgaon, an attempt was made with a revolver, smuggled from outside, by one Bhagwan Das, an undertrial prisoner, to murder the approver Jai Gopal. Jai Gopal and a Sub-Inspector of Police were wounded.

(2) On 10th and 12th April, when the G.I.P. Railwaymen's strike was in progress, certain strikers and others, who had entered into a conpiracy to blow up railway lines, stations and bridges, manufactured bombs and exploded one on the railway line between Parel and Dadar, one on Masjid Station, and one on Byculla Station. No serious damage was done. On the arrest of the conspirators, a large quantity of explosives was recovered.

(3) On 15th September, at Karachi, a crude bomb was thrown at the City Police Station, but caused no damage.

(4) On 29th September, at Karachi, a bomb exploded in Rewachand's Building.

(5) On 9th October, in Bombay, a shooting outrage near the Lamington Road Police Station took place, in which Sergeant Taylor and his wife were injured.

(6) On 25th November, at Karachi, a practically completed bomb and bomb-making materials were recovered.

A NOTE BY THE SECRETARY OF STATE FOR INDIA ON TERRORISM IN INDIA.

BOMBAY AND SIND—1930—*cont.*

(7) On 28th November, at Hyderabad (Sind), a crude bomb exploded in the compound of the bungalow of the Deputy Superintendent of Police.

(8) On 27th December, at Ahmedabad, a bomb exploded in the house of a tailor, in which he and a friend of his, both low-class Congress workers, were seriously injured. The bomb was intended to be used for killing local police officers.

1931.

(9) On 12th January, in Bombay City, a crude cocoanut-shell bomb exploded near the Mahabavdi Police Station. No damage was done.

(10) On 13th January, at Ahmednagar, a bomb was thrown into the compound of the sub-jail without causing damage.

(11) On 12th and 18th June, in Bombay, bombs exploded in Gunpowder Street.

(12) In May and June, at Poona, two rifles and one gun were stolen by some youths who were arrested. The arms were to be utilised in murdering certain British officers.

(13) On 22nd July, at Poona, an attempt was made on the life of the Acting Governor (Sir Ernest Hotson), by a student while His Excellency was on a visit to the Fergusson College, Poona. The assailant fired point blank at His Excellency, who had a miraculous escape, the bullet striking a metal button on his pocket book. Two revolvers and a dagger were recovered. The assailant was convicted.

(14) On 23rd July, at a village in Sind, an armed dacoity was committed in which Rs. 4,697 were looted. The object was to collect money for the purpose of avenging Bhagat Singh.

1932.

(15) On 3rd June, at Hyderabad (Sind), Hans Raj *alias* Wireless, a very important member of the Hindustan Socialist Republican Association, was arrested. A loaded automatic pistol, a country-made pistol, and an air-pistol were recovered, together with a certain amount of ammunition and two bomb-shells.

(16) On 19th October, at Panvel, an attempt was made on the life of Sub-Divisional Magistrate, Northern Division, Kolaba.

(17) On 30th October, in Bombay, on the arrival of *S.S. Hiraudi* from Goa, four revolvers and 25 cartridges were found in a passenger's luggage.

1933.

(18) On 7th April, in Bombay, a road robbery occurred, when a schoolmaster was relieved of the pay of his staff. The investigation of the crime disclosed the existence of the terrorist group "Anand Mandal." There was good reason to believe that three members of this party abetted the manufacture of the two very crude bombs which were thrown in the Empire Theatre, Bombay, on two occasions in March and in April 1933. They were charged accordingly but acquitted.

(19) On 21st April, at Ahmedabad, a loaded revolver, explosive substances mixed with pellets and gramophone needles, four bottles of kerosene oil mixed with petrol, a quantity of chemicals, and several copies of a leaflet threatening foreign cloth dealers with death if they persisted in selling foreign cloth, were found after the arrest of two suspected incendiaries.

(20) On 16th June, at Hyderabad (Sind), a bomb was thrown by two youths, near two British soldiers, one of whom was slightly injured.

MADRAS.

1933.

(1) On 16th March, in Madras, a revolver was found in the Governor's box in the Legislative Council Hall.

(2) On 15th April, at Cocanada, half a dozen bombs were found in a boat.

(3) On 26th April at Ootacamund, four individuals dressed in khaki shirts and shorts, and armed with revolvers, successfully raided the Travancore National Bank. All were subsequently arrested and convicted.

BURMA.

1930.

(1) On 2nd July, near Insein, two revolver shots were fired at two police officers.

(2) On 1st September, in Rangoon, a daylight highway robbery was committed.

(3) On 28th October, between Subhinta and Nyaungchidauk Railway Stations, the *Rangoon Mail* was derailed.

CENTRAL PROVINCES.

1930.

(1) On 7th April, at Village Kauria, District Narsinghpur, a bomb explosion occurred in the house of a goldsmith. The goldsmith was killed and on a search of his house a quantity of chemicals and communistic and revolutionary literature was recovered.

1931.

(2) On 9th August, at Saugor, a dangerous bomb was found in the Government High School.

(3) On 21st August, at Marathi School, Burhanpur, a cocoanut bomb was thrown into a scout rally at which the Divisional Commissioner was present. The bomb did not explode.

(4) On 23rd July, between Dongargaon and Mandwa, two European military officers travelling in the Punjab mail were stabbed, one of whom (Lieutenant Hext) subsequently succumbed. Two persons who had committed the murder and an abettor were arrested.

1932.

*(5) On 3rd April, at Betul, a ·455 bore revolver was stolen from the house of a retired Sub-Inspector of Police.

*(6) On 9th June, at Hinganghat (Wardha), Rs. 1,403 were stolen from the railway station safe.

*(7) On 2nd July, at Nagpur, a ·455 bore revolver was stolen from the bungalow of the City Superintendent of Police.

ASSAM.

1931.

(1) On 6th January, between Harashpur and Gobindpur, a mail robbery was attempted.

(2) On 12th January, at Hatigarh, a dacoity was committed in which Rs. 3,420 in cash were stolen. One person was injured.

* These offences were committed by members of a revolutionary organisation, 13 of whom were prosecuted and 10 convicted.

A NOTE BY THE SECRETARY OF STATE FOR INDIA ON TERRORISM IN INDIA.

ASSAM—1931—*cont.*

(3) On 31st January, at Kamalganj, a mail robbery was committed.

(4) On 2nd March, at Dharampur, highway robbery of mails was attempted.

(5) On 2nd July, near Gauripur Junction, an armed dacoity was committed in which Rs. 2,796 were looted.

1932.

(6) On 27th February, between Shaistaganj and Habiganj, four masked men, armed with revolvers and daggers, entered the mail van of a passenger train and looted all the mail bags.

(7) On 27th September, at Dughar, cash and ornaments valued at Rs. 15,400 were stolen in a dacoity, probably committed by terrorists.

1933.

(8) On 12th January, near Sylhet, four bhadraloks assaulted the two mail runners from Sylhet to Sunamganj, took their bags and got away with Rs. 5,000–6,000 in insured covers and about Rs. 400 in cash.

(9) In February, in the Sylhet district, a serious dacoity took place in which a boy was shot dead and Rs. 3,000 were stolen.

(10) On 13th March, at Itakhola, Sylhet district, six bhadralok youths attacked a mail runner and when surrounded by villagers one of them opened fire, but was caught after one villager had been killed and two others wounded. The other dacoits fled with Rs. 1,400. Four were arrested later on.

NORTH-WEST FRONTIER PROVINCE.

1930.

(1) On 2nd July, in Peshawar Cantonment, a bomb exploded beneath the engine of the Calcutta mail train. No damage was done.

(2) On 8th July, at Peshawar, a crude bomb exploded outside the house of an Honorary Magistrate. No damage was done.

(3) On 15th July, in Peshawar Cantonment, an explosion occurred in one of the two old ornamental guns in the Mackeson Gardens.

(4) On 1st September, at Peshawar, a bomb of the Mills type, wrapped in cloth, was found by a Police Inspector on returning to his house at midnight. It exploded but did no damage.

(5) On 1st September, at Bannu, a bomb of the Mills type exploded in the house of the City Inspector, but did no damage.

1931.

(6) On 14th January, at Qudi Killa P.S. Sadr. Mardan, two Mills grenades were recovered from the house of a Hindu.

(7) On 20th–21st January, at Peshawar, a country-made bomb exploded on contact with the wheels of an engine, but did no damage.

(8) On 14th March, at Peshawar, a country-made bomb was thrown near the Kissa Khan Police Station, but it failed to explode.

(9) On 8th May, at Peshawar, two country-made bombs were found by the servant of a bookseller in the Kissa Khani Bazar.

(10) On 30th June, at Bannu, two bombs were found in the possession of a labourer.

(11) On 15th August, at Kot Najibullah, a youth, who was apparently preparing a bomb, was injured when it exploded.

IV.—Questions asked by the Marquess of Salisbury on the position of the States in the Federal Finance Scheme of the White Paper, and replies thereto by the Secretary of State for India [16th December, 1933].

QUESTIONS BY THE MARQUESS OF SALISBURY.

It has been repeatedly stated that the States are not prepared to pay direct taxation until after all other sources of Federal revenue required to meet Federal expenditure have been exhausted, taking into account all possible savings through economy, and until therefore a condition of emergency has arisen. Then and then only will they directly contribute on a prescribed basis. This limitation, however, on direct taxation in the States is not to be held to apply to the Corporation Tax, at any rate in the case of a majority, I think a great majority, of the States. But it should be added, from the White Paper itself, that this tax for the first ten years is to be leviable only from British India. I am sure it will be agreed that it is most important that the Committee should realise the exact effect of the position of the States. I take it to be as follows:

1. Except in a state of emergency the States will not undertake to pay anything by way of direct taxation to Federal revenue for the first ten years.

2. After ten years they, or at any rate most of them, agree to be assessed to Corporation Tax on an equal footing with British India, though they reserve to themselves the right to pay an equivalent sum in place of actually levying the Corporation Tax.

Certain further questions arise, but they are subsidiary to these two main propositions.

3. As apparently, if all the Federal units are to bear an equal burden, the Income Tax being not leviable on the States cannot be used for Federal purposes except in an emergency, how is it proposed that the Federal Budget shall be balanced for the first ten years?

4. After ten years is it contemplated that the Federal Budget should if necessary be balanced by the Corporation Tax, and is the scope of this tax sufficiently productive and sufficiently equitable to be adequate for this purpose having regard to the unequal distribution of Companies in the different units of the Federation?

5. How is it intended that the prescribed basis on which in an emergency the Income Tax is to be levied from the States should be calculated?

6. How is it contemplated that the Assessment of Companies in the States is to be made and verified for the purposes of the Corporation Tax?

If the statements in paragraphs 1 and 2 are accurate and the Secretary of State is good enough to answer the questions in the remaining paragraphs, we shall have a clearer idea of the financial position of the States in the proposed Federation.

QUESTIONS ASKED BY THE MARQUESS OF SALISBURY ON THE POSITION OF THE STATES IN THE FEDERAL FINANCE SCHEME OF THE WHITE PAPER, AND REPLIES THERETO BY THE SECRETARY OF STATE FOR INDIA.

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA IN REPLY TO THE ABOVE.

Questions Nos. 1 *and* 2.—Numbers 1 and 2 of Lord Salisbury's questions correctly state the position, but the following comments may be made by way of further elucidation. First it may be well to recall to the Committee the main heads of revenue at the Centre as given in Sir Malcolm Hailey's note, Record No. 1*. These are repeated for convenience of reference.

	Rs. Crores.	*£ Millions.*
Customs (net)	50·27	37·70
Income taxes (net)	17·21	12·91
Salt (net)	7·60	5·70
Other taxes (net)	·60	·45
Net tax revenue	75·68	56·76
Opium (net)	·63	·47
Railways (net)	Nil	Nil
Currency and Mint (net)	1·11	·83
Payments from States	·74	·56
Total	78·16	58·62

It will be seen that "direct taxation" is in practice equivalent to taxes on income and that these form only a little over one-fifth of the total net revenue. It also will be remembered that during the first ten years to which question No. 1 refers, the tributes from the States (about half a million pounds a year) will only be in process of gradual reduction *pari passu* with the remission of income tax to the Provinces, and that, accordingly, there will during this period at least be a contribution from some States otherwise than through "indirect taxation". It may also be well to add a comment on the phrase "state of emergency" in connection with the States' liability to contribute to taxes on income. It is true that it is only contemplated that the States should participate in special surcharges on income tax and that these special surcharges are not intended to be used except in times of difficulty when other sources open to the Federation have proved insufficient.† But the use of the term "emergency" must not be held to cover only grave financial crises.

Question No. 3.—It is evident from this question that there is a misconception in the minds of some members of the Committee. It is not proposed under the White Paper scheme that, because the States will only contribute to taxes on income through special surcharges (if and when these are imposed) the Federal Government should therefore forego the right to keep any part of the taxes on income raised from British India and should surrender the whole of it to the Provinces. The proposals in the White Paper contemplate that a certain percentage of the taxes on

* These figures give the budget estimate of Central Revenue (net) for 1933–34, and are not, of course, an estimate for the first year of Federation; but they will serve adequately as an illustration for the purpose of this note.

† Sir A. Hydari adds in his statement of 27th July the not unreasonable condition that the programme of remission of income tax to the Provinces should be suspended.

income should be permanently assigned to the Federation and the determination of this percentage is left to be fixed subsequently by Order in Council. Unless financial conditions change for the better more radically than we have any reason to expect, I doubt whether it will be possible to fix the Federal permanent share of income tax at less than the maximum figure mentioned in the White Paper, viz. 50 per cent. As regards the balance of taxes on income, under the White Paper proposals as they stand, the Federation has the power of retaining the whole for three years, followed by a process of gradual remission to the Provinces extending over the next seven years. So that for three years the Federation has the whole Income Tax, and by the end of ten years, the Federation would have half and the Provinces half. There is a power in the Governor-General to hold up this programme and so retain, for the time being, more for the Centre. A point to which the Committee ought in due course to give careful attention is whether the most suitable method, in the existing financial conditions is that proposed in the White Paper, viz. a predetermined programme with power to suspend, or machinery by which the programme is left to be settled at a later date. However that may be, it will be plain that it is contemplated that although the States will not be contributing, the Federation should retain permanently a large portion of the taxes on income and only remit the remainder to the Provinces gradually as financial conditions admit.

The implication in question No. 3 is, apparently, that such a proposal is, at all events theoretically, unfair seeing that the Federation uses a source of taxation derived from some of the units only. At the second and third Round Table Conferences there was a good deal of discussion about the "equality of burden" as between the States and British India. The true position, viewed from this aspect, is not very easy to assess. Some of the many factors that have to be taken into consideration are the following:—

(i) Part of the taxes on income are in fact not collected solely from British India. Perhaps the most important head of this kind is income-tax deducted at the source on the interest on Government Securities which are widely held in the States as well as in British India.

(ii) If certain revenues are provided by British India only, *per contra* part of the Federal expenditure is only for British India, such as:—

(*a*) subsidies to deficit provinces other than the N.W.F.P.;

(*b*) a share of certain pre-Federation pensions;

(*c*) possibly also a share of the service of pre-Federation debt.

(This is a contentious question on which there has been much argument on one side and the other.)

(iii) The States make certain contributions in kind to Defence Expenditure, to which there is no parallel in British India.

The general conclusion which the Government reached, with a considerable measure of assent from the Indian delegates, was that it was very important to get away from any attempt to balance factors of this kind and to base their proposals for the allocation of resources between the Federation and Provinces (and in particular allocation of taxes on income) according to actual financial and economic necessities rather than to attempt to produce theoretical equality of burden between British India

QUESTIONS ASKED BY THE MARQUESS OF SALISBURY ON THE POSITION OF THE STATES IN THE FEDERAL FINANCE SCHEME OF THE WHITE PAPER, AND REPLIES THERETO BY THE SECRETARY OF STATE FOR INDIA.

and the States. I regard as one of the most important of such necessities, an arrangement by which, eventually, both Provinces and Federation will have an element of direct taxation (viz. taxes on income) included among their resources.

I do not propose to make any attempt to give a precise estimate as to what would be the percentage of taxes on income drawn solely from British India which the Federation could retain without violating the principle of equality of burden, but assuming that the percentage retained is fixed as high as 50 per cent., there would probably be, in relation to taxes on income, a permanent inequality though not of great magnitude, and during the first 10 years, or longer period if the programme of remission to the Province is prolonged, there will be a larger inequality. At first sight this may appear unfair to British India, but it is impossible in the circumstances of India to proceed straight to an equality of position between the States and British India, when they have been so different in the past.

The really important feature of the Federal proposals in the financial field is not the failure to secure from the States their full contribution in relation to direct taxation but the dropping of their claim to a share in customs revenue which, backed to some extent by the Butler Committee, was becoming a problem of considerable gravity.

Question No. 4.—The present yield of the Corporation tax is about £1½ millions a year or approximately one-tenth of the total yield of taxes on income. No estimate has been made of the possible yield from Companies in the States. The proposal to federalise permanently this head of taxes on income did not in any way flow from the conception that it would be an item which was capable of balancing the Federal Budget. It is possible that it is a tax that may be developed, but it is by no means free from objections and it may well prove that it will not in future play a much more important part than it does now. The reason why this was singled out for special treatment was that it was the one form of taxes on income (other than special surcharges) in which most of the States at all events showed some disposition to be ready to participate. The advantage to be derived from their participation is really less directly financial than economic since it may help to prevent any future development in the direction of companies establishing themselves in the Indian States rather than in British India in order to avoid the incidence of the tax.

Question No. 5.—Since it will not be possible to form any accurate estimate of the income of States' subjects which would be assessable to income-tax if they were all liable under the British Indian Income Tax law, it is plain that some more or less arbitrary method will have to be employed for calculating the States' share of special surcharges when these are imposed. No method is altogether free from difficulty. The most promising proposal seems to be the following. An estimate would be made of the total revenues of each federating State and also of the British India Provinces on as nearly an equal basis as may be possible. The sum to be paid by the States as their counterpart to the special surcharges would then be the yield of surcharges in British India multiplied by the ratio of the sum of the States' revenues to the sum of the British India Provinces' revenues. The amount thus determined for the States would be divided among the States' units in proportion to their revenues. Probably

QUESTIONS ASKED BY THE MARQUESS OF SALISBURY ON THE POSITION OF THE STATES IN THE FEDERAL FINANCE SCHEME OF THE WHITE PAPER, AND REPLIES THERETO BY THE SECRETARY OF STATE FOR INDIA.

percentages based on a method of this kind could be fixed for a period of five years at a time. The duty of revising the percentages in the light of new revenue figures might be laid on the Auditor-General.

Reference may be made on this question to paragraph 113 of the Report of the Federal Finance Committee, presided over by Lord Eustace Percy, in which is discussed the problem of allocation among units of "emergency contributions" of an analogous though slightly different kind.

Question No. 6.—Except where a State elects to pay Corporation Tax direct, the Companies in the States would be assessed either by Federal Officers or by States Officers acting on behalf of Federal Officers. In those cases where a State prefers that tax should not be paid direct by the Company but by the State, the latter choosing its own form of raising equivalent revenue, the power of assessing the sum to be paid by the State rests with the Federal Government. Since the Companies will, under the Federal Company Law, have to produce balance sheets, there will be some material, though no doubt of an inadequate kind, for the Federal Government to make its assessment. No doubt they will proceed by the method, when inadequate statistics are forthcoming, of propounding an assessment and leaving it to the State to produce information to justify a reduction.

[16TH DECEMBER, 1933.]

V.—Memorandum by the Secretary of State for India [2nd August, 1934] on the Federal Legislature

I should like to set out shortly the reasons for which I found myself able to agree with the plan for the election of British Indian members of the Federal Lower House contained in the Lord Chairman's Report, in the hope that those of my colleagues who still have doubts upon particular aspects of the plan may nevertheless, like myself, be prepared to accept it as a whole.

I explained my own views on the question at the various sessions of the Round Table Conference with, I hope, complete candour. As for my Government colleagues, they and I have never taken the view that the time has yet come when the *final* decisions must be taken on the constitutional and political issues involved in the question. We approach it as a question of choosing the machinery least likely, under the conditions prevailing *at present*, to give unsatisfactory results rather than of adherence to one or other of two opposing schools of political thought whether in India or in England—and there are divergent views on this subject in both countries. The arguments on both sides are set out in the draft Report. Fundamentally, the question resolves itself into one of balancing against the disadvantages of constituencies of huge area the disadvantages arising from the small quotas for election by the Provincial Legislatures. The choice is admittedly difficult.

Two considerations have weighed with me in reaching a different conclusion from the plan as proposed in the White Paper. In the first place, I feel strongly that only further experience of political forces and machinery in India will provide the material upon which can be based a final answer as to the best method of giving effect to the representative principle. This being so, I can find no answer to the arguments, elaborated in the draft Report, that the continuation at this stage of direct election would make it almost impossible to escape from this system in future. It would be likely to become more and more, rather than less, difficult with a lapse of time which is bound to be accompanied by a lowering of the franchise. The ultimate solution may be on the lines of the group system, but whatever the final solution may prove to be I am convinced that it would be easier to approach it from a system of indirect election rather than from direct.

I have come to this conclusion with the less hesitation in view of the proposals in the draft Report which will provide the Indian Legislature, in due course, with constitutional means of making its views on this subject known to Parliament.

What I have said describes my own position on this matter, but I am sure that it represents in substance the attitude of many of my Government colleagues on the Committee.

[2ND AUGUST, 1934.]

VI.—Letter from the Secretary of State for India to the Lord Chairman of the Joint Select Committee

1st August, 1934.

It will be within your recollection that in July, 1933, I invited some of the members of the Joint Select Committee and delegates to be so kind as to assist me in hearing representations from leading Telegus and Oriyas who were then in London on the subject of the boundaries of the proposed new Orissa Province. The Joint Select Committee had decided not to hear evidence from these gentlemen on this particular subject.

