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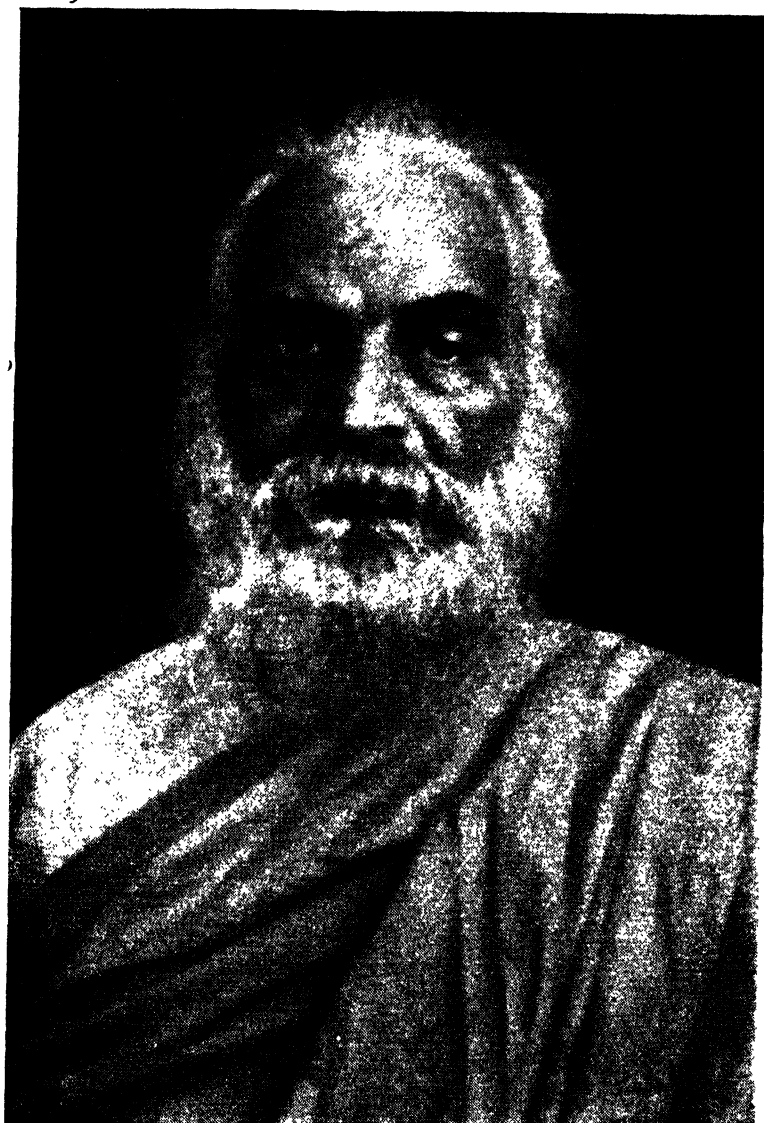
Class No. *B*.....

Book No. *P 212 P V-1*.....

Accession No. *58695*.....







**Vithalbhai Jhaverbhai Patel**



**VITHALBHAI PATEL**

**— LIFE AND TIMES —**

**By**  
**G. I. PATEL**



# VITHALBHAI PATEL

— *LIFE AND TIMES* —

BOOK ONE

FOREWORD BY

The Hon'ble Mr. M. C. CHAGLA B.A. (*Oxon.*), *Bar-at-Law*,  
Chief Justice, Bombay High Court,  
BOMBAY

BY

GORDHANBHAI I. PATEL, B. A.  
*Fellow & Member of Syndicate.*  
UNIVERSITY OF BOMBAY



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*Price Rupees 25*  
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***Printed and published by R. A. Morankar at Shree Laxmi Narayan Press.***  
***354, Thekkurhata, Bombay 3***





**Sardar Vallabhbhai Patel**

*Dedicated to*  
**SARDAR VALLABHBHAI PATEL**

*WHO*

ENABLED VITHALBHAI TO ENTER ON A  
LIFE OF COMPLETE RENUNCIATION  
AND WHOLE-TIME NATIONAL  
SERVICE,

*WHO*

DESPITE POLITICAL DIFFERENCES,  
CONTINUED, FOR YEARS, TO  
GIVE HIM A BROTHER'S  
DEVOTION,

*TO WHOM*

VITHALBHAI WAS THE VERY EMBODI-  
MENT OF UNFLINCHING COURAGE AND  
SOUND STATESMANSHIP, AND

*WITH WHOM*

HE SHARED AMIDST THE STORMS  
AND STRESS OF PUBLIC LIFE, THE  
MANY THRILLS OF TRIUMPHS  
AND PANGS OF DESPAIR  
THAT FELL TO THEIR  
SHARE, FOR WELL-  
NIGH FIFTY YEARS



## FOREWORD

**T**HE art of biography is rarely practised in India and, if practised at all, is rarely practised well. It is not easier to write a political biography than to write the biography of a man of letters, scientist or philosopher. A political biography is not merely a collection of speeches made and the activities indulged in by the political leader. It should portray him against the background of his times and it must give a vivid impression to the reader of the development of political ideas and of institutions which moulded him and which were moulded by him.

A classical instance of a model political biography is Morley's *Life of Gladstone*. We read in it the evolution of Gladstone from a student to a statesman of the highest order. We are told of his personality, his weaknesses and his idiosyncracies, his conversations and what he did with his leisure time, and we also feel that we are in the midst of tremendous political, economic and religious forces which went to make the history of England and even of Europe of those days.

I