As indicated in the attached memorandum, I have come to the conclusion, with the concurrence of my colleagues of the Joint Select Committee and delegates* who were good enough to assist me in the matter, that there should be added to the proposed new Province as defined in the White Paper (*a*) that portion of the Jeypore Estate which was recommended by the Orissa Committee of 1932 for inclusion in Orissa; (*b*) the Parlakimedi and Jalantra Maliahs; (*c*) a small portion of the Parlakimedi Estate (including Parlakimedi Town).

As the conclusions reached involve amendment of a Proposal mentioned in the White Paper, though on a point which involves administrative rather than constitutional issues, I think it right to report the conclusions to you for circulation to the Committee and publication in its records if you see no objecton.

MEMORANDUM.

Orissa Boundaries.

Lord Zetland
Lord Derby
Lord Lothian
Major Attlee
Mr. R. A. Butler
†Sir Phiroze Sethna
†Sir N. N. Sircar
†Mr. Zafrulla Khan

The Secretary of State for India, assisted by the marginally noted members of the Joint Select Committee and Indian Delegation, received representations on the subject of the boundaries of the proposed province of Orissa from Oriya representatives on 3rd July, 1933, and from Telegu representatives on 10th July. Each set of representatives was given an opportunity of commenting in writing on the documents submitted, and on the evidence tendered by the other. Sir Samuel O'Donnell, Chairman of the Orissa Committee (1932) was also consulted on 6th November and views expressed by the Madras Government and the Government of India were also taken into consideration.

The main points to which attention was devoted were the following:—

(*a*) Should the town of Berhampur be included in Orissa?

(*b*) Should the whole or any part of the Parlakimedi estate be included in Orissa?

(*c*) Should the Jeypore estate‡ be included in Orissa?

(*d*) Should territory be included in Orissa to make it possible to establish a summer headquarters of Government at Mahendragiri.

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* The delegates had returned to India before conclusions were reached regarding the Parlak'medi Estate.

† Sir N. Sircar attended the July, 1933, meetings but had left for India before any conclusions were reached. Sir P. Sethna and Mr. Zafrulla Khan had left before conclusions were reached regarding the Parlakimedi Estate.

‡ Used in this memorandum as synonymous with that part of the Vizagapatam Agency Tract which the Orissa Committee proposed to transfer to Orissa.

LETTER FROM THE SECRETARY OF STATE FOR INDIA TO THE LORD CHAIRMAN OF THE JOINT SELECT COMMITTEE.

The conclusions reached are as follows:—

(*a*) The population of the town of Berhampur is approximately equally divided between Oriyas and Telegus. There appears to be no doubt of the correctness of the Telegu contention that, judged solely by financial and economic tests, their interests predominate over those of Oriyas in the Town. Nevertheless it seems impossible, on these grounds, to deny to the new province the only town which could form a suitable headquarters for its south-eastern area. The suggestion made by the Telegu representatives, that Chatrapur might suffice for such headquarters, was examined, but the conclusion reached is that it would be inadequate.

(*b*) The majority of the population of Parlakimedi estate is admittedly Telegu. On the other hand, the Zamindar, the Raja of Parlakimedi, who is a leading Oriya pressed strongly that his estate should be included in the new province. In view of the objection to transferring to Orissa the whole estate, with a predominantly Telegu population, the Raja submitted a proposal* that his estate should be divided between the two Provinces. The portion to be transferred to Orissa would include about 30 per cent. of the population of the whole estate and would comprise the town of Parlakimedi (in which the numbers of Telegus and Oriyas are approximately equal). The boundary may be roughly defined as follows. A line just to the south of the Gunupur-Parlakimedi Railway from the point where the Railway enters the estate at its north-west corner to the point where the Railway crosses the Mahendratanaya River, and from there a somewhat irregular line, whose general trend is east by north, to the north-eastern corner of the estate.

In this area (together with that of the Parlakimedi Maliahs lying to the north of it) Oriyas would slightly predominate over Telegus so far as mother-tongue is concerned and to a larger extent so far as race is concerned (though the race figures are somewhat conjectural). The transfer of this limited area to Orissa seemed to be a suitable solution of a difficult problem, and is accordingly recommended. The exact boundary would require delimitation.

(*c*) Considerations for and against the inclusion of Jeypore estate in Orissa are set out in paragraphs 71 and 72 of the report of the Orissa Committee. The balance of advantage appears to lie in transferring this area to Orissa.

(*d*) On examination it proved that the prospect of establishing a satisfactory summer seat of Government at Mahendragiri, even assuming this to be desirable policy, is so remote that it would be unwise to make a special adjustment of the boundary for this purpose.

* Another, and earlier, proposal of the Raja for dividing the estate would have transferred to Orissa an area in which Telegus would undoubtedly have predominated. This earlier proposal was not accepted.

RECORD C2

Joint Committee on Indian Constitutional Reform

Papers handed in by Members of the Committee

I.—Memorandum by The Earl of Derby, The Marquess of Zetland and Sir Austen Chamberlain on Direct versus Indirect Election

[5TH MARCH, 1934.]

In bringing the question of indirect versus direct election before the Committee on Monday and Tuesday last, we thought that the Committee would desire that that issue should be presented in its simplest form, unencumbered by the other questions which are nevertheless closely associated with it. The discussion, however, convinced us that many of our colleagues found it difficult to decide this issue without knowing how the Upper Chamber was to be constituted if the method proposed in the White Paper for the election of the Upper House were adopted for the Lower. We therefore, venture to submit for the consideration of our colleagues a plan for the constitution of both Chambers on the assumption that the method of indirect election is adopted for the Lower.

Our proposal is that the majority of the seats allotted to British India in the Lower House of the Federal Legislature should be filled in the manner proposed in the White Paper for filling the majority of the seats in the Federal Council of State; that is by the single transferable vote exercised by the members of the Provincial Legislatures. It appears from paragraph 18 of the introduction to the White Paper that, so far as the major communities are concerned, this system is expected to give a very fair communal representation, though it may be necessary to provide non-provincial communal seats for the smaller communities (Europeans, Anglo-Indians and Indian Christians) whose representatives in the Provincial Legislatures would be insufficiently numerous to provide the necessary quota to secure representation in a Federal Legislature elected under this system.

If the Lower House of the Federal Legislature were elected in this way, it would be necessary to devise some other means of forming the Council of State, and after considering various alternatives we have come to the conclusion that the Second Chamber should be composed of representatives nominated in their proper proportions by the provincial Governments and by the Princes. We suggest that the nominations should be for a term of nine years, one third of those chosen retiring every three years. It might be desirable, in order to secure the adequate representation of minorities, that the appointment of, say, one third of the representatives sent from each province should be reserved to the Governor acting in his discretion. In the case of the first Council of State formed under this system, it would be necessary to provide that one third of the members should vacate their seats at the end of the first three years of its life, and another third at the end of the first six years.

The scheme which we have roughly outlined has in its favour three positive advantages:—

(1) It avoids repeating in every stage of the constitution the system of communal electorates.

(2) It would enable the size of both Houses of the Federal Legislature to be kept down to a limit which would not be practicable if direct election were used for either House.

(3) It conforms to the advice of the Statutory Commission and avoids the vices of direct election in such vast areas with such imperfect communications as exist in India.

RECORD C2 *(continued)*

II.—Memoranda by The Lord Rankeillour

A.—On the Relations of the Two Houses of the Federal Legislature in regard to Supply.

[5th March, 1934.]

The idea put forward in 48 of the Government proposals that the Council of State should be empowered, even provisionally, to restore grants struck out by the Legislative Assembly is completely foreign to our Constitutional notions as to the functions of an Upper House. If, however, the Government consider it justified by the peculiar circumstances of India, I have certainly no objection to make. I think, however, it carries with it the irresistible corollary that the Council of State should have the converse power of provisionally striking out or reducing grants passed by the Legislative Assembly. Otherwise the position would arise that the Council of State could do nothing in the direction of economy except at the price of creating a deficit which they could not fill up. Personally indeed I should favour the power being given to the Council of State provisionally to reject or reduce grants, even though the power of restoring them were withheld.

At the same time I am impressed by the argument that formidable delays might occur in the voting of Supply if Estimates were capable of being bandied about between the two Houses. I submit, however, that the expedient of laying of Estimates before a Joint Session in the first instance would be a remedy worse than the disease. The mere physical difficulties of having three large halls constantly available for legislative proceedings are considerable, and the whole object of a Revising Chamber would be defeated if members of both Houses were promiscuously engaged in the first instance in considering the proposals of the Government. The progress, moreover, of other urgent business would necessarily suffer.

I cannot but think that the difficulties now experienced in obtaining Supply may be due to some degree to Votes on Account not being taken, and I cannot see why the practice which prevails here should not be adopted in India.

Further, it has occurred to me that in cases of disagreement it might be possible to reduce the issues and shorten discussion by the old English constitutional expedient of a free Conference between the Houses. Each House would nominate a limited number of managers to present their case on a disagreement to the other. In so far as the Conference came to an agreement on certain points it would merely be necessary to put the one question in each Chamber that the decision of the Conference be approved. If, however, the Conference came to no complete result, it might at least narrow the issues if in the end it was necessary for a full Joint Session to take place. For the purposes of such a Session it might be provided by rules that each point in dispute should be put and decided after a statement by one of the managers for each House, and such statement might be limited, say, to half an hour.

I make these suggestions with diffidence because the expedient of free Conferences has not been used for nearly a hundred years, but it does seem possible that it might be useful under the new conditions now contemplated.

As to Appropriation Bills, their use in our Constitution is not merely to ensure the greatest possible opportunity for discussing "grievance before Supply," but to give the Treasury powers of borrowing and of what is known as "virement" which are both essential parts of our financial

system. I think that if Appropriation Bills are not to be adopted in India a permanent provision will be necessary both to allow and to limit "virement," and I also think that borrowing powers during the financial year must be allowed by the Constitution Act both to the Indian Treasury and to the Governor-General at his discretion. The need of the latter provision has already been insisted upon in discussion.

8TH MARCH, 1934.

RECORD C2 *(continued)*

B.—ON THE COURTS IN INDIA.

[20TH MARCH, 1934.]

The functions of the Indian Courts, both as they now exist and as set forth in the Government proposals, and the powers of the new legislative bodies with regard to them, are somewhat complicated, and it would be impossible to deal with all the points that arise in any memorandum of a reasonable length.

The position is set out in Volume 3, Record III, published by order of the Select Committee, to which I would refer anyone who wishes to go in detail into the matter. I think, for the purposes of this paper, it is better to begin with Appendix VI of the Government proposals, which sets out the lists of subjects with which the Federal and Provincial Legislatures can deal. Item 63 of list one gives the Federal Legislature power to deal with the "jurisdiction powers and authority" of all Courts in British India from the High Court downwards with regard to Federal subjects. The result of this provision seems to be that the new Federal Legislature could take away the jurisdiction and powers of the High Court and distribute them among the lower Courts as regards all Federal subjects, and can equally forbid or restrict appeals as regards those subjects to the High Court from the lower Courts.

On turning to the Provincial list, Item 28 gives the Provincial Legislature general powers over the administration of justice, including the "constitution and organisation" of all the Courts in the province below the High Court. It would appear from this that the Legislature could pass what it chose concerning the qualifications for the magistracy and apparently also the grouping and subordination of different classes of magistrates and re-constitute the system of the officers and attendants about the lower Courts. By Item 29 they could add to or deduct from the competence of the Rent and Revenue Courts, and by Item 30, they could—as regards provincial subjects—add to or take from the competence and powers of all Courts up to and including the High Court, and confer these powers elsewhere.

Turning to List 3, both the Federal and the Provincial Legislature could likewise alter the competence and powers of all Courts up to the High Court with regard to what are known as the "Concurrent" subjects.

I submit that these proposals are open to serious risk of the Courts suffering from political influence and that it is necessary to put the High Courts on a permanent basis of authority, unalterable by at any rate the Provincial Legislature. This should be done in reference, not only to their competence to hear and decide cases, but with regard to their powers over the lower Courts. In this connection I would invite particular attention to Paragraphs 12 and 13 of Record 3 which I have cited above and in which allusion is made to an anxiety widely felt. It is perfectly true that the present control of the High Courts rests largely upon convention and that

the provincial authorities have at present powers of interference, but the danger herein latent would be aggravated by the changes in Provincial Government. I suggest that the Convention should be translated into legislation if the prestige of the Courts, in the eyes of litigants, is to remain unimpaired. This legislation should comprise all provinces even where the Convention is not in force and even when the Provincial Legislature has already laid down rules as to communal representation on the Bench, as seems to be the case in the Punjab.

A difficult question arises when it is necessary to set up a special Tribunal to deal, for example, with terrorism, and where it is desirable that the sanction of the Provincial Legislature should be obtained to the innovation. I suggest that this should be done only with the previous leave of the Governor on the instructions of the Governor-General. I have been informed that a special Court set up in Bengal was, in fact, instituted on the motion of the Central Government, and that this might serve as a precedent, but I do not say this of my own knowledge.

As regards the powers of the Federal Legislature over the High Courts, I suggest that any change should require the previous consent of the Governor-General and that any Act of the Legislature in this regard should lie on the table of both Houses of Parliament with opportunity for a "prayer" to be moved against it.

With regard to the *constitution* of the High Courts, the Government proposals appear to safeguard it from undue influence, but I think, even here, it would be well to insert words that the recommendation for appointment by the Secretary of State should come from the *Governors* and not from the *Governments* in India.

With regard to appeals to the Privy Council, no doubt the rights in this matter possessed by Indian litigants have often been abused. On the other hand, there is evidence to show that justice is not always secure if the High Court be the final Court of Appeal. I submit that the right to appeal should not be curtailed, at any rate in cases where it is made contingent on "special leave". I would add that it is not clear in all cases how the judgments of the Federal, or if there be one, the Supreme Court, are always to be executed in the Provinces. This, however, is only one instance of the difficulty of enforcing Federal decisions and would, perhaps, have to be considered in connection with the general relations of the Federal Authorities and the Provincial Executive.

The object of these criticisms is to secure that, so far as humanly possible, the prestige of the High Court shall not diminish, that the administration of justice shall not vary from Province to Province, but shall be of a uniformly high standard throughout India, and that the tradition of British impartiality shall survive the inevitable changes which provincial autonomy would bring about.

20TH MARCH, 1934.

RECORD C2 *(continued)*

C.—ON SPECIAL POWERS REQUIRED IN RELATION TO DEFENCE.

[11TH OCTOBER, 1934.]

I feel bound, even at this stage, to draw attention again to the real difficulty created by paragraph 96 of the Report. This paragraph if translated into a Section of the Constitution Act would *confer* upon the Governor "a special power over and above his special responsibility" and *empower* him to assume charge of any branch of the Government under

certain conditions. On the principle " inclusio unius est exclusio alterius " I submit that this provision would have to be interpreted as preventing him from assuming such charge unless these conditions were present. But the Committee have been repeatedly assured that the Governor in the discharge of his special responsibility can do anything that a Minister does, which must mean that he can administer a branch himself. I cannot see how these two positions are reconcilable.

This inconsistency, if I am right, may cause embarrassment in various directions but particularly in that of Defence. Paragraph 172 of the Report would enable the Governor-General to issue directions to the Provincial Government if the frontier was in danger, but would not enable either him or the Governor to assume charge of any branch of Government. But discussion has shown that there may be delay, lukewarmness or recalcitrance in carrying out such directions and meanwhile vital interests may suffer. It is true that the Governor-General and the Governor would not be in the helpless constitutional position of Lord Milner in 1899, but they will not have the immediate " Dora " powers which it may be vitally necessary for them to possess.

11TH OCTOBER, 1934.

III.—Memorandum by The Earl of Derby and Sir Joseph Nall

[14TH MARCH, 1934.]

1. We have been asked to furnish some form of words dealing with commercial discriminations, which might be used as a basis for consideration and discussion with the aim, eventually, of placing a suggestion in the hands of the Joint Select Committee.

2. We have prepared a draft formula, but we do not think the merits or demerits of our suggestion can be adequately examined and weighed without some accompanying explanation, which it is the object of this memorandum to afford.

3. We approach the problem from the point of view of United Kingdom trade generally, and not merely from that of the Lancashire cotton industry, although our knowledge of the issues involved arises almost exclusively from our contact with the cotton trade. Our formula, however, is a "U.K. trade" formula, and not a cotton one. In our view provisions in a constitution can only be concerned with general principles and never with their particular application. Furthermore, past history, both distant and recent, makes it in the highest degree inexpedient from a political point of view that, in an Act embodying a new constitution for India, there should be any mention by name of the British cotton trade.

4. There are two other great British interests which properly arise in any consideration of the possible dangers from Indian discrimination. One is that of British Shipping; the other is that of British Capital.

British Shipping has, of course, a profound, if indirect interest in trade in goods of U.K. origin, and in that connection may well be consulted on the trade aspects of the problem of discrimination. It has also direct interests which are peculiarly its own, particularly in such matters as the prevention of flag discrimination. British owners of capital which is already or may be invested in enterprises within India have obvious interests in the problem.

It is of great importance to observe, however, that whereas British Shipping and British Capital must be protected from discrimination in a wide field of potential legislative and administrative activity—indeed, an almost unlimited field, embracing company law, factory legislation, internal taxation, subsidies, and so on throughout the whole range of a Government's internal economic policy—British trade, on the other hand, is only affected by tariffs or other regulations applied by imports.

5. Although one field is thus a broad one and the other quite a restricted one, it nevertheless seems to us that by reason of a combination of legal and political reasons, the broad field is far easier to deal with than the narrow. In the first place, the principles of the prevention of or protection against legislative or administrative discrimination of persons or their property within the frontiers of any country, are the subject of innumerable precedents, in our relations with foreign and Empire countries. The existence of such precedents removes any political or psychological difficulty in inserting suitable provisions in the Indian Constitution. H.M. Government showed itself willing in principle to deal with this matter when it inserted Paragraphs 122-124 in the White Paper. But the paragraphs are

not as comprehensive as they might well be, and the reservations in 124 seem to whittle down somewhat a principle which could be stated without reservation. It would appear to be a case where expert lawyers could readily offer a re-draft, and we do not regard it as in any way part of our problem. We should like, however, to say that we consider the simplest and most direct form of words should be ultimately adopted for the reason that any attempt to specify details raises the danger of the unspecified contingency arising.

6. When you turn to the prevention of discrimination against British Trade, you face a problem of quite a different order. It raises acutely the vexed political question of Tariff Autonomy, and it involves considerations of revenue as well as of fiscal policy.

The Lancashire cotton industry has been the particular U.K. interest round which this issue has revolved. It has recently succeeded (one hopes permanently) in placating Indian susceptibilities, and no sensible person would wish to waken sleeping dogs by unnecessarily provocative action on this question of discriminatory tariff action.

Nevertheless, something quite definite and explicit must be inserted in the Act, because the absence of a safeguard would be a grave neglect of Britain's most vital interest.

7. The attitude of the Indian Delegates when the Lancashire Cotton Evidence was taken by the Joint Select Committee on 3rd November showed that they had no particular hostility to certain over-riding powers being exercised by the Governor-General to prevent discrimination. It may subsequently be of the utmost help to be able to describe our suggestions as conforming with the general trend of Indian comment on that occasion.

In any event, the obviously best plan in all the circumstances is not to raise old troubles by talking of Tariff Autonomy, but to seek a definition which will confer on the Governor-General—always the servant of the British Crown—the power to protect and preserve British interests.

8. It is presumably expedient to make what we want an addition to something already in the White Paper. Section 18 of "The Proposals" seems to be the proper place at which to introduce an amendment. We attach a proposed new wording of sub-paragraph (*e*) with which Section 18 ends. (See *annexure*.)

9. The suggested provisions regarding Tariffs are, it is submitted, nothing more than principles of equity which can properly be enshrined in an Act regulating the relations of the two countries at the moment when one is handing over fresh powers to the other, and in the degree to which Indian opinion will doubtless assent to the safeguards against discrimination, they partake more of the character of agreed principles such as two completely independent parties normally insert in a Treaty.

10. The principal objection will no doubt be that our draft is unduly lengthy, thus calling special and undesirable attention to the matter.

To that we can only reply that in this case, unlike that referred to at the end of our paragraph 5 above, specific mention of the contingencies to be provided against (involving a lengthy draft) was unavoidable for the reason that such short phrases as "discriminatory tariffs", and so forth have no absolute meaning, but are only relative and would therefore be entirely useless. This difficulty arises partly from the fact that the particular problem we are dealing with is entirely without precedent in international or inter-imperial relations.

MEMORANDUM BY THE EARL OF DERBY AND SIR JOSEPH NALL

ANNEXURE.

DRAFT OF REVISED PARAGRAPH 18 (*e*).

(*e*) The prevention of commercial discrimination as between subjects or residents of *different parts of the British Empire generally, including inter alia* the following:—

(i) discrimination in legislative or administrative measures affecting commerce or industry within India or shipping at or in Indian ports.

(ii) discrimination against U.K. products as compared with those of other countries by tariffs or other measures to regulate imports whether directly by differential rates of duty, according to origin, or indirectly by differential treatment of various types of product.

(iii) discrimination against U.K. interests as compared with Indian interests by the establishment on goods of U.K. origin of levels of import duty or other restraints of a prohibitory or penal character in excess of the proved and equitable requirements of the economic situation in India.

(iv) discrimination such as would arise by action in violation of any agreement subsisting at the time between the Governments of India and Great Britain as regards the rates of tariff and margins of preference applicable to U.K. goods whether in general or in particular cases.

14TH MARCH, 1934.

IV.—Memorandum by Mr. C. R. Attlee on Responsibility at the Centre

[15TH MARCH, 1934.]

I. In submitting these suggestions to my colleagues I realise that they are only suggestions which will require working out. I am conscious of many objections, but I submit that many of them will be found to apply as much if not more to the scheme proposed in the White Paper.

II. I will set out briefly the reasons on which I base my suggestions. Indian politicians are for the most part convinced that the system of Government obtaining in this country, whereby a Cabinet dependent from day to day on the vote of the legislature is the only system of responsible government, or at least that it would be derogatory for Indians to accept anything different from what for the purposes of this note I will call the Westminster system.

III. Under the provisions of the White Paper we are in effect giving in the provincial sphere some dozen opportunities for Indian politicians to try by experiment how far this system or an adaptation of it is possible in an Oriental environment. The assumption of the White Paper is that it is desirable also to make the same experiment at the Centre. While I accept the necessity of providing for responsibility at the Centre, I am not persuaded that it is either possible or desirable to follow the Westminster model.

IV. I will briefly state my reasons:

(1) The immense population of India and the consequent difficulties of that effective connection between elector and elected which is of the essence of the Westminster system.

(2) The subject matter of Central administration and legislation is too narrow to provide the basis for it. The Westminster system is designed for a unitary not a federal State. The subject matter of Parliament embraces almost all the political interests of the people. In India 90 per cent. of the interests of the ordinary man are dealt with in the provincial sphere.

(3) The essence of the Westminster system is its flexibility which has allowed of its adaptation to new problems and the needs of new political classes. This quality is lost as soon as rigidities are introduced into its structure. The Committee has in fact been endeavouring to reduce, to a written form, and thus make rigid, the flexible rules and conventions which have been moulded to suit the occasion in this country. It is, in addition, hard to incorporate a mass of safeguards without the same effect.

(4) The working of the Westminster system depends on stable divisions on party lines. (A multiplicity of parties or groups makes its working difficult. It functions best when there are only two.) It depends also on a homogeneous ministry. Neither of these conditions is likely to be found in India.

(5) The division between elected representatives and State delegates is crossed by communal and economic cleavages. A barren and undesirable anti-British nationalism is the only basis which might bring these divergent elements together.

(6) The constituent elements of a Ministry are bound to be heterogeneous. Indeed, this is contemplated. Experience in the provinces has shown that while individual ministers may have a following, ministries as a whole rarely have support as a team from a majority. Indeed, followers are apt to cease to follow a leader when he becomes a minister.

(7) Owing to the nature of the federation the members of the legislature will not be equally concerned in the territory of the federation. The discussions with Indians have shown the difficulty of ensuring that the will of British India shall prevail in purely British Indian matters under the Westminster system. I do not think that under the British system of responsible government an "in and out" provision is practicable.

(8) The danger of a large number of members with very little to do is not unknown at Westminster, and would seem to be inevitable at Delhi under the White Paper proposals.

V. For these reasons I think that the model should be rejected. I do not think, however, that an exact precedent can be found elsewhere. The German Reich of pre-war days shows the federation of units with differing internal constitution. The U.S.A. gives an example of a great federal State. In India, however, there is lacking the king post of those structures, i.e., an executive deriving its mandate separately from the legislature, in one case the Kaiser, in the other the President. Switzerland, despite its small size, is a federation and gives an example of an executive composed of persons of various political views responsible to and chosen by a legislature. I think that it is possible to combine certain features from the latter two countries.

Requisites at the Centre.

VI.—(1) A stable executive. (This is very difficult to obtain under a group system, vide France.)

(2) A constitution which will teach responsibility not irresponsibility to the members of the legislature.

(3) A real connection between the Centre and the Provinces. (It will be dangerous if the only link is through the autrocratic element, the Governors and Governor-General.)

(4) A strong Government, i.e., one which has behind it the force of public opinion.

(5) A constitution which has within itself possibilities of development and sufficient flexibility to allow experience to correct undesirable and unexpected results. The less detail embodied in what is confessedly an experiment the better.

The Essence of the Plan.

VII. The main idea is to place responsibility on the members of the legislature. (Without discussing the pros and cons of electoral systems I would state that one reason for my advocacy of indirect election by provincial councils is that I conceive the Central Legislature as composed of representatives of federal units not of blocks of population.) In other words, the elected representatives shall have power to alter policy without altering the personnel of the administration.

VIII. In the Westminster system as practised at present, the executive is in fact through the operation of the Party system the master not servant of the legislature. The Cabinet though formally selected by the Crown is really composed of the leading members of the Party in a majority. Its maintenance in power is due to the discipline of the Party machine, backed by the power of dissolution. This fact is obscured in the minds of most Indians through their addiction to the reading of theoretical constitutional text books.

IX. I suggest for the reasons given above that a stable ministry with a regular body of supporters in the legislature is unlikely under Indian conditions. Therefore, I desire to make the members responsible.

MEMORANDUM OF MR. C. R. ATTLEE.

The plan suggested.

X. When the legislature has been properly constituted of the members from the States and Provinces, the Governor-General will consult with leading members in order to find out what combination of persons would be likely to command the confidence of the legislature. (This might be a matter of some difficulty. He would be much in the same position as a French President.) He would, no doubt, have to include State as well as provincial members, Moslems as well as Hindus.

XI. Having decided on his Ministry and on the members who are to have charge of the reserved departments, he would submit the Ministry as a whole to the legislature for a vote of confidence.

XII. I do not think that it is necessary to specify that this majority should be any particular fraction. The Governor-General would have in practice to satisfy himself that it was adequate. This vote would signify the acceptance by the legislature of the Ministry, and thereafter the Ministry should remain in office for a definite term, say, one or two years, during which period it could only be removed by a definite vote of No Confidence carried by a two-thirds or other fractional majority as decided. Thenceforward the Ministry would be more in the position of the Swiss Executive than of the British Cabinet. It would be a body composed of heterogeneous elements, but would be subject to the very powerful influences which tend to bring solidarity to a body of men in positions of responsibility. Formal joint responsibility would not be explicitly laid down, as indeed it is not in most constitutions, but the acts of the Government would be the acts of all. This system actually obtains in the Provinces to-day. The Ministry would not deem it necessary to resign on every adverse vote, nor would the individual minister, unless he deemed the matter of vital importance or as a censure on his character not his policy, the Minister would accept the verdict of the legislature.

XIII. The legislature would have to take responsibility for its actions. I assume that in the early stages of the new constitution the Governor-General will preside at meetings of his Cabinet and that only at a much later stage will this practice fall into desuetude. There should, however, be a first minister who would preside in the absence of the Governor-General, and lead in the legislature. He should hold a portfolio without too heavy an administrative content.

XIV. For the working of the legislative machine I suggest the setting up of a number of standing committees, some of which should be statutory. These committees should correspond with the functions of the Central Government. At their meetings the Minister should preside or, in the case of reserved subjects, the Official Member. It is in my view undesirable to have the duality which obtains in some constitutions between the Minister and the Chairman or rapporteur of the Committee. The Committees should sit with permanent officials in attendance. The Minister would have to get approval for his estimates from the Committee. The object of the system is to bring the members of the legislature into actual contact with administrative problems. The sittings of the Committees would to a large extent take the place of our "Supply Days". I think the control over administration would be more effective than under our system. The ventilation of important questions which should be discussed on the floor should be provided for by time being given for their discussion without formal votes of censure. The procedure being more like that of "the demand for papers" in the House of Lords procedure.

XV. I think that the Committee stages of Bills should wherever possible be remitted to the appropriate functional committee which should have attained a certain familiarity with the subject although other members might

be added for particular bills. Second and third reading would, of course, be taken in the full sitting of the legislature. The Report Stage should be confined to Government amendments. The difficulty of dealing with bills relating only to British India could be met by remitting them to committees composed only of British Indian representatives or by restricting the right of vote to them. It might well be done by convention. The objection to "in and out" arrangements does not apply where "confidence" is not involved in every vote.

XVI. Reserved subjects such as Defence would equally have their committees wherein members would have the right to obtain information, criticise and make suggestions, but the powers of the members to vote would be restricted. Thus an informed opinion on Defence matters should be created. The same would apply to foreign policy excluding, of course, the relationship of the Governor-General and the States. I should myself prefer to see foreign policy a transferred subject. There should be a Budget Committee to which, after debate in the Legislature, the Budget should be remitted for examination in detail. A defeat on a proposal in the Budget would not necessarily lead to the resignation of the Ministry. If a tax should be rejected, it would be the duty of the Committee to find an alternative or suggest appropriate economies. The legislature itself should be made to feel its responsibility in its demands for expenditure and its provision for raising money.

XVII. It will be realised that in the background are the special powers and responsibilities of the Governor General which should, however, as far as consistent with safety not be used to allow the Legislature to escape its responsibilities.

XVIII. I apprehend that most legislation at the Centre would be introduced as private members' bills. It does not appear to me that a Ministry inevitably heterogeneous is likely to produce an extensive legislative programme, especially in view of the fact that so large a part of the legislative field is either in the provincial sphere or can only be made effective by provincial action.

XIX. In making these suggestions I have gone into some detail in considering the working of the machine in order to give my colleagues a picture of what is intended. It will be observed that the actual provisions which it would be necessary to insert in a bill are few, although some additions might have to be made to the Governor General's instructions. Most of the results claimed by me arise from the simple provision as to the selection and continuation of the Ministry. On the other hand, a great many detailed provisions which have been under discussion would be omitted.

XX. The system proposed is not fool proof. Given factious opposition it would break down, but I claim that the methods outlined above will tend to discount factious opposition.

I consider that the scheme gives possibilities of development, being free from rigidity.

In my view, though it is not an essential, a single chamber is more suitable for this kind of constitution.

I also think that the need for a close liaison with the provincial governments, especially in the matter of finance, makes indirect election by the provincial councils more suitable than direct election. The existence of the councils as electoral colleges in permanent existence should be a check on irresponsibility.

In conclusion I would apologise to the Committee for the roughness of this Note, but my available time is very scanty, and I wished to place the idea as early as possible before the Committee.

15TH MARCH, 1934.

V.—Memorandum by The Lord Hardinge of Penshurst on the Anglo Indian Community

[17TH APRIL, 1934.]

The future position in India of the Anglo-Indian and Domiciled European Community under a reformed constitution is one that requires serious attention. Sir H. Gidney, in giving evidence, placed his views before the Joint Committee but no decision has so far been taken as to the requisite steps for the protection of this small but important minority beyond its treatment as one of the minorities provided for in the White Paper.

Nobody will dispute the responsibility in the past and the present of the British Nation for the existence of this Community and the very exceptional services rendered by Members of this Community in times of danger and stress during the past 100 years. It is hardly necessary to recall the names of Skinner, Hearsey, Rivett-Carnac, and others to remind the Committee of the loyalty of Anglo-Indians and the heroic part they played during the Mutiny. This loyalty they have always displayed, and during the Great War almost 80 per cent. of the male adult members of the Community were engaged in every theatre of the War, while many of the remainder served in the Indian Defence Force to maintain order in India in the absence of British and Indian troops. It is not out of place to recall the fact that Lieut. Robinson, V.C., who brought down the first German Zeppelin in England, and Lieut. Warneford, V.C., who brought down a German Zeppelin in France, were both members of the Domiciled Community.

Even since the War, during the riots of 1919 in the Punjab, when disloyal Indian telegraphists cut telegraph wires and mutilated official messages, the Governor had to fall back upon Anglo-Indians to replace them.

The Community is a small one, numbering about 200,000 and its chief avenues of employment in the past have been in the Railways, Telegraph and Customs Services. It is they who have built up and worked these services during many past decades, and who consequently deserve consideration from the Government of India, but who now, in order to satisfy the political demands of the more powerful communities, are being slowly but surely sacrificed on the altar of political expediency.

The special position of the Community was recognised in the Montagu-Chelmsford report, in the report of the Statutory Commission, in the Government of India Despatch of September, 1930, and at the First Round Table Conference, and in all these reports emphasis was laid on the obligation of the Government towards the Community and the necessity for special consideration being given to their claims for employment in the Services. Nevertheless, owing to Indianisation and to retrenchment, the situation of Anglo-Indians has of late years been steadily growing more serious and the percentage of posts held by them in the Railways, Telegraphs and Customs, has been gradually diminishing. In order to arrest this the only course would be to prevent for a certain number of years the substitution of Indians for Anglo-Indians and to reserve a fixed number of appointments in those services for members of the Anglo-Indian Community. There appears to be no valid reason why this course should not be pursued as part of the system of Defence which comes under the Viceroy's responsibility, since it is hardly necessary to stress the vital importance of maintaining an adequate number of loyal employees on the staffs of the Indian Railways and Telegraphs for the transport of troops during an outbreak of War on the Frontier or during civil disturbance.

MEMORANDUM BY THE LORD HARDINGE OF PENSHURST.

As an illustration of the dangers resulting from Indianisation I am informed that on the North-Western Railway of India, which is a strategic railway traversing the whole of the Northern frontier, the personnel is being rapidly Indianised, and that now out of a total Railway Telegraph cadre of about 1,000 employees the Anglo-Indians hold only 0·5 per cent. of these appointments. The danger of such a situation can hardly be exaggerated since, however loyal the Railway Staff might be, a disloyal Telegraph Staff could disorganise military traffic within a few hours. This would mean a repetition of the situation in 1919.

Nor is it less important that amongst the employees of the Customs service there should be a strong and loyal Anglo-Indian element to check the smuggling of arms and ammunition into India at the Ports. Only recently the Government of Bengal has passed a "Smuggling of Arms Bill of 1934" to prevent the entry of arms and ammunition through the ports of Calcutta and Chittagong, which eventually found their way through recognised brokers into the hands of terrorists. This, however, will not prevent the entry of arms and ammunition at other Indian ports which has been rendered much more easy by the gradual Indianisation of the Customs Service.

It is very obvious that safeguards should be imposed in the new Constitution for the protection of the Anglo-Indian Staff which has always proved its loyalty in the three security Departments, Railways, Telegraphs and Customs, the two former in connection with the defence of India and the latter for the protection of civil officials from assassination.

To preserve the economic future of the Community the following clause is suggested for incorporation in the new Constitution Act:—

> "That as long as appointments are made on communal representation, adequate weightage, with due consideration to their present numbers, be given to the Anglo-Indian and Domiciled European Community regarding its future employment in all Government Services and that instructions be given to the Governor-General, Governors and Public Service Commissions to put this into effect."

Unless such a safeguard is inserted in the new Act the fate of the Community is doomed, and India's gain will be their destruction.

It will not be out of place to record here the assurance given by H.R.H. the Prince of Wales to an Anglo-Indian Deputation when he visited India in 1922:—

> "You may be confident that Great Britain and the Empire will not forget your community, who are so united in their devotion to the King Emperor and who gave such unmistakable tokens of their attachment to their Empire by their sacrifice in the War."

Again, in the Government of India's despatch of September, 1930, under the heading of "The Anglo-Indian Community" the following sentence occurs:—

> "A special obligation, we think, rests upon Parliament, before relaxing its own control, to ensure, as far as may be practicable, that the interests of the Anglo-Indian Community are protected."

Surely, in its own interests, Parliament will not repeat the error made in Ireland in regard to the Irish Loyalists of the South!

17TH APRIL, 1934.

RECORD C3

The course of their discussions after the Indian Delegates had left made it necessary for the Committee to call into consultation certain persons conversant with the problems of Irrigation and Forestry. The persons so consulted submitted the memoranda reproduced in the following pages, which also contain the record of their consultation with the Committee.

I

IRRIGATION

[1st May, 1934.]

I.—Memorandum by Sir Raymond Hadow, C.I.E., A.M.Inst.C.E.

The short notice, which I have received for the preparation of a Memorandum, the absence of books of reference and the lack of precise knowledge as to the points on which information may be required, may tend to make this Memorandum vague in parts and incomplete in others. It should, therefore, be taken as a hurried attempt to set down facts drawn mostly from memory.

The White Paper proposes that the Provincial Legislatures shall have the sole power to make laws in respect of irrigation, water supplies, etc. (Proposals 111, 112 and 114; and item 11 in List II of Appendix VI); further the All-India Service of Engineers shall have no more recruits, and future recruitment will be on the basis of a Provincial Service (Proposals 183 and 190). In short, the proposal is that irrigation shall be under a Minister, completely "transferred" (as distinct from its present "reserved" status), and the staff will be in future in a Provincial service, recruited by the Provincial Government.

Recruitment to the Irrigation Services.

These proposals will affect different Provinces in different ways. There are Provinces whose interest in irrigation is comparatively small: irrigation is not a large matter either because facilities do not exist or because climatic conditions are such that it is usually not necessary. For such Provinces the proposals seem suitable, and they follow naturally from the fact that the sister Branch of the Public Works Department (the Buildings and Roads Branch) has been a "transferred" subject since the Government of India Act, 1919.

There are other Provinces, however, in which irrigation is a matter of the first importance. I shall take the example of the Punjab, the only Province of which I have intimate knowledge. In the Punjab about 12 million acres of crops are matured annually on canal water and the revenue derived therefrom represents about 40 per cent. of the provincial revenues. There are six large "canal colonies", that is to say, areas which was practically uninhabited barren waste before the construction of canals and now support millions of peasants brought in from other tracts. The Punjab Government has expressed the opinion that irrigation to the

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Punjab represents "security" as much as the services rendered by the Indian Civil Service and the Indian Police. It is not too much to say that the whole prosperity of the Punjab depends on the canals: they have enabled the Province to rise from camparative poverty to a sure financial basis, they have made rich men of poor peasants, they provide a living for numerous others connected with agricultural produce and they tend to promote contentment by the creation of a well-to-do peasantry.

The question arises whether it is wise to try an experiment in a matter of such vital importance both to the finances of the Province and the contentment of the people. Is, in fact, anyone justified in gambling with other people's happiness or prosperity? The position I take up is exactly that described by Sir Austen Chamberlain in the statement he made in Question 11,533, when examining the Secretary of State. I entirely agree that provincial autonomy would be a sham in the Punjab without the transfer of irrigation, but I maintain that some additional condition should be imposed such that, as far as can humanly be said, there is no risk that the peasantry will be adversely affected by the change.

In my opinion there is only one way of ensuring that the canal systems do not fall into decay and that is by maintaining a certain proportion of recruits from this country. I am in no way afraid of the position of irrigation in respect of its control by a Minister or by the Provincial Legislature, for it must be realised that, things being as they are in the Punjab, it is highly probable that the Minister and the majority of the Legislature will be users of canal water. Mistakes may be made on the financial side, but my personal experience has been that both the Legislature and the Member in charge (as he is at present) accept the advice of their technical advisers in technical matters and have a very shrewd understanding of the objects aimed at. That being so, my suggestion is to make sure (without gambling) that the technical advice shall be sound—or at least as sound as it has been in the past. Consequently I advocate the continuance of recruitment of qualified men from this country. My reasons for this are—

(*a*) The Punjabi peasant desires it. It gives him a sense of security, and, though he may not like the result, he accepts it as just. I do not for a moment insinuate that he never receives justice from an Indian but he is suspicious if it does not suit him—a feeling into which the present state of high communal tension frequently enters. I am supported in this view by the frequent appeals presented to my Member (an Indian) and myself (as head of the department) to transfer an Indian officer and send a European in his place.

(*b*) The Indian engineer seldom makes a good administrative officer. The Punjabi takes naturally to mathematics, hydraulics and engineering, as may be seen by their success at the Thomason College, Roorkee. Their interests lie, however, much more on the technical side of their work than in canal administration, where they are again hampered by communal feelings. A Hindu officer once said to me bitterly: "A Hindu can do nothing right" in a predominantly Muslim tract. I attribute this absence of administrative ability to the fact that the first places in engineering examinations are usually taken by clever youths of a class which has no tradition or training in administration. Youths with such a tradition at present go into the Army or take such low places in open examinations as not to qualify for Government service. Until the sons of landed proprietors, ex-army officers and the like look upon the engineering profession as a suitable outlet, I fear that the right stamp of recruit will not be forthcoming. The result

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of this is that the Provincial Governments in their anxiety to associate Indians with the administration of the services are often led to promote to administrative rank Indians lacking in the necessary qualities: this again makes it difficult to supersede Europeans of like quality, so that the whole efficiency of the administrative ranks tends to be lowered; this is bad for the canals and cultivators, bad for the taxpayer and bad for the service.

(*c*) I believe that the Punjabi politician would really welcome such recruitment. He would, it is true, probably complain in public and in the Legislature; but so many have bewailed the paucity of Europeans to me in private or have asked that a European be posted to their particular district that I find it difficult to believe that they would not be relieved to find European recruitment continued, so that whilst their object is obtained they can still retain a grievance: they would in fact be released from an embarrassing situation.

It may be argued that there is nothing in the White Paper to prevent the recruitment of Europeans to the irrigation service. I think it is too much to expect at present such recruitment at the hands of Indian Ministers. Pressure from public opinion and the Legislature would be too much for any opinion a Minister might hold.

As to the agency of the proposed European recruitment there are three possibilities:—

(*a*) the Provincial Government or Public Services Commission;
(*b*) the High Commissioner for India;
(*c*) the Secretary of State.

I unhesitatingly throw out the first two alternatives. Recruitment from a University is largely governed by the advice given by the University authorities, and they are not likely to advise entrance to a service, the recruiting agency of which they know little or nothing. Moreover, recruitment for years past has not been easy for the Secretary of State to accomplish satisfactorily with all his powerful influence; so how could it be done by less well-known agents? I advocate that the recruitment be done by the Secretary of State on the understanding that the recruits are servants of the Government for which they are recruited for all purposes of promotion, censure, etc.; it may possibly be necessary for the Secretary of State to lay down the scale of pay and pension, which he finds necessary to effect recruitment, though this is to be avoided if possible.

I am aware that this suggestion presents an anomaly, a view which was brought out by Mr. Zafrulla Khan in Questions No. 11823-5. But surely anomalies are almost unavoidable in anything except complete self-government, and as long as an anomaly is workable, it is a better solution to a difficulty than a gamble with the prosperity of millions.

A further question which arises is the duration of the European recruitment suggested. I am not impressed with the statutory inquiry provided for after five years in Proposal 189. It is far too short a time to form any correct judgment. Canals do not break down through inefficiency in a day: I have known it take five years to bring it to light when inefficient officers were in charge. Moreover, as is commonly said in irrigation circles, it takes ten years to make an officer efficient in all branches of his duties. I would leave the Provincial Government to make its own case, when the occasion arises, to get the approval of Parliament to a change.

There remains the question of to which Provinces these proposals might be applied. I am diffident about making any suggestions for lack of knowledge of other provincial conditions, but I would judge that the arguments advanced above would apply to Sind. There must be several Provinces

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which fall between the two categories I have mentioned, that is those in which irrigation is of importance but probably not so important as in the Punjab. In such cases it might be advisable to follow the advice of the Provincial Governments.

Questions affecting two Provinces.

Since the Act of 1919, the Government of India has interfered when disputes arose between Provinces or between a Province and a State regarding the right to utilise the waters of a river. The Government did this, presumably, by reason of its power to "superintendence, direction and control" of a reserved subject. With the complete transfer of irrigation and water supplies, this power will cease, and I fail to find anything in the White Paper to take its place. The absence of any umpire or controlling authority in such matters lays open many possibilities of trouble on many tributaries to the Indus and Ganges rivers. I would urge that an Irrigation Board be appointed by Statute to adjudicate in such cases. It may be argued that an appeal to the common law would meet the case, but my experience is that this could only be a costly and unsatisfactory business. In the first place, the law on riparian rights is very vague or non-existent as between States; secondly, the evidence of the contesting parties is usually a mass of contradictory statistics, on which an expert alone can judge what value should be placed and what true implication arises. I suggest that such matters are better dealt with by an independent Board, the majority of whom should be irrigation engineers. It will be remembered that a notorious case in Egypt was dealt with on those lines. Lastly, a court of law could only pronounce a verdict on the case before it, whereas a Board might suggest a *via media*, such as would not block progress. It would be necessary to get all the States to agree to accept the findings of such a Board. My proposal is practically to bring the Central Board of Irrigation on to a statutory basis.

Co-ordinating authority.

One deplorable result of the provincialisation of irrigation in the Act of 1919 has been to provincialise the science of irrigation engineering in India. It was part of the duties, self imposed probably, of the Inspector General for Irrigation in India to co-ordinate the activities of the different Provinces; during his extensive tours he saw what was being done, learnt of advances made and was able to spread knowledge. As a result of the Act, this post was done away with, and each province became practically a water-tight compartment. The engineers, however, began to get in touch again with each other unofficially, and the result of a recommendation by the Agricultural Commission was a Bureau attached to the Central Board of Irrigation, to the cost of which the Provinces contribute. This Bureau, which has assumed in the eyes of engineers far more importance than the Board, has very limited funds at its disposal but tries to co-ordinate research and disseminate information. It meets once a year only, and, as its personnel changes annually, its progress is slow; it is suggested that it would be for the good of the irrigating provinces if the post of Inspector General were revived, his pay and expenses being shared by these provinces. It may be argued that the creation of such a post is not within the scope of the White Paper; on the other hand, it is to meet the results of proposals in the White Paper that the creation of such a post is urged.

(Signed) R. P. HADOW.

RECORD C3 (*continued*)

II.—Notes for consultation with the Committee by Mr. (now Sir) C. T. Mullings, C.S.I.

Indians as irrigation Engineers are rapidly approaching the British in competence and they could be better still with more experienced instructors in the Engineering Colleges.

In Madras Brahmins are the best Engineers and the Public Works Department will be staffed mainly by Brahmins if efficiency dominates selection of candidates. If political necessity to distribute appointments among various castes is to be a future criterion, the choice of men in other castes connotes frequent selection of less able candidates, and the Service must deteriorate.

With a purely Indian administration nepotism may increase.

An immense revenue is derived from irrigation; and the value of crops so grown is several times as great, but supplying or withholding water is simple, and the opportunities for graft are large. Ryots much appreciate the rectitude of British engineers. Until caste distinctions diminish, the assumed bias of the Indian Engineer will be always a source of distrust and suspicion to other castes.

The Indian view of commissions from contractors and others is not as rigid as the British, though it has much improved by our tutelage.

These are the main reasons why the Irrigation Department would be improved by a leaven of British Engineers, but I anticipate no break down in administration were the British element to be eliminated by its gradual replacement or superannuation.

III.—Consultation between the Committee and Sir Raymond Hadow, C.I.E., A.M. Inst. C.E.

[1st May, 1934.]

1. *Chairman*: Sir Raymond Hadow, you are good enough to attend this morning for a consultation with this Committee, and you have kindly provided us with a memorandum. I think you understand the arrangements for the consultation, namely, that the Committee will decide in due course whether to publish your memorandum and whatever may be said either by Members of the Committee or by yourself this morning?—Yes, my Lord.

2. Some of my colleagues, I think, may desire to put questions to you at this stage, unless you have anything that you would like to add to this memorandum?—No, I think not.

3. *Marquess of Zetland*: I think I appreciate your apprehensions, and I admit that they are very intelligible. You regard it as essential that for some time to come there should be a substantial element of European engineers in the Irrigation Service in India. That is your main contention, I think?—I limited myself to the Punjab in my note.

4. Let us take the Punjab, because really that is the most important Province, the Punjab and Sind, from this point of view. On the other hand, you show in your note that you do appreciate the fact that if the Punjab, like other Provinces, is to be given self-government, the Government of the Punjab must exercise control over its irrigation staff. That, you admit, I think?—Yes.

5. As I understand your proposal for securing an adequate representation of European engineers in the service of the Punjab, you would lay it down that a certain number should be recruited by the Secretary of State for India in this country?—Yes.

6. I am not quite clear how it would work. Would it then be within the competence of the Governor-General to instruct the Government of the Punjab that they should recruit a specified percentage or a specified number of European engineers through the Secretary of State?—I would cut the Governor-General out entirely. I would lay it down by statute that the recruitment to the Irrigation Branch had to be in a certain proportion of men from this country.

7. You would lay that down in the Constitution Act?—Following the Lee Commission report.

8. But for all time or for a limited period?—I think I dealt with that in my memorandum.

9. Yes, I think you did; I do not remember the exact paragraph in which you state it?—I said I was not a bit impressed by the five-year proposal which seemed to me to be absolutely useless and I would leave it for the local government to make out its case and for Parliament to accept it if its case was made out in due course.

10. Yes, I remember now. But the percentages laid down in the Constitution Act should remain in force until the Government of the Punjab have made out a case for altering them. That is your suggestion?—Yes; that is what one would do in practical politics—practical work. It would be for the other side to move.

Marquess of Zetland: Thank you; I just wanted to be quite clear in my mind how it was that you proposed to deal with that particular problem.

11. *Marquess of Salisbury*: Sir Raymond Hadow, you fully appreciate the capacity of your Indian staff; it is not that you despise them at all?—Not the slightest. Some of the best technical engineers that we have are Indians.

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12. It is when you come to the position of superintendent or something of that kind, where you require more administrative skill, that the difficulty arises?—Exactly.

13. Would you tell the Committee how it happens that the Indians recruited are not qualified for the higher posts?—It is rather a difficult question to answer, but, as I have said in my memorandum, I think it is very largely due to the fact that the recruits do not come from the right class or classes; we do not get so much the sons of big landowners or ex-Army officers. On the other hand, we get more of the sons of shopkeepers and traders and possibly moneylenders who have no tradition of good administration behind them. That is my solution; I do not say that it is a fact at all; that is my opinion only.

14. Your opinion, of course, is very valuable. Now, at any rate, as I gathered from your memorandum, the result is that the peasants, or lower classes, to whom this question of irrigation is so vitally important have a sense of suspicion of other than British administration?—The Muhammadan suspects the Hindu, and the Hindu suspects the Muhammadan.

15. The communal question enters into it?—Badly, I am afraid.

16. Has it happened to you that you have evidence that these unfortunately contending persuasions rely upon British intervention as administrators?—It has. If you will permit me, I could give a short case.

17. Yes, please do?—There was one case when several deputations came up to protest to my Honourable Member and myself in Simla against the way they were being treated in the distribution of water. They came up to Simla I think twice in the hot weather, which is an example of the interest they were taking in the matter. I took the earliest opportunity of going round to see what their distribution was like after I had removed the Hindu officer on the orders of my superior and replaced him not by a Britisher but by an Indian Christian, because I had not a Britisher to place there. When I made my investigation I was met by crowds of men, and I spent most of the day making the investigation, and in the evening I announced to them that of all the cases I had tried, two, I think (speaking from memory) were short of water, and one was in excess, and in the remainder, 25 or 30 cases, the supply of water was correct. They took what I said with a shrug of the shoulder and said: "If you say it is right, all right, but what about the Hindu superintending engineer?" They also wanted him removed. That, Sir, is an example of how they would accept, as it were, an impartial statement that their water was right, whereas before they had been almost on the point of rioting about it; but the moment one Hindu was removed, they wanted the next Hindu removed as well.

18. Rightly or wrongly they trusted the British official in a way they would not trust an Indian official?—Exactly. What they were complaining about was perfectly all right except for these three small cases which I have mentioned. I had nothing to say against what was done except that it was possibly done tactlessly.

19. In the case you have quoted, although there was in truth no injustice, yet they had not sufficient confidence except in the British official?—Yes.

20. But I suppose there are cases, are there not, when things are not quite so equitable as that in the distribution of water. Injustices sometimes are done?—It is inevitable that in any system of distribution of

water in the Punjab in the course of years that distribution, as it were, gets out of date, and it has to be continually overhauled, and if it is not overhauled in time or correctly, then the distribution of water is unequal.

21. Apart from the particular case you quote is there ground for a general suspicion amongst the peasantry? Is there such a thing, for instance, as corruption amongst the Indian officials?—Amongst the lower staff undoubtedly it is inevitable. It is in all of the lower staff of every Department.

22. In India?—Yes.

23. You do not mean everywhere; you mean in India?—I was thinking of India.

24. I am not sure that it is a very good word, but it is always used, but is there, what is called, nepotism? I think it practically means the helping of your relations?—There is a certain amount of it, but there is not much opportunity for it for the reason that we know perfectly well, when an officer is posted to any particular district, whether he has land there or relatives there, and consequently he is not often posted to his own district.

25. At any rate, you lay the greatest stress, as you did to my noble friend just now when he was examining you, upon the recruitment of an adequate number of British officials?—Yes.

26. I suppose that there would be some kind of protest if hereafter under the new administration British officials were recruited in the same proportion as they are now. Do you fear that?—No; I think it would be purely political.

27. Purely political, you say?—Yes, purely political, and I do not think it would really be very genuine.

28. You mean to say they would be obliged to have a sort of national appearance outside?—The Punjabi is very patriotic, provincially speaking, and "The Punjab for the Punjabis" is a very common cry, and the introduction of any other element is always objected to as a matter of principle, and they would naturally object openly to the recruitment of Britishers.

29. But you say you do not think it would be very genuine?—I do not think so. Why I say that is because so many politicians have spoken to me privately on the difficulties raised by the paucity of Britishers now in the Service.

30. I did not quite catch that?—So many politicians have privately spoken to me about the difficulties raised by the paucity of Britishers now in the Service.

30A. You say "privately"?—Yes.

30B. You stress that word "privately", do you?—Yes. Speaking as man to man, and not, of course, in the Legislative Chamber.

31. In answer to my noble friend you said you thought this recruiting ought to be carried out by the Secretary of State, not by the Governor-General?—I favour the opinion that the Secretary of State should recruit simply because I think he is the most powerful recruiting agency, the only agency by which we could get the right stamp of recruits.

32. You mean no one else would inspire sufficient confidence amongst the classes from which the recruits come?—Amongst the Universities and Colleges from which the recruits come.

33. In England you mean?—Yes.

34. You speak principally of the Punjab?—Yes.

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35. But do you know something about Irrigation in the other parts of India?—I should be very sorry to give much of an opinion about it.

36. You just mentioned Sind?—Sind is next door to the Punjab. I know the conditions there better than I do those in other Provinces. I know the officials better, and I know the Sukkur scheme would be largely colonised by Punjab peasants.

37. May I take you to a rather different part of the subject? I suppose it is common ground, is it not, that the Provinces under the new Constitution must have some control over Irrigation. You do not think so?—I am afraid I do not quite understand.

38. I said it is common ground that in the new Constitution the Provinces should have some control over Irrigation?—The Provincial Governments?

39. Yes?—Yes, certainly.

40. You agree?—Yes, certainly.

41. Do you think there is any risk attaching to it? Would the Provincial Government be likely to look after Irrigation and give it sufficient attention and sufficient expenditure?—In the Punjab I am pretty confident that it would be all right because the agriculturist has the majority in the Council and always will have, and the Muslims under the Communal Award have also the majority and, personally, I think that they will always look after the goose that lays the golden egg.

42. That would be all right in the Punjab, but, as between Province and Province, there might be friction or difficulty sometimes?—There is almost certain to be.

43. "Almost certain", you say?—Yes, there would be friction between the Punjab and Sind, there would be friction between Kashmir and the Punjab and probably between the United Provinces and the Punjab over the Jumna, and so on; it is inevitable.

44. You would not like to add anything to the Committee out of your great experience under that head, because that is very important from our point of view?—At the present moment the Punjab is forbidden to take any more water from the Indus for ten years from 1929, in order that it may be established that the water there is more than sufficient for the Sukkur Barrage project. The Punjab holds that it is established now, and that we are simply waiting for ten years to prove what can be proved now, that is to say, everybody is losing money, waiting for ten years. We cannot go on with our projects; we cannot colonise; the peasants cannot grow crops, all because there is this difference of opinion. The Secretary of State gave his orders that we must wait for ten years. I presume in the future there will be nobody to give those instructions.

45. You are faced with that difficulty. You suggest a Board, I understand?—Yes.

46. A British-India Board?—Yes. It would have to include the States; the States must come in too.

47. It would be an all-India Board then?—Yes.

48. If I may put it in that way, if you had your way in the matter, would it have a mandatory power or only an advisory power?—I should make it mandatory.

49. You would give it authority?—Yes.

50. You also say you would like to see the office of Inspector General continued?—Yes, or, rather, it is not continued at the present moment; it is abolished.

51. When was it abolished?—After the Inchcape Committee. I am not quite sure when it was; it was about 1924.

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52. That was an economy provision, was it?—Not entirely; it came in with the reforms too. The argument was that Irrigation was a Provincial subject, and therefore there was no need for an Inspector General at the Central Government.

53. In your experience would you say that the loss of the Inspector General during these years has been important?—I think we miss him very much.

54. It would have been of great benefit if he had continued, you think?—I think so.

55. And the Inspector General, of course, would be a Central Official?—Yes, but I would make the Provinces contribute to his pay.

56. In your view, Sir Raymond, would he be under the authority of the responsible Government at the Centre, or under the authority of the Governor General?—I am afraid I have not considered the details.

57. *Major Cadogan*: You could not, of course, make a stipulation that he should be a European, could you?—No, Sir, I had not that in my mind.

58. I was only wanting to make quite sure what you meant?—I had not anything of that kind in my mind at all.

59. *Marquess of Salisbury*: There is one other Central matter about which I would just like to ask you. Have you thought at all about the difficulties of a proper system of research in respect of Irrigation?—I did think of writing something in my Memorandum about it, but I did not quite see how it came into the question raised by the White Paper. I noticed, I think I am right in saying, that one of the Federal Subjects is "Central Research"—I think those are the words. I have not the White Paper with me.

Mr. Butler: I think it is No. 42.

Marquess of Salisbury: That is so, is it not, Under-Secretary?

60. *Mr. Butler*: Yes, it is in the Federal List, No. 42: "Central Agencies and Institutes for research"?—That assumes, apparently, that there is a Central Agency for research, whereas there is not any.

61. *Marquess of Salisbury*: There is not at present?—Not for Irrigation research.

62. Do you think there should be? Please do not confine yourself to the White Paper; we have a larger scope than that.—The difficulty was this: Under the present Constitution research is at the present minute a Central Subject, but the Central Government does nothing for Irrigation research at all. The Provinces, I was going to say in despair, have started their own small research institutes; we have one in the Punjab; the United Provinces has one; Sind has one; I believe Madras was about to start one when I left India, and they are doing good work, but their funds are very, very limited. The reason for that is, in a way, that the Provinces feel that research is a matter for the Government of India under the present Constitution and they are fortified in that opinion when they see the Government of India give ten lakhs a year, I think it is, to Agricultural Research. They also run the Pusa Agricultural College. They also run the Dehra Dun Forestry Research Institute. But the Government of India's sole contribution to Irrigation research is the contribution of 7,500 rupees every year to our little Bureau of Information which we run for ourselves. We have so little funds at our disposal that we very nearly had to give up our representation at the International Conference about Dams. That is in a country which has some of the biggest dams in the world, and they very nearly could not afford to send a Delegate there. We just managed to get the Government of India to give us funds for that.

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63. So what you would like to tell the Committee is that you think this is a very important subject which ought to be run Centrally?—I think so, and I think if there were an Inspector-General he would bring it much more before the Central Government. It is possibly news to you that in the whole of the Central Government there is not one Engineer of any kind. Naturally, they do not hear much about such matters.

Chairman: I did not like to interrupt Lord Salisbury's consultation, but the position is that Mr. Mullings is now available. It is a question whether the Committee would desire that Mr. Mullings should be heard at the same time as Sir Raymond. What does the Committee feel about that? That was the original arrangement.

Lord Hardinge of Penshurst: I see no objection to it.

Chairman: I have none.

MR. (now SIR) C. T. MULLINGS, C.S.I., is called in and examined as follows:

Chairman: Mr. Mullings, you are happily able to join Sir Raymond Hadow in consultation with the Committee at this stage. You have been good enough to prepare a Memorandum for us for which we are greatly obliged. We are in course of putting a few questions to Sir Raymond Hadow, and the Committee feels that both you gentlemen might well be heard together. Perhaps either of you will answer questions, as you think best, or if you disagree with each other on any particular point perhaps you will make that clear.

64. *Lord Rankeillour*: Sir Raymond, if the office of Inspector-General is revived, to whom should he report?—(*Sir Raymond Hadow*): I should follow more or less the same procedure as was adopted before, and that is: He reported to the Government of India, who merely forwarded his report to the Local Government. It was open to the Local Government to accept or to refuse the matter that was in the Report. They were not bound to accept it.

65. In practice, did the Central Government find any means of enforcing the Report, if they agreed with it, on the Provinces?—I do not think they could enforce it. They might bring pressure to bear, but I do not think they could legally enforce it in any way.

66. And, in future, they would not have the same means of bringing pressure to bear, would they?—No; they could merely express an opinion, but I would leave it entirely as it was in the old days, namely, that the Local Governments were presented with the Report of an independent and outside expert, and they could take it or accept it, and, if they refused it, it was their responsibility.

67. You would not regard it as possible to devise any means to enable the Central Government to enforce a report?—No, I do not think I would.

68. Now about the Irrigation Board: You wish to set that up merely for the purposes of adjusting quarrels and differences between Provinces or between Provinces and States?—Yes.

69. It would have no further function; it would not have any administrative function in trying to keep up the standard?—No.

70. Would you give its decisions the force of law—that is to say, would you give them the same validity as the decisions of a law court?—I think so. The questions that arise are nearly always of this kind: There may be a dispute between two Provinces; one Province, say, claims half the share in a river; the other Province says: "No, the share is not half; it is only 25 per cent." The decision that the Board would give would be that the share was 30, 40 or 50 per cent., whatever the decision was that

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they arrived at. That is nearly always the sort of difficulty we get into. I think Mr. Mullings has considerable knowledge between Madras and Hyderabad. (*Mr. Mullings*): And Mysore.

71. *Lord Rankeillour*: And I suppose if there is to be a new Federal Court, you would not allow the decisions of this Board to be subject to appeal to them, would you?—(*Sir Raymond Hadow*): No. My whole object is to keep all disputes of that kind out of the law.

72. But you would give their decisions the same legal sanctions as the decisions of a Federal Court?—It would have the same power.

73. It might not be very easy to exercise in the case of a recalcitrant Province, might it?—If they had accepted the proposal of a Board and had accepted its opinions, it would be rather strange if they went back upon it when the decision was against them.

74. But you have not thought of any kind of monetary sanction by withholding grants in a case like that?—It never crossed my mind that they would refuse.

75. Or that a State would refuse?—I think I said the States would have to accept the finding of a Board as final.

76. And, in fact, they would have, when they acceded to the Federation, to accept the jurisdiction of this Board?—Yes. I do not myself think the States or Provinces would object to such a proposal.

77. Now there is just one other thing, and you must pardon my ignorance, but how does the system of irrigation in practice work? I suppose there is rationing of water?—That is practically what it amounts to. The water is supplied in the Punjab at a rate of so many cubic feet per second per acre.

78. And is it necessary sometimes to curtail and then afterwards to increase the amount?—It does not flow continuously; it flows at intervals, and those intervals depend upon the supply in the river, the climatic conditions, the rainfall, the sowing of crops or ploughing, and it is very easy to see that you can keep certain areas short of water, and it very often happens naturally at a time when it is most important that they should receive it.

79. Can this cutting off or restriction of water in an area sometimes be exercised by subordinate officials?—It can be; it should not be.

80. But it can be?—It can be.

81. And right down, I suppose, a whole hierarchy of officials, even the quite low ones, might have power to let a landed owner or occupier of land have more or less?—Yes.

82. And that is what you fear, that for vindictive or corrupt reasons someone might be kept short of water?—Yes.

83. And that is why it is so necessary to have capable men who watch this process at the top?—I would rather put it: men with whom the Punjab peasant is sure he will have a square deal.

84. Do you think that sort of difficulty, accentuated by the communal trouble would be as acute in other parts of India as in the Punjab?—(*Mr. Mullings*): In Madras it would. (*Sir Raymond Hadow*): I would hesitate to reply, Sir; I would rather stick to what I know.

85. Is it difficult for the higher official to detect any improper switching off of water, and so on—is it a matter that he can soon find out?—It is not easy for a higher official, but the men immediately over the person who is not sharing the water fairly ought to be able to tell quickly, but for a higher official he would only know from complaints most probably.

86. And then he would have to hold an inquiry?—He would hold an inquiry.

87. And he would have to be a man who understood something about evidence, and so on?—It is purely an informal inquiry.

88. *Lord Middleton*: What is the system of the administration in a Province under the Chief Engineer? How are his responsibilities delegated? How is the Province divided up?—In the Punjab, the Provinces are divided up, I think it is, into 17 circles of superintendents in charge of a superintending engineer.

89. Then the work of the head of that circle is mostly administrative?—Yes, exactly; that is where the administrative side really begins, with the superintending engineer. Under him are three or four engineers whose work is executive.

90. At what point does a technical engineer become an administrative engineer—that is, when he becomes a superintendent of a circle?—Yes, that is when he becomes important.

91. You rather dwelt on the fact that the Indian engineer was a better technician than administrator?—Generally speaking.

92. Can those circle superintendents' posts satisfactorily be held by Indians as a rule?—Yes. (*Mr. Mullings*): In Madras very often.

93. But satisfactorily?—(*Sir Raymond Hadow*): Some of them are.

94. The point I wanted to get at was what proportion of officials in a Province should be British?—The proportion of Indians and the British in a Service or Province has nothing to do with the number who will be employed in the administrative rank. Promotion to that rank is entirely by selection, so you might have a proportion of 50-50 over the whole service, but by the time it got to administrative rank it might be any other proportion you like, because the proportion is, or should be, entirely by selection.

95. Then supposing there are complaints of corruption in a district or a circle, who initiates the investigation or proceeding?—It depends upon to whom the complaint is made; if it is made to any officer, he would most probably start investigations on his own.

96. Would it be more difficult for an Indian to whom a complaint was made to investigate the complaint than for a British officer? Would he be subject to influences which would make it difficult for him?—Quite rarely he might have pressure brought to bear upon him not to make an investigation; but if it is a big case, it would be beyond his power to stop it at all. I sat on two Commissions of Inquiry myself during 1930, I think, and they both concerned officers of my own Department, both executive engineers. I think this is answering more or less your point. We were appointed as Commissioners, I and a Judge of the High Court under the Public Service Inquiry Act, which is an Act to enable you to inquire into cases of this kind. It was semi-judicial, but it only reported its findings on the charges. We gave no verdict on the officer himself. We had Counsel, and it took us nine months to be able to write a report on two of the charges. There were nine charges against the officers, I think I am right in saying. We did two and then informed the Government and gave them unofficially a look at our report, and they said that was quite enough, so we did not proceed with the rest; otherwise, one might be sitting there still. One needs some form of inquiry, undoubtedly. An ordinary officer, when he takes up a case of that kind, nearly always ends by saying that he will never touch another one; it gives him so much extra work and trouble, and usually a very unsatisfactory result at the end. Of course, the attempt is made to subject

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the charges to legal proof and the officers who inquire into the cases seldom know anything about the law; loopholes are found, and the whole case falls through, although everybody knows it is perfectly true.

97. *Sir Reginald Craddock*: Sir Raymond, what classes or castes do you get your engineers from, principally?—A great many of them come from the Bunya class, but we get them entirely from the Thomason College at Roorkee, and the Punjabis are usually very high up, most of them, mostly Hindus; they take very high places, and are mostly of the Kutri and Bunya classes, the shopkeeper class: I am speaking there from memory.

98. They are very largely Kutris, I suppose?—Yes.

99. What about Sikhs?—We get a certain number of those, but not very many. The competition at Roorkee is exceedingly keen, and most of the higher places are taken by the Hindu element; we occasionally get a Muhammadan, occasionally Sikhs, occasionally even Anglo-Indians.

100. Speaking generally, I suppose, you would say that the Hindu would get the majority of these posts?—Unless, as we do now, we pick any Muhammadan there is who is qualified, no matter where he is on the list, and then fill up the remaining vacancies with Hindus.

101. That does not make for the most competent people being employed?—No.

102. Then you spoke about administration. I have, of course, some experience of these Departments, and I was anxious to know from you whether you had had different experience from mine in the Punjab. One generally found that a man who was quite a brilliant promising assistant engineer and a good executive engineer aged more quickly than the European, and that very often a man who on his record is promoted to be superintending engineer does not fulfil the promise because he is getting fat or lazy or aging quickly?—Yes, I think that is very true.

103. Then as this irrigation would be under a Minister, you said particularly how important it is that in filling administrative posts, such as superintending engineer and above, selection should have full play, but with a Minister in charge, would he not have great pressure put upon him, whether from the Legislative Council or the politicians, to promote men who really would not have been selected under a strict system of selection?—That is very likely, but I am afraid that my opinion is that the selection at the present moment is not strict enough. I do not think that you can say that that would be the result of putting the irrigation under a Minister only.

104. No. The difference there, I suggest to you, is that it is rather more likely to happen with a Minister who is responsible to the Legislative Council and to the pressure put upon him by politicians than it is with an Indian member who is a member of a Council, it being a reserved subject?—Yes.

105. I think, Mr. Mullings, you say that in Madras the best engineers are found among the Madrasi Brahmins?—(*Mr. Mullings*): Yes.

106. How far do you find that the same men who are very good engineers are also good and reliable superintending engineers, namely, in administrative work?—I should think quite half of them have been excellent.

107. The Madrasi Brahmin is rather special in these respects, as far as I have seen?—Yes, I think so.

108. Then, Sir Raymond, you spoke about research; you mean by that the engineering part, do you, because the agricultural people conduct a great deal of research bearing upon irrigation of crops?—(*Sir Raymond Hadow*): Yes, but, if I may say so, their research has got a different object in view. Agricultural research has nearly always aimed at improving crops or improving the seed or the production of special kinds of crops, whereas our

research is aimed at trying to prevent deterioration of soils by waterlogging. The two angles of vision are entirely different.

109. Of course, one would notice that difference in the Punjab, because so much of your irrigation is applied to land which would not crop at all if there were not irrigation?—Yes.

110. Taking my own experience in the Central Provinces, the difficulty was that where you get fairly decent crops, through reluctance to get water and incur that expenditure when they are hoping still that it may rain, they very often leave it till it is too late?—Yes.

111. Therefore, agricultural research in the Central Provinces as regards irrigation was directed very strongly to bringing out the benefits of irrigation to all sorts of crops in which the people were not accustomed to applying it. You do not get that in the Punjab, but you may get it elsewhere?—Quite so.

112. Then as regards the Irrigation Board that you have spoken about, in the past there has not been a Board with the Government of India to deal with disputes between Provinces, has there?—No, there has been no such Board.

113. But you had an Inspector-General of irrigation?—Who usually managed to reach a decision of sorts. I think they did in Madras.

114. But did they not have arbitrators appointed in Madras, usually?—(*Mr. Mullings*): Yes. I think we once had a Judge from the United Provinces.

115. An arbitrator?—Yes.

116. Who gave a formal award?—Yes.

117. That award was a recommendation to the Government?—Yes.

118. It did not go beyond that?—It did; it was disputed by the Madras Government, and I think it was considerably altered later on. That was 15 years or 20 years ago.

119. Where do you get your recruits from in Madras?—From the Engineering College at Guindy, close to Madras.

120. You do not get any Roorkee men there?—No.

121. I suppose all your engineers are Madrasis?—Yes.

122. You have not any outsiders?—Practically none; I doubt if there is one.

123. Do you get any Anglo-Indians in Madras among the Public Works Irrigation Board?—There may be a few subordinates, but none in the higher ranks.

124. You have not had any executive engineers?—No, not as a rule; there are one or two. The N.C.O.s have been allowed through the subordinate ranks and they have occasionally risen to be executive engineers about the end of their service.

125. They get some training at Roorkee?—Yes, or at Madras, or at one of the provincial colleges.

126. Sir Raymond has told us that he would like the present proportion of British recruitment of the irrigation engineers to be continued and appointed by the Secretary of State. Do you concur in that?—I think a few would be very desirable; but it would be hard in Madras to restrict them to the Irrigation Service, because we have not got a separate Irrigation Department.

127. You have never separated irrigation entirely from roads and buildings?—No, we have not.

128. You can have an Irrigation Branch, cannot you?—You could have, I suppose, but it would be rather difficult in the ordinary dry districts where

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there are tanks and buildings all muddled up together. It is not necessary to have more than one executive engineer for one of those districts.

129. But you have some engineers in Madras who have rather concentrated on irrigation?—Yes.

130. And who are employed in all the most important irrigation schemes?—Yes.

131. That would be so, would it not?—Yes, they could easily.

132. Still, at the same time you would like to see British recruitment continued to some extent, anyhow?—Yes, especially for irrigation. It does not matter so much about roads and buildings in Madras.

133. *Lord Eustace Percy*: But if it was only irrigation in Madras, would you have sufficient opportunities of promotion in a separate Irrigation Branch to get Englishmen?—I do not know. You would find that out after advertising for recruits.

134. *Mr. Davidson*: Mr. Mullings, in Madras, a great deal of the irrigation is as between the States and the Presidency, is it not? I mean, in Hyderabad and Mysore, and even down to Travancore there are questions which affect both?—Yes, there are.

135. Do you find that the qualifications of the State Irrigation Officers are more or less the same as the others?—No; nearly as good.

136. Do State subjects go to the College at Madras?—They have a little college of their own. One or two are occasionally sent to England.

137. *Major Cadogan*: I would like to ask you, Sir Raymond, supposing European recruitment to this Service ceased altogether, do you anticipate that the Provincial Governments would enlist European experts on short time contracts, and, if so, would that allay your misgivings as to the efficiency of the administrative being effected?—(*Sir Raymond Hadow*): I do not think it would be the slightest good to enlist experts on short time service. You have first got to catch your expert, and I do not know where, outside India, you would get anybody who could give really expert advice on the Indian form of irrigation. Secondly, a man would take many years before he could possibly get to the bottom of the question. The only form of expert you can get is the purely constructional engineering expert, not the irrigation expert, if I may put it that way.

138. *Lord Hardinge of Penshurst*: Mr. Mullings, you say that the best engineers are Brahmins. Do you mean that the non-Brahmin Hindus are less efficient than the Brahmins?—(*Mr. Mullings*): They do not pass such high tests in the examinations, so they do not get a chance of being appointed as a rule.

139. Why do they not pass?—They are not clever enough, yet.

140. I should have thought there was very little difference between them, the non-Brahmin Hindus, and the Madrasi and the Brahmins. Of course, you know better than I do. You say there is?—The Brahmin preponderates in the educated classes tremendously in spite of his smaller numbers.

141. Then do you consider that nepotism and corruption will be very much increased with the gradual disappearance of British officers?—I should think they would gain by their own experience.

142. Are the Brahmins equally corrupt?—Yes; I do not think they are as bad as they have been.

143. Education makes no difference, then?—I think they are improving quite a lot.

144. And you consider there would be no failure in the administration—no great breakdown were the British element to be entirely eliminated?—I do not think there would, no.

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145. Now as regards Mysore and Madras, there they have got an Irrigation Department, which is an entirely Indian Department, I fancy, have they not?—Yes.

146. And they construct all their irrigation works themselves?—Yes.

147. Do you happen to know whether they are very efficiently constructed or not?—The only one I know well, their largest one, has been very well built, Kunumbadi Reservoir it is called, a big irrigation work on the Cauvery.

148. I know it. I suppose if Mysore can get on as well without the British element Madras can?—Yes, the officers would be just the same type.

149. *Lord Hutchison of Montrose*: Provided that the White Paper Proposals were carried out, and Irrigation is a Transferred Department to a Province, how do you suggest that you could carry out through a Board control of water which affects several Provinces. Supposing a Board legislated on a definite question of policy of the handling of the water of a long river how could you enforce that on the Province concerned?—Unless the Central Government could, I do not know who could.

150. Have you studied at all the Egyptian water question from the point of view of policy?—No.

151. There there is always a conflict, or has been until declarations were made between the Sudan and Egypt as to the position of water on the Nile, and barrages were continually having to be made in a Province other than that to be served, in other words, upriver?—Yes.

152. Will that not be so in India?—I do not think it need. I think an Irrigation Board could settle it straight off.

153. Could they carry through negotiations between Province and Province as to the building of a barrage for a lower Province, in an upper Province, we will say?—I do not think that case would occur in Madras. (*Sir Raymond Hadow*): It might easily occur. You might easily have to conserve the waters of the Indus, say, far up in the Himalayas, not in either of the Provinces concerned. In fact we have been negotiating with one of the Hill States about building a dam right outside the Province entirely. The negotiations never came to anything in my time.

154. Would not such negotiations have to be carried out by a Central authority like the Government of India?—At the present minute?

155. Such negotiations with another State would have to be carried out by the Government of India?—At the present time or in the future?

156. In the future?—In the future I would put it all in the hands of a Board.

157. You have the same thing on the Nile where you have negotiations with Abyssinia and the Sudan to provide water for Egypt?—Yes.

158. If it is going to be purely a Provincial Service, what overriding authority will you have in the Government of India to deal with water, or conflicting interests, or the provision of barrages in a Province other than the one to be served?—That is what I would put in the hands of this Board, I suggest.

159. Which points to the necessity for some all-India control over water?—Very much so. That is what I failed to find in the White Paper. (*Mr. Mullings*): I agree.

160. *Earl Winterton*: Mr. Mullings, I gather the general effect of your assessment of the situation in your memorandum is that the competency of Indian engineers has been gradually increasing in recent years and corruption shows a tendency to decrease, or, rather, the standards of the Indian engineers in the Service show a tendency to improve?—Yes.

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161. *Earl Winterton*: And that despite the fact that at the present time they have the worst possible example of corruption in some countries where there are people of European descent?—They have the very worst example.

162. *Major Attlee*: Sir Raymond, I am not quite clear on your idea for a Board. Is the Board to be representative of the Provincial Governments or just of the Engineering Services?—(*Sir Raymond Hadow*): I would make the Board very much on the same lines as the Central Board of Irrigation at the present minute which contains members from all Provinces. If a question arises about one Province naturally that member of the Board does not come into the question at all. You select a panel of about three men from the Board, and you naturally select those who have experience of the kind of question raised but who have no connection with the actual Province itself.

163. It is more an arbitral Board than an administrative Board?—The present Board is merely to advise the Government of India.

164. Assuming you have the White Paper Proposals you have Provincial Autonomy?—Yes.

165. You have also got the States?—Yes.

166. Questions will come up with regard to the share of water between these, and possibly the consideration of joint schemes. Is it your idea that that should be done merely by negotiation between the parties concerned, or should there be some all-India authority that would be dealing with the matter on a more or less large scale plan?—I would have the outside authority. The negotiations between the States themselves will always take place. It is only when they fail to reach an agreement that the question would come up of the necessity for any other power.

167. Seeing that under the White Paper you are going to have a Federal Body at the Centre on which the States and the Provinces are going to be represented, do you think that it would be well that there should be some power in the Central Government?—Are you speaking of the Federal Court?

168. No, the Central Legislature?—I do not see the connection between the Central Legislature and this particular question of disputes.

169. The question of Irrigation I was suggesting was not a matter solely for one Province or one State?—The sources of supply for irrigation are certainly a matter of almost what one might call Imperial interest.

170. Exactly, and the point I was putting was whether you did or did not think that there should be in the Central Government some power of co-ordination?—That would be an alternative to the Board, I suggest?

171. Yes?—I am afraid my Board is a very half-boiled idea. I merely put that forward because, shortly before I left India, I discovered what I thought was this gap in the White Paper, and I made that point to my local government, and what has happened since I do not know. I may be quite incorrect, and there is no gap, but as far as I can see (I have studied it again) there is this gap, and a very serious gap. I only put forward this suggestion for a Board as some way out of it, but if there is a better solution I should be very glad to adopt it.

172. With regard to the question of the retention of a certain number of British personnel in the Engineering Services I was going to put it to you as to whether it would not be possible, without saying that you must have direct recruitment through the Secretary of State, to have some kind of power in the Central Government which, as it takes cognisance of all India, would be interested to see that there should be a certain standard of administration throughout the Irrigation Services?—I do not quite see what would follow from that, Sir. The idea is that

the Central Government would take cognisance of the fact that in any Province there was not sufficient recruiting of Europeans, but I do not see what the next step would be.

173. Could not the Central Government actually recruit?—I do not think they could recruit well. I know for a fact from my own knowledge (I go back as far as 1914 in my knowledge of it) the Secretary of State's recruitment has not been easy except for a year or two after the War. He has not been able to get men very easily, and is it likely that the Government of India or the Provincial Governments could get men easily, or get them at all? I do not believe you would get them at all.

174. Is that from the point of view of the stability of employment?—No.

175. Or from the point of view of selection?—It is the mistrust, I think, that the College and University Authorities have for any new source of recruitment. They know the Secretary of State; they have supplied him with recruits for years, but when a new authority comes forward and asks for recruits I do not think they will take any notice of it until they see exactly what happens to other recruits who have been sent there. It has been so difficult that I think in 1925 two engineering officers were sent round all the engineering colleges in Britain finding out what the difficulties were and doing a mild form of propaganda, but I think it was only a few years ago that we asked (I am speaking from memory) either for three or two recruits and we only got two or one. That shows how difficult it is to get recruits even through the Secretary of State.

176. *Mr. Cocks*: Sir Raymond, at the present time the proportion of recruitment for the present All-India Irrigation Service is on a basis of equality, is it not, with a twenty per cent. reservation for the Provincial Service?—Yes.

177. It is forty per cent. British to sixty per cent. Indian?—It amounts to that.

178. Is that the proportion you suggest should be continued?—I did not fix any particular proportion in my mind.

179. *Mr. Cocks*: You do not suggest any definite percentage?—In the 40's or 50's would do. It comes to the fraction of a man in the end when you are only recruiting about three men.

180. Supposing you took it, for the sake of argument, that it should be 40 per cent. recruitment from Britain, do you mean 40 per cent. of each Provincial Service, or 40 per cent. of the total combined services in India?—I am only speaking of the Punjab in that case. I am not speaking of the other Provinces. Certainly a great many Provinces would not support British recruitment for their Irrigation Service. I am almost certain of that. I do not know what Mr. Mullings thinks. It would be so in the Provinces where Irrigation itself is a very minor matter such as Bengal.

181. *Marquess of Zetland*: No; I would not describe Irrigation as a minor matter in Bengal where we have tremendous hydraulic works for dealing with malaria?—I was speaking of Irrigation and not of Drainage, if I may be allowed to say so.

182. But I point out that drainage works are all part of the Irrigation Engineers' duties?—Quite so, but I have spoken to many Bengal Irrigation Engineers, and they have told me frequently that their entire work is drainage, Mr. Adam Williams, for instance.

183. I agree Mr. Adam Williams may find it is largely drainage?—It is all drainage. As to Irrigation itself, the putting of water on the land, is not the main service in Bengal.

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184. I agree, but you have your irrigation service all the same?—That is so.

185. *Mr. Cocks*: Do you suggest that we should suggest in our Report a definite, but varying percentage for each different Province?—No, I would not go as far as that. I would say in certain Provinces (and I admit my own knowledge is not extensive enough to say which) where Irrigation is important a definite proportion should be laid down, but in the others it should be left to the local governments entirely.

186. It should be laid down in the future constitution of India you mean?—Yes.

187. As far as certain Provinces only are concerned?—Yes.

188. You know, of course, that the Simon Commission reported that British recruits are very difficult to obtain for the Irrigation Branch even on the All-India basis?—I did not remember that they had reported that, but I know that it is a fact.

189. If that was the case when Irrigation was a Reserved Subject, and on an All-India basis, do not you think that difficulty would be even greater if it is a subject that is to be transferred and made a Provincial one?—It would be, unless some form of guarantee is given by the Secretary of State. I am quite sure that a recruit entering the Irrigation Service would not even know what "transferred" and "reserved" meant. I do not think that would frighten him, but if he was told that the Secretary of State guaranteed his pay and pension he would consider that good enough.

190. *Earl Winterton*: He did guarantee them under the old system?—He did under the old system.

191. What the Lee Commission Report says is really very striking. After referring to recruitment for the Indian Civil Service and saying: "We are informed that men of the right type are coming forward in adequate numbers," they then add: "We understand that Police recruits are also in good state, but we understand that recruits are difficult to obtain for the Irrigation Branch of the Service"?—That is so, and they have been difficult to obtain for a number of years.

192. *Mr. Cocks*: It follows from that, does it not, that they will be even more difficult to obtain in the future under the new system?—What I suggested was very little altered from the present system. The only difference as far as I could see between them would be that they would be servants of the Local Government; they would have to rely on it entirely in matters like prospects, promotion, discipline and so forth, whereas, in the present system in an All-India Service for those cases, they have an appeal, I think, to the Secretary of State; but the ordinary recruit does not even know that the right of appeal exists before he joins, I am quite sure.

193. Can you give me reasons why the sons of landed proprietors and that type of recruit does not come forward for this Service?—I think there are two reasons. One of them is that they are usually not clever enough; they have not got the acute mathematical brain that the other castes have; and, secondly, I think very largely in the Punjab, it is not looked upon as such a good profession, say, as the Army, or the Civil Service. It seems to me that the position in India is very much the same as it was about a hundred years ago in this country, when the engineer's profession was hardly a gentleman's profession. That is what I think the position is at present.

194. As far as that second reason is concerned, considering the importance of the Irrigation Service, do not you think that when it becomes a Transferred Subject and is Indianized, that objection will decrease, and that men of this type will come forward?—It will no doubt go as it has

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gone in this country. I am speaking from personal knowledge. My relatives have told me that about eighty years ago they only became Engineers under great objections from their parents. It was scarcely a decent thing to do.

195. Who would appoint the Irrigation Board—the Central Government?—I have not gone into that, but it is the sort of thing I would leave in the hands of the Governor-General—not in Council, but the Governor-General—some purely outside authority.

196. You suggested it should be a statutory body, embodied in the Constitution of India?—Yes.

197. You said it would be constituted something like the present Central Board of Irrigation, which I understand consists of the Provincial Chief Engineers and the Consulting Engineer of the Government of India?—He no longer exists.

198. He did at the time of this Report?—No doubt he did, but he has gone now.

199. That Board is a purely advisory one at the moment?—It is purely advisory and it can only give an opinion when it is called upon to do so.

200. Would not you propose that its Constitution should be altered in some way if it is to be made a body with a mandatory power?—Certainly. I was merely pointing out that there is a Board of that kind in existence at present.

201. You would hardly make the Provincial Chief Engineers—Civil Servants—the masters of their own Governments on such an issue as this?—As I was explaining before, supposing there was a dispute between Sind and the Punjab, the Representatives of Sind and the Punjab on the Board would be the people to give evidence, not to sit on the Board.

202. But the Board's decision would be final, you suggested?—Yes.

203. Therefore, you would think that, besides these Provincial Chief Engineers, there ought to be other people added?—Yes, but in my opinion there should be a majority of Engineers. My experience is that it is always difficult to get laymen who understand the technical difficulties.

204. Would the appointments to the Board be of an irremovable character, as the appointments of Judges are, or would they be appointed for a particular purpose?—They would be appointed for a particular purpose. (*Mr. Mullings*): An *ad hoc* Committee.

205. I do not want Sir Raymond to answer this question if he would rather not, but would he care to say whether he agrees with Mr. Mullings when he says in his last paragraph: "but I anticipate no breakdown in administration were the British element to be eliminated by its gradual replacement or superannuation"?—(*Sir Raymond Hadow*): I do not quite know what he means by a "breakdown in administration." I have read that myself, and I do not quite know what it means.

206. Could I ask Mr. Mullings?—(*Mr. Mullings*): I think it would be very nearly as satisfactory as it is now in Madras, certainly.

207. Even if the British element were entirely eliminated?—Yes, and because for fifteen or twenty years there would naturally be some Europeans left.

208. But what would happen at the end of the fifteen years?—They need not be replaced, I suggest, in Madras.

209. *Lord Eustace Percy*: Sir Raymond, may I return for a moment to this recruiting question: How is the administrative personnel in the Punjab now recruited, other than promotions from the Subordinate Service?—(*Sir Raymond Hadow*): Are you speaking of the Irrigation Service?

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210. Yes?—Most of the recruits come from the Thomason College at Roorkee.

211. What is the recruiting authority?—The Local Government.

212. The Central Public Services Commission have nothing to do with it?—Nothing to do with it, and they are formally appointed, after probation, by the Secretary of State. It is purely on the recommendation of the Local Government that they have found these officers suitable. He appoints them because he is the only Appointing Officer to an All-India Service. It is purely for Constitutional reasons.

213. Does the Local Government set the standards for the recruits?—Yes, we take the Roorkee certificates or degrees, as it were.

214. Do you get as high a standard as if the Central Public Services Commission did it?—They would choose the same men. Just as I was leaving India it was left to the Public Services Commission to choose them and they took them from the same college as we took them before, but it is a purely independent outside authority, of course.

215. So far as the Secretary of State's recruitment of Englishmen is concerned, do you contemplate that the Secretary of State should fix the educational standards and the examination in this country?—That is what he has done at present and we find that quite satisfactory. He most probably consults the Civil Service Commission here, I should think.

216. I was just going to ask you what function, except a pure facade, the Secretary of State would perform? The actual operation would be that the Civil Service Commission here would be recruiting a certain number of men for the Punjab Service?—That is really what it amounts to, I suppose. He would be, as you say, really a figurehead.

217. The only function the Secretary of State would perform, I understand, is that you anticipate that he would guarantee in some form the scale of salary and the pension?—I suggest that because it struck me that he would not either care to recruit people to whom he could give no guarantee, and, secondly, he might not be able to recruit them without giving them some form of guarantee.

218. But the Secretary of State could not, under the new system, guarantee a salary or a pension, because he would not have the control over the Government of India which would make him the salary-paying and pensioning authority?—But he is going to do that for the Indian Civil Service and the Police for five years.

219. He does that because he still retains control over the whole Service?—Yes.

220. He specially reserves through the Governor-General, under the White Paper, responsibility for their salaries and pensions?—Yes.

221. But that would not be the case with the Irrigation Engineers, would it?—I see the difficulty. It always has been a difficulty to me. I only bring in the Secretary of State, because, to my mind, he is the only person who could get recruits. If I thought the Provincial Government could do it, or the Public Services Commission, or the Governor-General, I would be only too glad to accept that point of view, but I cannot see any of them being successful, knowing what I do know about the recruiting for many years past.

222. As regards the Indian personnel, you would see no advantage at all, at any rate from the point of view of the Punjab, in concentrating recruitment in a Central Public Services Commission acting on behalf of the Province?—I think they are doing that now for their own recruits—Indian recruits, I should say.

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223. I do not know whether I might ask Mr. Mullings the same question. Do you think that Central recruitment of Indian personnel would be better than provincial recruitment?—(*Mr. Mullings*): I do not think so.

224. You think it would be worse?—I think so, yes. The Public Services Commission in Madras takes exactly the men we should choose. (*Sir Raymond Hadow*): The difficulty with central recruitment is that you may get a Madrasi in a post in the Punjab and *vice versa*, which I think Mr. Mullings will agree with me would be nothing short of a calamity.

225. *Mr. Butler*: Arising out of Lord Eustace Percy's questions, you say in your own memorandum, that, if possible, the Secretary of State should avoid fixing a scale of pay and pension, because you realise, I think, the difficulties under Provincial autonomy, that we are dealing with a transferred subject?—Exactly.

226. Since you have acknowledged this difficulty, I wonder if you could help us by elaborating any further some method of getting over this difficulty that you mentioned. Would you suggest that there should be some method of consultation with the Provinces as to the scale of pay and terms and conditions of service?—That might easily get over the difficulty. I presume the Secretary of State would do that in any case. He would not necessarily accept the present All-India standard of pay or pension; I am not suggesting that.

228. Do you suggest that there should be some method of consultation with the Province?—Yes.

229. I understand, and I should like to ask Mr. Mullings this, that you would not wish this to apply to every Province?—I certainly would not thrust it down the Province's throat.

230. May I ask, Mr. Mullings, what your view would be upon this question?—(*Mr. Mullings*): I do not think the Secretary of State is required to recruit Europeans for Madras.

231. Sir Raymond, you mentioned the question of Sind. You are aware, I expect, that in the White Paper the Government of Sind is declared to have a special responsibility in respect of the administration of the Sukkur Barrage?—(*Sir Raymond Hadow*): Yes.

232. Do you think that would be a satisfactory safeguard for the administration of the Barrage and all it means to the Province? Do you think that that would be a distinct help to Sind?—Undoubtedly. Of course, I think the Barrage is almost more important to Sind than the canals are to the Punjab; it is everything, I think.

233. Then coming to the difficult question of the Board, I understand that you have given this matter some consideration, but that you would hesitate to claim that these were your final views upon so difficult a matter?—Certainly. As I say, I do not quite know how far my idea that there is a gap in the White Paper on this point is well founded to begin with, and my idea of the Board is really my own. I have not polished it up talking it over with other people, or had the benefit of their criticisms at all.

234. I agree with you that it is necessary to find some provision in the case where one unit is using water to the detriment of the interests of another unit. May I put it to you that it is rather difficult to base this purely on proprietary rights of water or to make the question a legal one purely?—Exactly. It is very difficult indeed.

235. And that would be disregarding the many political, economical and social elements which are involved in the use of water in India?—Exactly.

236. Would it not therefore be wiser, since there are so many objections raised and since you have acknowledged that it is difficult to base this

question merely upon proprietary rights, that such a Board, which you have very kindly suggested to us, should be of an advisory character and should advise the Governor-General?—I would quite willingly accept that if I knew what the Governor-General would do on the advice. That is to say, could he then say to Provincial Governments who had provincial autonomy that, for instance, the share of water shall be so and so. I understand that he could not.

237. I refer to the difficulty there would be where one unit was using water to the detriment of another unit, and I suggested to you that a Board might be established which should advise the Governor-General?—Yes.

238. In the case of a difficulty between two units, would you agree that in the first place the Governor-General might reject the application if he thought it was not important and the difficulty was not a big one; an application from one or other unit, an aggrieved unit?—I find that very difficult to answer.

239. I do not want to press you, but in the case of one unit having a legitimate grievance, would you agree that this Board which should be appointed by the Governor-General, as you yourself have suggested, an *ad hoc* Board, chosen perhaps from a panel of experts, should then consider this grievance, and report in an advisory capacity to the Governor-General?—Yes.

240. And you will then, if you turn to the White Paper, see that under 70 G, the securing of the execution of orders lawfully issued by the Governor-General, he would have power to see that his orders were executed in a particular Province?—That comes under his special responsibilities?

241. Yes?—It has got to be the execution of an order lawfully issued by the Governor-General. Could he lawfully issue an order in this particular case?

242. If that were made plain in the Constitution Act, that would satisfy your difficulties?—I think so, yes; I think that would be a perfectly good solution.

243. *Marquess of Zetland*: May I ask one question of a general nature which I would like to put to both witnesses? It is admitted, I think, that in India there are some of the greatest irrigation works in the world, and in India they are of extraordinary interest to the irrigation engineers. Some of them were described by Sir Raymond as problems of drainage, which I should prefer to describe as the scientific regulation of flood water. There are other problems connected with the control of floods, for the prevention of disease, and so on, and I would have thought, therefore, that India would have been the irrigation engineer's paradise; yet I understand that extraordinary difficulty is experienced in securing competent engineers from this country. Now can they tell me what the real reason for that is?—It has always been a mystery to me. When one knows how difficult, for instance, it is to get employment in this country for the qualified engineers of the present minute, why more do not try to get out to the Irrigation Services in India, has always been a mystery to me.

244. From your knowledge of Members of the Irrigation Service, do you think there is anything with regard to the terms of employment which prevents people from applying—rates of pay, and so on?—I do not think so. I can only suppose that the University or College Authorities do not encourage it. They would probably say it is a lonely life and that everybody is fever-ridden. They have got most probably quite disturbed and wrong

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ideas on the subject. I can only suppose that. I read a report
two officers I mentioned just now, and they did not seem to me to
much light upon that, either.

245. Can Mr. Mullings throw any light upon that problem
Mullings): Do you not think it is probable that an Englishman
like taking orders from an Indian.

246. But that has not been the case hitherto, has it. The En
has generally been in the superior posts?—Yes, but in the future
not be.

247. No, and you suggest therefore that one of the reasons which
militate against recruitment in this country might be that the Englishman
would find himself in a position in which he would be obliged to
orders from an Indian?—Yes, especially if he felt confident that
a wrong order.

248. *Major Cadogan*: But was not recruitment equally as difficult before?
There was not so good a chance as there is now of a European being
under an Indian official?—(*Sir Raymond Hadow*): To my knowledge it has
been difficult since 1914; that is my own personal knowledge. There have
been years when it has been easier, such as after the War for instance;
about two years after the War there were floods of recruits.

249. *Earl Winterton*: It would also apply to other services, the Indian
Civil Service and the Police Service, that a European would be under
an Indian. Is there any special thing that differentiates the Irrigation
Service in that respect from other Services?—(*Mr. Mullings*): I do not
think so.

250. *Major Cadogan*: It was certainly not as lonely as the Forest Service,
is it?—(*Sir Raymond Hadow*): I should say it was quite as lonely as the
Punjab Forests, and probably not quite so pleasant, because the Punjab
Forests are very largely in the Himalayas. I confess I do not know the
reason why.

251. *Marquess of Salisbury*: Mr. Mullings, you prefer Brahmins for your
engineering officers?—(*Mr. Mullings*): Yes.

252. But the other castes would not be so good?—They are never as
high in the examinations, so they do not get the chance of getting selected.

253. But would you be afraid that under an Indian administration in
Madras under the new Constitution the other castes would be admitted
to the engineering?—I do not think they would be.

254. You think that the Justice Party would always have Brahmins for
their Irrigation Officers?—No, I do not think they would, if they could
help it.

255. The Justice Party are in a majority, are they not, in Madras?—
They may be; I have not been out there for four years.

256. Of course we were informed, I think, that the present administration
in so far as it is transferred is in the hands of the Justice Party now?—
Yes, I suppose so.

257. If that were to happen it would not be so good if you had other
castes?—The better men are the Brahmins.

258. So that the others are the worst men, therefore?—Yes.

259. *Lord Eustace Percy*: They are all recruited by examination, are
they not?—Yes.

260. *Marquess of Salisbury*: You are a little afraid of nepotism, are you
not?—Yes.

261. You say that with a wholly Indian administration nepotism may
increase?—Yes.

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262. Do you think it will increase?—I should think it probably will.

263. Then you think that until caste distinction diminishes the assumed bias of the Indian engineer will always be a source of distrust and suspicion to other castes?—Yes.

264. So that there are several elements in this difference of caste and in the possibility of nepotism which would lead you to think that an Indian administration would not be quite so good?—It would not be quite so good.

265. Therefore, when you say at the end of your precis "but I anticipate no breakdown in administration were the British element to be eliminated by its gradual replacement on superannuation" you do not mean quite what you said just now in answer to one of my colleagues, that it would be quite as good as it was before?—No, not quite as good.

266. *Lord Rankeillour*: Might I just ask Sir Raymond one other question? Sir Raymond, you told me earlier on that you would give the Central Board judicial power, and that their findings should have the force of law, but, if you adopted Mr. Butler's suggestion, that would not be possible would it? —(*Sir Raymond Hadow*): No. His was entirely an alternative.

267. A complete alternative?—A complete alternative.

268. And cases of disputes in law between the Provinces would still have to go to the Federal Court?—I would try to have it so that all disputes as regards water rights had to go to the Board. The alternative is either to make the decision of that Board mandatory or to bring it under the Orders issued by the Governor-General under one of his special responsibilities, under the White Paper.

269. But if some question of law were involved you could hardly prevent one of the parties going to the highest Court over it, could you?—Over the decision of the Board?

270. Over the merits of the dispute. Would you not have to draw a distinction between policy and law in those cases?—The difficulty is to know what the law is. I think it would be very difficult to draw any distinction. I have been concerned with some disputes about water rights, and so far as I can make out there is no law at all upon the subject.

271. But if one of the parties thought they had a case in law you could not oust the Federal Court by giving a power to the Governor-General to decide it—at least it would be a very strong order to do it?—It would be very difficult; I see the difficulty.

272. *Mr. Butler*: It would not be inconsistent with the scheme which I put tentatively to you, that if any point of law arose the tribunal could refer it to the Federal Court for their opinion?—That would be one way out of it.

273. *Lord Rankeillour*: And you said that for instance the tribunal should negotiate with one of the States under the Himalayas. That is hardly compatible with judicial functions is it?—The Board would?

274. Yes.—Did I say that?

275. I thought you did.—No. I quoted a case myself in which I knew we had been negotiating.

276. But I thought you said that kind of negotiation you would transfer to this Board?—No. I think what I meant was that naturally the Provinces or the Province and the State would carry their negotiations through to a point where they reached a dispute; then it would be referred to the Board.

Lord Rankeillour: I beg your pardon; I misunderstood you.

277. *Lord Eustace Percy*: I wonder if I might ask one quite different question about Sind. How is the Irrigation Service to be recruited for

Sind as the barrage work expands? I mean if the administration had remained as at present, would a staff have been drawn from the Punjab or other Provinces?—No; they have drawn all their staff from Bombay.

278. They have up to now?—And I presume they have got very nearly their full staff at work.

279. They have already, have they?—I should think so; I do not know. I am judging from my own experience in other projects in the Punjab where within say three or four years of the completion of the work you have got your full staff on it.

280. But if you have under the new Constitution a separate Province of Sind with a separate Provincial Irrigation Service, is that Irrigation Service likely to be large enough to provide prospective promotion for Englishmen?—It would be very small; the whole project is only as big as some of our single projects.

281. Is it conceivable, or are the language difficulties too great, that you could have a joint Irrigation Service for the Punjab and Sind?—There is the language difficulty, but also I think the Provincial jealousies would prevent it from being a workable proposition. (*Mr. Mullings*): And the Irrigation systems are so different are they not? (*Sir Raymond Hadow*): No, not the Sukkur Barrage. I do not say the actual assessment of revenue is the same. That I am afraid I do not know enough about, but they very largely follow the Punjab practices in Sind.

282. *Earl Winterton*: I wonder if you would permit me to ask a question, my Lord Chairman? It is perhaps rather outside the terms of the witnesses' evidence, but as we have two very distinguished Irrigation Experts here, I would like to ask a question, because it is of great practical importance. The question is: Do either of the witnesses think that there is a danger of a large quantity of the irrigated land in India in the next ten years becoming useless or partly useless owing to alkaline deposits? Perhaps I may say in asking the question that I myself have seen in India and in the near East, cases of land which ten years ago was bearing excellent crops. For instance, I was the guest of a very distinguished military officer at Dera Ismail Khan in 1927, and he showed me land that had been bearing excellent crops and was now full of alkaline deposits; and I have been told, through official channels, that there is danger in some parts of India that the irrigated land might be of very much less value in a few years time unless very great care is taken over this question. Could you give us any information upon that point?—My personal opinion is that practically none of the damage which is done by the canals is incurable; it is a matter of money.

283. And I suppose it is also a matter of research and of interchange of expert opinion between districts and the Provinces?—Very greatly. We have proved that you can reclaim it.

Lord Hutchison of Montrose: You have got the same thing in Egypt which has been counteracted by very vigorous drainage off of land once it is flooded.

284. *Chairman*: Do either of you gentlemen desire to say anything in conclusion?—No.

Chairman: Thank you very much. Then I should propose to the Committee that we ask these gentlemen to withdraw.

RECORD C3 (*continued*)

II

FORESTRY

[27TH APRIL, 1934.]

I.—Memorandum by Sir Alexander Rodger, O.B.E.

Forest Policy.—Looking at this from an Imperial point of view, it has been very well laid down in Government of India Circular No. 22F. dated 19th October, 1894. "The sole object with which state forests are administered is the public benefit" (para. 2).

Recruitment.—Please refer to the Report of the Indian Statutory Commission, Vol. II, page 288, paragraph 330. "It is a matter of great moment both for the Revenues and for the contentment of India that this asset should be prudently developed and skilfully exploited." "We very much doubt whether India is yet in a position to find all the personnel which it requires to maintain the administration of these two departments, both of which demand not only the highest technical knowledge but the most resolute administrative zeal." See also quotation from the Linlithgow Commission in the same paragraph.

I am in favour of recruitment being carried out by the Government of India, on behalf of the provinces, because:—

(1) Provinces, with the small numbers which they will require, cannot hope to have as wide a field of selection as the Government of India recruiting for the whole of India.

(2) If higher training, which has begun at Dehra Dun, is to go on in India, it must all be carried out in one place. Provinces cannot possibly have their own training centres.

(3) If provinces fix their own rules for recruitment and their own scales of payment without regard to other provinces interests will be conflicting and the best men will pick and choose. See what has happened in Burma where a high scale of pay has been fixed which it is unlikely the other provinces will ever be able to pay. The method of recruitment for Burma has I believe been satisfactory, but the case with the smaller forest provinces may be very different.

(4) The Government of India obtains its men for the Central Research Institute at Dehra Dun and for the Andamans forest department from the provinces, on deputation. This is the best method because

(*a*) It gives a wide field of selection.

(*b*) Experienced suitable officers can be chosen.

(*c*) Men who prove unsuitable can be sent back to their provinces.

It is therefore desirable that the Government of India should have some say in the selection of officers for the provinces.

Centralisation.—I advocate a certain amount of control from the centre on the following grounds:—

(1) *The welfare of the people.*—See para. 129, Vol. II, of the Indian Statutory Commission's Report, page 109. And, apart from the backward tracts, there are thousands of small remote villages whose welfare depends on good administration of the forests.

(2) *The development of scientific administration*, and marketing, research, and education, can never be carried out properly by provincial Governments acting alone.

(3) *The Service.*—The weakening of the controlling staff cannot fail to react unfavourably on the welfare of the forests. The great traditions of a very successful All-India service will disappear and the outlook will become narrowed. Transfers of higher officers between provinces, and consequent co-operation will become difficult or impossible.

II.—Consultation between the Committee and Sir Alexander Rodger, O.B.E.

[27TH APRIL, 1934.]

285. *Chairman*: Sir Alexander Rodger, you are good enough to come here to-day in order to give this Committee the benefit of your views and advice in the matter of Forests in India. I think you understand the arrangements for the consultation to-day. They are that the Committee reserves its discretion as to whether your Memorandum and whatever may be said to-day in committee by Members of the Committee, or by yourself, shall or shall not be laid before Parliament in due course. I think some of my colleagues—unless you desire to make a statement or to amplify this Memorandum at this stage—might wish to ask you one or two questions? —No, I do not want to say any more at present.

286. *Archbishop of Canterbury*: I am very ignorant, of course, of the actual procedure. Perhaps Sir Alexander could inform some of those like myself, who are not familiar with Indian Administration, first in the existing practice, in the Forestry Service, at what stage is the appointment in the hands of the Government of India now directly. At what stage are appointments made by other authorities over down?—There are two Provinces, Burma and Bombay, in which, since about 1923, they have appointed their own Forestry Officers, because what at that time was called the Indian Forest Service was placed under the charge of an Indian Minister, from about 1923, so that those Provinces have had their Departments in their own Provinces under their own control.

287. *Marquess of Reading*: Are not those the only two Provinces in which the transfer was made at that time?—Yes, but the Government of India (I may mention that I was in charge of the first recruiting examination which we had in India for the Indian Forest Service for the remaining Provinces) up to this date keeps control especially of the higher administration of most of the other Provinces, of which there are six or seven.

288. *Archbishop of Canterbury*: What do you call exactly the higher administration? What are the Officers?—It is in this way: In a large Province, like the United Provinces, there are four who are called Conservators, who are the higher Administrative Officers, and in a small Province, like Bihar and Orissa, there is one Conservator. Those are what we call Administrative Officers, and it is the business of the Government of India to decide which Officer shall be moved from one Province to another in the interests of the Service.

289. Does that apply to the Provinces which are already controlling the Forestry Service?—No. Bombay and Madras, being separate Presidencies, for a very long time past, have had their own lists. There are no transfers now between Burma and the rest of India.

290. What you would wish would be to secure that in every Province, at any rate, all higher Officers of the Forestry Service should be recruited and appointed by the Secretary of State or by the Government of India, as the case may be?—I should like to see that. For the reasons stated in my Memorandum, I should like to see that the Government of India retained a certain amount of control of the recruitment of Officers to the Indian Forest Service.

Marquess of Salisbury: Do you mean the Government of India or the Secretary of State?

Archbishop of Canterbury: It is the Secretary of State in the White Paper.

CONSULTATION BETWEEN THE COMMITTEE AND SIR ALEXANDER RODGER, O.B.E.

291. *Marquess of Salisbury*: I wish to know which Sir Alexander meant. (*To the Witness*): Which is it?—The Secretary of State has been accustomed to recruit the Officers for the higher ranks of the Indian Forest Service for many years past, and it has been a satisfactory arrangement. I think it would be perfectly sound if it were continued; but, on the other hand, the Government of India have, since about 1928, I think it was, recruited their own Indians in the country itself, and it would probably be inadvisable now to do away with that arrangement. That is three Indians out of four recruits.

292. *Sir Austen Chamberlain*: Out of four officials?—Out of four recruits, three have to be Indians and one has to be a European.

293. But a little time ago, when you were asked what you meant by the higher ranks, you referred to Conservators?—That is what we call the administrative ranks after they have had a number of years' service; gazetted ranks I should have said.

294. *Archbishop of Canterbury*: Then would you alter the arrangements now existing in Bombay and Burma and bring these into line with the other Provinces?—I am doubtful if you can do it now.

295. Have you any view as to the effect upon these Provinces, Bombay and Burma, of the existing arrangement as contrasted with that which obtains in the other Provinces?—We must look at that from two entirely different points of view. Burma, as a Forest Province, is in a class by itself. It has got 150,000 square miles of forest out of a total for India of a quarter of a million, roughly, so that one cannot consider it in the same way as any other Province, and, therefore, having had until recent years a very large revenue and a very large surplus, it has employed a large and important Forest Service of its own, so that it has been able to recruit on an adequate scale for itself. But Bombay, I think, is in a different category. I should say that Bombay has made a mistake in not recruiting sufficient gazetted officers since the transfer in 1923.

296. I wonder if you can tell us rather more precisely (of course, it is all so familiar to you) what officers are included in the phrase "gazetted officers," roughly speaking?—There are two classes of Officers; the Indian Forest Service and the Provincial Forest Services. The Provincial Forest Services are men recruited in the country, sometimes promoted from the lower subordinate grades, and sometimes directly recruited and trained in India. The Indian Forest Service was formerly entirely trained at Cooper's Hill, and has been of recent years partially trained in India at the Indian Forest Service College at Dehra Dun. Those two services we understand by gazetted forest officers.

297. Both services?—Yes.

298. But at present, except in the Provinces of Burma and Bombay, the whole of the Indian Forest Service is recruited by the Government of India and appointed?—The Secretary of State, I understand, when asked to do so—it has not been done so recently, but for a while one in four was recruited in this country.

299. *Marquess of Salisbury*: And even the ones that were recruited in this country were recruited on the authority of the Secretary of State?—I think so, yes.

Mr. Butler: That is so, yes.

300. *Archbishop of Canterbury*: Then, when you say that in Bombay you think that they do not recruit enough gazetted officers, what exactly does that mean?—Bombay has an area of about 15,000 square miles of forest under the Forest Department, and a total staff of 3,600 forest officers

including gazetted officers and subordinates; and as far as I am aware Bombay have since 1923 recruited very few officers indeed, so that I should think in that long period of 11 years it is probable that they have not now sufficient supervising staff, with the consequent absolutely certain deterioration of the forests.

301. Is that for reasons of economy?—It is for reasons of economy largely, yes.

302. Is the proportion very much larger in the Provinces where the Forest Service has not been transferred?—The proportion of gazetted officers is higher I think, and Bombay has one of the largest total staffs. They only have I think about 50—I am subject to correction in this figure—but I think at present they only have about 50 gazetted staff, whereas Madras have about 90 and Burma about 190 and even a smaller province like Bengal has 35.

303. *Sir Austen Chamberlain*: The lack of recruitment in these ten years has been out of all proportion in the gazetted staff?—I should say so, yes.

304. *Lord Eustace Percy*: The Bombay Forests have always been very much less remunerative than the Madras ones, have they not?—They made a profit in 1932 of 16 lakhs, which is not bad for these modern days, and in 1926 they made a profit of 33 lakhs.

305. *Archbishop of Canterbury*: Your view would be that what you say about Bombay indicates that there might be a disposition, in the Provinces, if the appointment and recruitment was not kept largely in the hands of the Secretary of State to understaff the service?—Yes, or to promote from the subordinate ranks people who were not sufficient expert.

306. *Sir Reginald Craddock*: Might I intervene with a question that might make it a little clearer. Your gazetted officers, really, are those who are selected either by original appointment or by promotion, to fulfil certain duties?—Yes.

307. And those men know there is a system of conservators or deputy conservators?—Yes.

308. Or otherwise more commonly called forest divisional officers, are they not?—A divisional officer is a territorial designation.

309. But that is the charge they hold, they hold charge of the Forest Division?—Yes.

310. And for that hitherto the Indian Forest Service, which was an All-India Service throughout, was recruited from England, and then there were the promoted men who were known as extra Assistant Conservators or extra Deputy Conservators, who were promoted from what you call the Provincial Service?—That was a fairly recent development, Sir Reginald, if you remember. That is being done now, yes.

311. It is the case, I think, that latterly most of the recruitment has been done in India?—Yes.

312. And there have not been so many sent from England as formerly —Very few.

313. I just wanted to bring out that fact, that the higher Indian Forest Service filled all those appointments which are known as Forest Divisional Officers, that is to say an officer who is in charge of a Forest Division?—I may remind you perhaps that Provincial Forest Officers were frequently in charge of the smaller forest divisions.

314. Yes, but those were known originally as extra Deputy Conservators or Extra Assistant Conservators?—Yes.

315. *Sir Austen Chamberlain*: May I ask would they have been trained at the Dehra Dun College?—Yes, they were.

CONSULTATION BETWEEN THE COMMITTEE AND SIR ALEXANDER RODGER, O.B.E.

Sir Austen Chamberlain: What becomes of the Dehra Dun College under the White Paper? I do not know whether I ought to put that question. Perhaps the Under-Secretary could say.

Mr. Butler: The Dehra Dun College will continue in the future to do useful service as it has done in the past. I do not see myself that the terms of the White Paper will alter the future usefulness of the Dehra Dun College.

316. *Viscount Halifax*: I suppose the main function of the Dehra Dun College will be to continue central research, the results of which will be available to all the Provinces?—That is the Institute. We have three quite separate subdivisions. I had two colleges and one Institute there, but the college is not the same as the institute.

Sir Austen Chamberlain: May we get clear exactly what will be the function of the College?

317. *Marquess of Reading*: I really only wanted to get from Sir Alexander a little explanation with regard to Dehra Dun which may be useful to other members and will certainly be useful to me. You have there a college and you also have a central research Institute, have you not?—Yes.

318. They are separate Institutions?—They are under the same officer, and some of the staff do work for both.

319. Then in the College, is the College for the purpose of training persons who will become officers?—There are two colleges. May I explain that? There is a College for the subordinates, which has been going for a long time in Dehra Dun and we have been accustomed to train the rangers, that is the higher subordinate branch at Dehra Dun, since about 1870, not only for many of the Provinces of India, but also for places like Kashmir. In fact of recent years Kashmir and one or two other States have been the mainstay of this subordinate college. Then a few years ago we started a separate college for the training of the gazetted officers or the recruits for the Indian Forest Service. At that time recruitment in India was done by the Government of India and the men were all sent to Dehra Dun. I think if I may say so one cannot see a future for this College established for the training of the gazetted officers if the Provinces can do what they like in the matter of recruitment.

320. And obviously it would be impossible for the Provinces to run their own individual colleges?—Absolutely impossible. There is one in Madras now, for subordinates, but I am not sure that they are very pleased with it.

321. Then would you tell us about the Central Research Institute, just to give us a little idea of what functions that performs. Is it for All-India research?—The Central Research Institute is entirely financed by, and is the property of, the Government of India. The staff is recruited, as I have noted in my Memorandum, by getting the most suitable officers from every Province in India as may be most convenient for the Provinces and for the Government of India. A few years ago the Government of India built and established a very large Research Institute which is now in being, and they undertake forest research, which is by far the greater part done on behalf of the Provinces, because the Government of India, as a forest owner itself, is really not very important because the only forest of any importance that it runs directly is in the Andaman Islands; but the Provinces have no say in the management of the Research Institute because they do not subscribe to it; the money provided for the Institute is entirely Imperial, I believe.

322. *Marquess of Salisbury*: When you say "Imperial" do you mean British?—The Government of India.

CONSULTATION BETWEEN THE COMMITTEE AND SIR ALEXANDER RODGER, O.B.E.

323. *Marquess of Reading*: As I understand, it is largely because of your views as to the importance of having one training centre for the benefit of the whole of India that you make your observations with regard to the desirability of the Government of India having some control over the officers?—That is my view.

324. *Mr. Davidson*: May I interpose a question: Does the Dehra Dun Training Establishment cater at all for the Indian States?—Yes.

325. *Marquess of Reading*: Requests are made to the Government of India to allow an officer to go?—We used to be delighted to take anybody who would come who was qualified.

326. *Archbishop of Canterbury*: You say for these reasons which you put before us you want still to retain some measure of control by what we may call the Centre over Provincial administration of the Forests. Could you indicate a little more clearly what you mean by "some control"? It is a very wide phrase?—The Government of India has always, up to date, had an Inspector-General of Forests, and it has been from time to time, I believe, proposed that this officer should be abolished. I had the honour of occupying that position for about five years, and I am convinced that it is an essential post which should be retained if the Forests of India, which are a very important State property, are to remain in good order. I may give you one or two examples perhaps, with your permission. One of the most technical and important things in working the forests is the preparation of working plans, and in the course of my duties I was touring in several Provinces and had an opportunity of seeing the new working plans which have been made in these Provinces. It was perfectly obvious in, at any rate, two Provinces which I can call to mind that the local officers would find outside help and guidance of the greatest value.

327. *Marquess of Reading*: When you speak of the Government of India having some say in the selection of officers, I am not quite sure whether I am quite right in understanding what you mean. It is not merely the right of advice that you want there. When you say that they should have some say you want more that a right of advice. Is not that what you are suggesting?—Do you mean in recruitment?

328. Yes?—I think the only sensible way would be for them to recruit for the Provinces with perhaps some advice from, and co-operation with the Provinces.

329. To a certain extent it must be so, must it not?—I think so.

330. Because where the Provinces have not had control before of the Forests it has all been in the hands of the Government of India?—Yes; the revenue has been Provincial and the administration of recent years has been to a considerable extent Provincial, but the Government of India have had a certain amount of technical control.

Marquess of Salisbury: Will you go a little further, Lord Reading, and see what that control means?

Marquess of Reading: Yes, it is just that which I do not quite understand.

Marquess of Salisbury: Nor do I.

331. *Marquess of Reading*: You will understand the only reason I am putting this to you is because we all want as far as possible to follow what you are saying. You have had this very great experience, and we want to get the benefit of it. When you say "control", it is one thing to advocate that they should have a voice, and I will assume from what you have said, the voice in the selection of certain officers?—In the recruitment?

332. Yes?—Yes.

333. That is one thing that I gather you would advise?—Yes.

334. But when that has been done do you recommend that there should be further powers of control in the Government of India? The recruitment is one thing, but the administration is another?—May I give you a case?

335. Yes?—Bihar and Orissa is a small Province, and it has a limited number of Forest Officers, only about 25 gazetted officers, and it has one Conservator. If a man becomes senior enough, he may become the Conservator of Bihar and Orissa and stay there for 20 years with, I think one must recognise, no great amount of experience except in his own small Province, and he would not improve as an administrative officer ought to. Under the present system the Conservator of Bihar and Orissa might be transferred to the United Provinces, or the Punjab, or Assam, or Bengal and would there very greatly enlarge his experience and become a much more valuable officer. That is one point of control. Then the point about working plans I have already mentioned to you. I think that this very technical subject should, as far as can be arranged, be under a certain amount of control by the Government of India.

336. It still leaves me in a certain amount of doubt, but I will not press it further. When you say, as you did in your last words, that there should be a certain amount of control that is still not quite clear. Do you mean by that that they should have supervision, or that they should have the control in the administration?—You cannot have a great deal of control of administration.

337. That is what I thought?—But in purely technical matters like research, marketing, education and working plans, I think it would be of great benefit for the Provinces to have this control, or guidance at any rate.

338. *Marquess of Salisbury*: By "control", you means an overriding power of the Government of India?—They have a certain amount of overriding control. As regards research, they have the entire direction. At the request of the Provinces, they take up any research and see how it should be arranged, and they also arrange for the Provinces to a considerable extent the way in which they can market their products, which can be done much better by the Government of India than by any Province. Those are two directions in which they can help the Provinces very greatly without actually giving them orders.

339. *Marquess of Reading*: Of course, you changed the expression (I am not saying it in criticism, but really so as to understand) just this moment; when you said "control", you then said "or guidance"?—That is a better expression, I think.

340. That is what I was going to suggest?—It is more modern, is it not?

341. What I gather from the last observations you made is that you meant that there is in the Central Authority greater power of concentrating knowledge as to the effect of research, and consequently you want the Central Government to have the advantage of giving that to the Provinces which the Provinces are not in the same position to acquire for themselves?—That is what I mean.

342. Exactly how it is to be done, of course, you do not say, but you do want the Provinces not to be shut off from the Government of India?—Exactly.

343. Which has this advantage of the general knowledge which has been acquired?—Yes.

344. *Sir Austen Chamberlain*: I do not know whether you would think it proper for me to put this question, my Lord Chairman, but Sir Alexander spoke of the kind of valuable assistance which came from the present

control or guidance. He illustrated that by "marketing". What does the Government of India do for marketing?—At present?

345. Yes?—The Government of India have a Timber Advisory Officer in the office of the High Commissioner for India, and this officer will take up any point for any of the Provinces that he is asked to do.

346. It is not what in terms of modern English politics we call a marketing scheme—a general control of marketing?—No; it is not a marketing scheme.

347. *Marquess of Lothian*: Sir Alexander, I am still not quite clear about the first stage of this, the recruiting. Is it your suggestion that all officers who will go to the senior positions should be recruited and trained by the Government of India, that the Provinces should have to select their officers alone from that pool, and should have no power of selecting officers except *from people who are certified as having passed the necessary examinations*, and having the necessary qualifications?—I think that is desirable.

348. In other words, the Government of India would be the training organisation, but the Provinces would select from that pool such officers as they thought fit?—As had been done until the Indian Forest Service College was closed down quite recently.

349. And I understand while the administration of the Provinces through such officers would be Provincial some organisation whereby on technical matters the Provinces should be kept in touch with Dehra Dun should be established?—Perhaps with the Government of India; I will not say with Dehra Dun.

350. That would almost invariably be voluntary rather than control?—Yes, but it might be under the control of some sort of Board. We had until recently a body which was called the Board of Forestry, which consisted of a Forest Representative from every Province, and was summoned from time to time as necessary, and their discussions were almost entirely technical.

351. That body should have put in front of it (I do not know how you could make it compulsory) the plans for forest development throughout the whole of India, to comment upon them?—That might be done as far as the Provinces would agree. That was done to a certain extent before recent developments.

352. That is just the point, can you do that?—Yes.

353. *Marquess of Zetland*: Sir Alexander, with regard to the College at Dehra Dun which trains the gazetted officers?—May I say I am afraid it is closed now. It was open until a year or two ago, but, owing to the present position in which the Provinces are, awaiting instructions or knowledge of their position, there have been no candidates, so the Indian Forest Service College has had to be closed, I believe. I know that in the last year of its existence there were only two students.

Mr. Butler: May I just say that the reason for the temporary closing of the College is retrenchment and the slump in timber prices which has naturally affected the whole of the Forestry of India. Recruitment for the Indian Forest Service has been temporarily suspended since 1931, owing to the slump in prices and the depression, which has naturally affected the position of the Dehra Dun College.

354. *Marquess of Zetland*: There is only one other question I would like to ask Sir Alexander, and that is with regard to the cadre of Forest Officers in Bombay, which is a Province in which Forestry has been transferred. Have they a regular self-contained cadre of Forest Officers in Bombay?—Yes.

355. They do not recruit by contract for particular posts?—The only post which I can think of at the moment which was recruited in that way was a forestry engineering post, but that is not done now for anything so far as I am aware. There were one or two posts of Forestry Engineers.

356. That being so and there being a self-contained cadre in Bombay, does that mean that the Conservator in Bombay must be appointed from the Bombay cadre?—Yes.

357. It does?—Yes.

358. Even though there may not be a man who is really fit to fill the post?—They have had men so far. There is a Chief Conservator and three or four Territorial Conservators in Bombay, so there is a large administrative staff there. They have a Chief Conservator, and under him he has either three or four Conservators.

359. Do you happen to know whether those posts are filled by Indians or by Europeans?—At present, I think they are filled by Europeans. I do not think there are any Indians senior enough. I have not seen the Civil List for some time, but I do not think there are any Indian Conservators in Bombay at present. There are in Madras.

360. Can you tell us whether, since Bombay started on its own, they have been recruiting Europeans, or whether they have been recruiting Indians? —I think there has been hardly any recruitment at all, and, to the best of my knowledge, I think about two Indians have been recruited and no Europeans; but I will not be perfectly certain about that.

361. That is since 1923?—Yes.

362. Will not the cadre become very much depleted if they never recruit? —That is what I believe.

Marquess of Zetland: What is to be the remedy?

363. *Chairman*: Do you feel able to speak with confidence about these matters of detail which have taken place since you left?—No; I left nearly four years ago.

Marquess of Zetland: I will not press it, but I think it is not a matter of detail. If every Province is to have a self-contained cadre and they cease to recruit, I do not see what is going to happen to the Forestry Service of India; but I will not press that.

364. *Marquess of Salisbury*: When did you leave India, Sir Alexander?— Three-and-a-half years ago.

365. Up to that time, within your knowledge (I am not speaking of anything which you do not know) was the recruiting going fairly well? —Yes.

366. Was recruiting to the Forest Service popular in India?—Yes.

367. Among both Europeans and Indians?—There were no Europeans recruited in India. The Europeans were recruited at home.

368. Of course they would be, but you would know that, of course, being a very important person, if I may say so, in the Forestry Department: Was the Forestry recruiting in England popular?—Yes.

369. And it all worked quite well?—Yes.

370. And this arrest of all recruiting has taken place since you left India? —Yes.

371. You were surprised when the Under-Secretary of State said that it was merely due to economic reasons?—I recognised that that was part of the reason.

372. You thought it was part of the reason?—That is what I thought.

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373. Was there any other reason besides that?—I had an idea that the Provinces were waiting to see what would be the outcome of the present deliberations, but I may be wrong about that.

374. At any rate, that was a view which many gentlemen who have great experience of India would have held at that time?—I think so.

375. *Marquess of Salisbury*: I suppose the administration of the Forest Department presents a certain amount of difficulty on the side of public feeling. Are not there difficulties of people who complain that the grazing facilities in India are limited by the Forestry Department?—Yes.

376. And does that occasionally create a certain amount of friction in the administration of the Forestry Department?—It depends a good deal upon the political feeling in the Provinces. For instance, a few years ago, in the Central Provinces, there was a good deal of trouble in that way, and at the time of the trouble in India, I think it was in 1920, there were a great many incendiary fires in certain of the forests in India.

377. To what did you attribute those fires?—Political unrest, I think.

378. And connected with the grazing, was it?—Partly.

379. The grazing being, of course, part of the difficulty in India and the cattle?—Yes.

380. The religious element comes into it?—I do not know that the religious element comes into it. The Indian villager keeps a large number of cattle and he wants enough grazing for his animals.

381. At any rate his feeling is sometimes in conflict with the wishes of the proper administration of the Province?—Yes. On the whole, of recent years, there has been very little trouble.

382. But at the same time he would have a certain temptation in that direction, would he not?—Do you mean to graze where he is not allowed to, and so on?

383. Yes?—Yes, there is a certain amount of temptation.

384. What would be of importance to know would be whether these elements of friction, to which we have called attention, exist more or less in Bombay, where the forests have been transferred, than they do in the rest of India?—Are they more operative in Bombay, or less operative?—I do not think so, not to my knowledge.

385. Of course, you have naturally and very properly a very high opinion of the enormous importance of the value of forests in India?—Yes.

386. Do you think that there is any risk, by slack administration, of their deterioration?—I do.

387. And do you anticipate that there may be slack administration in the future?—I think in certain provinces it is quite a possibility.

388. You have not formed any definite opinion upon it? Do not answer if you do not wish to; I do not want to press you, of course?—I think there will be a danger in the smaller Provinces of the Forestry administration becoming less efficient than it is at present.

389. *Sir Austen Chamberlain*: A small Province cannot in the nature of things be efficient, it could not have a large enough staff?—If the recruiting is entirely on their own, they cannot hope to recruit as efficiently as if they were combined with some others.

Sir Austen Chamberlain: That is what I understood.

390. *Marquess of Salisbury*: You have answered to some extent this question, I think, but what power in the future should actually be retained by the Central Government? First of all there is what you have told us, recruiting, that is to say, all senior officers should be recruited centrally?—Yes.

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391. When you say "centrally" do you mean under the control of the Government of India, as it will be then, or under the control of the Governor-General, or of the Secretary of State? Which of the three? There are the three things we always have to have before us in this Inquiry. There is the Central Government as represented by the new Constitution, the Ministers, then there is the authority of the Governor-General himself and then there is the authority of the Secretary of State, the two last being very nearly allied. When you say you want the recruiting in the hands of the Central Government, which of those three do you mean?—The Governor-General in his discretion.

392. Then the same authority would control, would he? From time to time there are questions of deforestation in India?—Yes.

393. As to whether that should take place or not would be a matter for the Governor-General?—I should like to see that power retained.

394. And I think you have already said that you think the central inspection ought to be retained?—Yes.

395. All these things should be matters for the Governor-General?—Yes.

396. *Lord Rankeillour:* Sir Alexander, how many of the Provinces, or perhaps all, show a surplus on their working of the forests?—You are aware of course that we have had a slump in the Forest Department in India recently, just as in every other trade, but in 1932 there was only one which showed a deficit out of my list of about ten or eleven.

397. *Lord Eustace Percy:* Is that 1931 to 1932?—1931 to 1932, I think. They all showed a small profit.

398. *Lord Rankeillour:* Then the revenue from forests is a very important part of the revenue of those Provinces?—Very, yes. There was in 1926-27 or 1925-26, a surplus of 263 lakhs.

399. And you are afraid that under bad administration that revenue might fall off?—Yes.

400. Do the Forestry Department do all the operations themselves or are there any cases of concessions or leases to individuals?—There are many leases.

401. Does that work as well as direct operation?—Yes. Besides, we have not the staff to work it all ourselves.

402. If there were deterioration of the staff, these leases and concessions to private individuals would very likely increase. It is the easiest way of doing it, I suppose?—There is no objection to leases increasing if they are properly supervised; none whatever I should say.

403. Do you think that there is any danger of those leases in the future being rather casually granted on private solicitation?—Yes.

404. Now, when you were Inspector-General and you found anything wrong or slack, what measures did you take to put it right?—It was largely a personal matter.

405. You had to make private representations?—I used to go round on tour, see the forests with the men and write a note for the Government of India which they sent on with their remarks to the Province concerned.

406. But if the Province did not take notice of it, had the Government of India any means of compelling them to?—No.

407. And they will not have in the future?—I do not know, that we can say that.

408. Rather less. How do you think the Central Control can be exercised in the future? Even as things were in your time it could only be by remonstrance?—There is more than that. For instance, the Government

of India can exercise a very important measure of control in research, marketing and education. That is very important indeed.

409. But, if a Province in the future showed great slackness in its administration, the Central Government would have no power, except by remonstrance, of pulling them up, would they?—I think that could be managed by the personal touch between the Inspector of Forests, if retained by the Government of India, and the local Forest Officers. It always has been so to a great extent in the past and I think it is most desirable it should be in the future.

410. But do local forest officers have to report to their Provincial Department at present?—Certainly they have, but the technical efficiency and the technical management could be modified and improved to a great extent perfectly well under the auspices of the local government on the advice of the Inspector-General.

411. But if the local government itself got slack or wished to economise on forests, no amount of advice from the Inspector-General or the Central Government would help?—It always has helped a great deal in the past.

412. Have they economised lately?—Every Province has had to economise.

413. On forests?—I am afraid so, yes, on the expenditure side.

414. Do you know of any difficulty with what is so acute a question in Cyprus, the browsing of goats?—The browsing of goats and an excessive number of cattle in certain parts are a great trial in Upper India.

415. And that resolves itself into a political question, I think you said, sometimes?—Yes.

416. *Sir Reginald Craddock*: Sir Alexander, before you were Inspector-General of Forests, you were Chief Conservator, were you?—No.

417. You were never Chief Conservator?—No.

418. But you had special work in Burma?—I was Research Officer in Burma, and then a Conservator in Burma.

419. But you had special work with reference to the commercial aspect?—Yes.

420. During the war?—Yes.

421. And you were in charge of all the timber required?—I was under the Indian Munitions Board for three or four years.

422. Therefore you have had considerable experience on the commercial side of the working of forests?—Yes, I have.

423. Do you think that it would be correct to say that the various Provinces differ with reference to the relative commercial importance, that is commercial forestry, and with reference to the agricultural demand for forest products, that is to say, for example, in the Central Provinces the supply to the whole of the agricultural population is one of the chief aspects. The commercial forests are comparatively limited. While in Burma there is so much forest and waste available for the people, that the commercial side of the forests is by far the most important?—That is right.

Sir Austen Chamberlain: Would Sir Reginald make clear what exactly is the distinction he is drawing between commercial forestry and the supply of the needs of a Province?

424. *Sir Reginald Craddock*: There is sometimes a conflict between the commercial and scientific aspects, and the need for providing local people with sufficient grazing, fuel and small timber. A very keen forest officer might not want to sacrifice some of his scientific aims to mere concessions to the people. For example, in the Central Provinces the revenue officer was very closely connected with working plans; all working plans went through district officers and commissioners in order that they might comment upon

them and see how far they fulfilled the needs of the agricultural people, to see that the forest officer had not, in his enthusiasm for the most scientific forestry, overlooked or not paid sufficient regard to the interests of the people. In Burma, however, the working plans were strictly commercial and technical and there was so much waste available for the people that there was no such necessity?—Not everywhere, Sir Reginald, but in the greater part.

425. Yes, in the greater part. As regards those two aspects, the complete transfer of forests might have a different bearing as regards Provinces in which the commercial forests were the most important, and Provinces in which the agricultural forests, those specially required for agriculture, were most important?—Certainly.

426. Then the working plans to which you have referred always went up to, or were seen by, the Inspector General of Forests?—Yes, in the old days, always.

427. Up till when was that?—I do not know the date; I cannot give you the date, but in the early days their working plans were controlled; but then everything was very much smaller in those days and there were many fewer working plans.

428. Of course; but as regards Bombay and Madras, they were always independent as you have said?—Yes.

429. If you sent the Inspector General of Forests there they did not like him?—No, I cannot agree.

430. But if you left it to them, they invited him to help, they were very ready to seek his advice?—That is my experience.

431. Provided he came at their own instance?—That was a personal matter again, Sir Reginald, very largely.

432. *Chairman*: I did not quite gather at what point it was you disagreed. Did you disagree with some point that Sir Reginald put to you?—He said that the Madras and Bombay Governments objected to the Inspector General.

433. *Sir Reginald Craddock*: I was saying that was the usual difficulty?—There was a certain amount of friction in the old days.

434. When you have been in Bombay and Madras, has that been at your own volition, or simply at the invitation of the Governments?—The invitation was arranged for me.

435. Anyhow you did not find any more difficulty in Bombay and Madras in getting your views listened to by the Governments concerned—no more difficulty there than in the United Provinces?—Not the slightest.

436. So that although they had their own staff there it was still useful to have the Inspector General of Forests to come and advise the local governments?—They were very pleased.

437. I wanted to bring that out because I wanted to get your concurrence in the importance to the local governments, especially local governments such as Bihar and Orissa, of having some outside advice available to them?—That is what I am very strong about.

438. Now, as regards education, most provinces have their own educational institutions and schools?—Only for the lowest grades.

439. That is for rangers?—No, not for rangers, lower than rangers.

440. Foresters?—Foresters.

441. But have you no rangers who go through some course there? You have got a good many rangers who will be promoted men and do none of the forest schools nowadays give some teaching to rangers?—They were going to begin in Bengal; they were talking about it, but up to date, I

believe, the only two schools for rangers are one at Dehra Dun and one at Coimbatore in Madras, as far as I remember.

442. You have one in Burma?—Yes, another in Burma, of course, a very good one there.

443. With this complete lull in recruitment for the Indian Forest Service, is there not considerable risk that rangers who are not quite up to the work will have inevitably to be promoted and to assume charge of forest divisions?—If they are promoted to the Provincial Forest Service; I believe that has actually happened in one or two cases already.

444. Of course it is more likely to happen when you get a hiatus in the recruitment of higher forest officers?—Yes.

445. Do you find, or did you find, that the Indians with the highest qualifications and general education and so forth were as keen upon entering the Forest Service as other Services in India?—No, I would not say that, because few of the educated Indians, whom I have met, had a real liking for the life.

446. I mean there is a distinct tendency among those graduates of universities, and so on, for a more sedentary life than is afforded to them in the forests?—Yes.

447. But at the same time among your students at Dehra Dun had you got some really first-class men too?—Yes, a few.

448. Have you been able to watch the careers of any of these Dehra Dun men?—That College was started under me and they were just leaving when I left India. Very few of them had gone into the regular Service when I left, so I could not really say anything about that. I have not been able to follow their future careers.

449. I wondered if in the course of touring the Provinces you had been able to see how these men had come up?—Some of them were beginning quite well.

450. Sir Peter Clutterbuck was one of your predecessors?—Yes.

451. He was fairly enthusiastic about his men when he gave evidence before the Lee Commission, and I wanted to know from you whether in your experience the class of candidate has improved?—They have improved, I think.

452. Were you out in India during the Civil Disobedience Movement?—I was in Burma. It did not bother us.

453. Not in 1931-2?—No.

454. Where were you in 1931-2?—I had retired.

455. You retired just before then?—Yes, I retired in 1930.

456. In the original Civil Disobedience Campaign in 1921, you were in Burma?—Yes.

457. As regards British recruitment you say before the Dehra Dun College was closed that had diminished considerably?—It was 25 per cent.

458. But was that 25 per cent. ever reached?—I think it was until 1930. They had rather intricate calculations adjusting one year against another.

459. In the matter of Conservators, when the Conservators were sent from other Provinces by the Government of India, directly they came under the local administration they were just part of the ordinary machine. The Government of India had no further intimate control over their work?—That is correct.

460. That was entirely Provincial?—Yes.

461. When you spoke of guidance or control it was very largely guidance all along?—Yes.

462. The control consisted merely in the selection of Conservators, research, and a certain amount of guidance over working plans?—Yes, and education

463. Would you say that was a correct description of what it used to be?—Yes; in the old days the Inspector-General had to sanction the working plans for the whole of India.

464. But now he merely gives some advice on them?—Yes.

465. And it rests with the Local Government whether that advice is accepted or not?—Yes.

466. *Mr. Davidson*: Sir Alexander, there are large forests in the Indian States, are there not?—Yes, two or three of them. Some of them have very good forests.

467. Is it the case that in some cases the boundary between a particular State or States and the British Indian Province runs through a mutual forest?—Yes, I believe it is.

468. Were you ever invited to go to any State?—I did a long tour in Kashmir at the request of the State Government.

469. I think in answer to a previous question you said the Indian States had taken advantage of the Dehra Dun Training Colleges?—Very largely.

470. Do they also ask the Research Institute to undertake any research on their behalf?—Yes.

471. Did they ever submit working plans or ask for advice?—They asked for advice about any technical thing. The Government of India's Institute and College are only too pleased to help them in any technical matter which may come up.

472. *Lord Hardinge of Penshurst*: Sir Alexander, there is only one question I wish to ask you: Since Bombay and Madras have been separate from the supervision of the Forest Department, did you find that there had been any serious deterioration in the forests?—No, Sir.

473. None?—No.

474. Was that due, do you think, in any way, to the fact that there was a considerable European element in the cadre?—Yes.

475. *Lord Hutchison of Montrose*: As regards Dehra Dun, when the recruits come in from the Provinces do they go back to those Provinces?—They do not really come from the Provinces. They were recruited by a Central Examination from the whole of India.

476. That is the present procedure?—Yes, and when the Government of India allots the students at the end of their course, as far as possible they give men who are suitable their own Provinces, but it is not always possible. We have had a Madrasi go to Upper India or a man from the Central Provinces go to Madras, which they do not like.

477. Do you foresee under the new arrangements for autonomous governments in the Provinces any change in that system?—No; I think something of the sort will have to go on.

478. *Lord Hutchison of Montrose*: To what extent in your view can Indianisation of the Service generally throughout India be carried out with safety?—The present arrangement is 25 per cent. European and 75 per cent. Indian, and I think that will have to be maintained in the future.

479. *Lord Hutchison of Montrose*: Can you foresee any direct control from the Government of India over the Provincial forests, especially when you have the commercial interests of the forests so closely bound up with the Provinces?—No.

480. Then it can only be an advisory control?—Yes.

481. In answer to Lord Salisbury you made a point that you thought that the Governor-General ought to deal with the recruitment. He might act in consultation with his Ministers?—I agree with that. I think that is perfectly sound.

CONSULTATION BETWEEN THE COMMITTEE AND SIR ALEXANDER RODGER, O.B.E.

482. *Major Attlee*: Sir Alexander, have you had any experience of the working of the Forest Punchayet system in Madras?—Not personal experience.

483. It has worked well, has it not?—Some of it has been successful, yes.

484. In regard to reconciling the interests of cultivators and farmers?—Yes, village management.

485. Would you tell me this: In the consideration of working plans in your time was there liaison with the Irrigation Authorities? The cutting of Forests in one Province might affect the water supply in another Province?—Yes.

486. How was that liaison effected in your time?—The touch between them was very close. In Hill ranges which were of importance from an irrigation point of view we always carefully conserved, as far as it was possible to do so.

487. Do you think there is a danger, if you do not have any central connection and allow the Provinces to manage their own forests, that there might be commercial exploitation for profit of forests in one Province which might seriously injure the water supply of another area in an adjoining Province?—That is possible.

488. How do you suggest that can be got over: by Central control of working plans?—Perhaps not Central control, but by guidance from a Board of Forestry, or something of that sort, under the Government of India. It would be quite capable of doing that.

489. Would that be a Board imposed on the Provinces?—No; it would be a representative Board; we have had one already.

490. And that worked all right?—Yes.

491. Was it a Board composed purely of Technical Officers?—Yes.

492. There was no one representing the financial interests of one Province as against another?—No; I do not think we ever had to tackle anything of that kind—at least, not in my recollection.

493. Do you think the same thing would be possible where you had the forest policy under the direction of a Minister: that these matters would be able to be settled by Technical Officers on technical considerations, without having any discussion between Ministers on the political considerations?—I think it would be always advisable for the Technical Head of the Forestry Service in the Province to be in touch with his Minister in such matters, and I think he would certainly be so.

494. *Lord Eustace Percy*: Returning to the question of recruitment for one moment: In the first place, I do not know that I ought to put this question to you, Sir Alexander, but has the shutting down of recruitment been confined to the Service in Bombay, or has it extended to recruitment over all the Provinces which are still under Central control?—Bombay, since 1923, has recruited very few indeed, I believe, and the other Provinces, owing to the reasons which Mr. Butler has stated, have, in the last few years, done very little recruitment. I think I am correct in that.

Mr. Butler: Yes. It is recruitment of the Indian Forest Service, as a whole, which has been suspended.

Lord Eustace Percy: Therefore, when Mr. Butler said economic reasons were the reasons for the suspension, he was not talking merely speculatively as to what he believed to be the reason of the Bombay Government, he was talking as to what was actually the reason of the Government of India.

Mr. Butler: Yes, for the suspension of recruitment to the Indian Forest Service.

CONSULTATION BETWEEN THE COMMITTEE AND SIR ALEXANDER RODGER, O.B.E.

495. *Lord Eustace Percy*: At the present moment recruitment to the Forest Service in India is carried out by the Governor-General. How is that done? On the advice of the Central Public Services Commission?—The Central Public Services Commission holds the examination; as a matter of fact, I held the first examination, and they took it over afterwards.

496. And you would propose, naturally, that if Central recruitment continues, it should still be through the Public Services Commission?—Yes.

497. In England would you propose that the recruitmtnt of English personnel should be carried out by the Secretary of State?—Yes.

498. By the Secretary of State?—Yes.

499. That is the case at the present moment?—There is a very parallel case in the Colonies, where the Secretary of State for the Colonies carries out the recruitment. It happens that I have been Chairman for their recruitment for a couple of years.

500. *Marquess of Reading*: I suppose that is at the request of the Dominion concerned?—Of the Colonies.

501. *Chairman*: Is not that for the Crown Colonies only and not for the Dominions?—Yes; I think it is for the Crown Colonies only.

Marquess of Reading: That makes a difference.

502. *Lord Eustace Percy*: One other point on the question of control: Do you know what the actual position is with regard to the forests in Bombay to-day? The Forest Service in Bombay has become a Provincial Service?—Yes.

503. But are the forests, as property, vested in the Provincial Government?—Yes.

504. They are?—Yes.

505. The Government of India retains no ownership in them?—No.

506. *Viscount Halifax*: There are only one or two things I wanted to ask Sir Alexander. What you say in your paper and what you said this morning with great force may really be summed up, may it not, in saying that what you are concerned about for the future really falls under the three heads of management, recruitment, and research? Would that be a fairly true summary of your general feeling?—Yes, I think so.

507. And that, as regards research, the Committee need anticipate no particular difficulty, because, on the assumption that the research part of Dehra Dun will continue, that will cover the research field, and the results of that work will be available for all Provinces?—Yes.

508. With regard to management, and by management I mean working plans, administration, and the technical side of forest working, I suppose it would be true to say, would it not that the key to that is really getting the right man as Conservator at the head of the Provincial Forest Service?—Yes.

509. Therefore, the problem before the Committee very much revolves round the question on which you have laid a great deal of emphasis, namely, the question of recruitment?—Yes.

510. Now, having regard to the present position in the Provinces, where the transfer has taken place, would you anticipate that there would be difficulty in attempting so far to reverse that system as to place recruitment entirely under the Government of India or the Governor-General, without reference to the Provinces, with a scheme of general Provincial Autonomy in being?—In answering that, Sir, may I refer as I did before to Burma and Bombay separately? Burma has at the present moment about 200 out of 630 of the gazetted staff of the whole of India, so that it is in a very different position from any other Province; and I think that

Burma is fit and is quite capable and should be allowed to recruit its own officers; but I think it would pay Bombay and I think it would pay every other Province in India to come into some unified system of recruitment.

511. What I really had in my mind was whether you could develop a little bit the idea that you suggested in answer to one or two questions of the possible use that might be made of this Board of Forestry? Do you think, pursuing what you said just now, I think in answer to Lord Hutchison, that it was very difficult in view of present circumstances to conceive a system of direct control over Provinces it would be possible to conceive a plan by which the advantages of wider recruitment could be made clear to the Provinces and with their general assent this Board of Forestry could be utilised as a body in which the Provinces would feel that they had their part to advise the Central Recruiting Agency under the Government of India? Would you think that might be a plan of meeting the natural *amour propre* of the Provinces and at the same time do what you deem to be of importance, namely, secure some central machinery for recruitment?—Yes. I may say the Board of Forestry has been accustomed to meet every three or five years to discuss purely technical matters between Provinces, and has not as far as I remember dealt at all with recruitment; but the suggestion you make appears to me to be a very good one in this way, that the Provinces could co-operate very well and put their views together as regards the methods of recruitment and the control of the education of the higher grades after recruiting, and the allotment of the various recruits, when trained, to their Provinces. I think that might be very well and efficiently done by some Board of the nature that you mention. We have had, and I have always sat, since recruitment was started in India, on the Selection Board, and this Selection Board might possibly and suitably be appointed by the Board of Forestry, and they could advise the Public Service Commission, who carry out the examinations, in regard to forestry recruitment.

512. I was a little bit encouraged in that view by something you said to Sir Reginald Craddock as to the way in which Bombay, for instance, had always welcomed the technical assistance of the Inspector-General, and that if you could get over the jealousy that the Provinces might perhaps feel if they thought that something was being withheld from them, you might not find it impossible to get their quite willing co-operation in something that would be so obviously for their benefit?—I think so, yes.

513. Only one other question. Under the state of affairs that we may contemplate in the future, would you anticipate any difficulty in the Dehra Dun Institute keeping touch in future, as it has been able to do up to now, with forestry developments in foreign countries?—No, Sir, none at all; I do not think it would alter the scientific co-operation in any way.

514. *Sir Reginald Craddock*: There is one question I want to put to Sir Alexander. You have laid stress on recruiting and research, but the selection of Conservators strikes me as a difficult matter. The Provinces would, no doubt, want to select their own Conservators, and the Central Forestry Board, or the Government of India as it will be constituted will therefore have no voice in the selection of Conservators. Would you think that a difficulty?—I think it might be a difficulty, Sir Reginald, but I do not really see how it is to be got over at present. I think the Provinces would want, as you say, to select their own Conservators from the list.

515. *Lord Rankeillour*: There is one point I should like to ask. I think, Sir Alexander said in answer to Lord Salisbury, that this control over recruitment should be exercised by the Governor-General in his own right

and discretion, but when Lord Hutchison asked you something, I am not sure that what you said seemed quite clear about that point?—I think the Central Government, the Viceroy acting with the advice of his Ministers, should exercise control.

516. *Marquess of Reading*: What you said was in consultation with his Ministers?—Yes.

517. *Lord Rankeillour*: Should he have the right in the end to determine himself after consultation? You see, in the ordinary constitutional language here, when you say the King on the advice of his Ministers, it means in working practice the Minister himself. That is rather the crux in India, whether it would be really the Viceroy in his knowledge and discretion with or without consultation with the Minister, or whether it would be the Minister?—I think in general he would take the advice of his Ministers.

518. But he need not be obliged to?—Well I cannot answer that, Sir; it is rather beyond my province.

Chairman: By leave of the Committee I should propose, with our best thanks for his kindness in coming here, to ask Sir Alexander to withdraw.

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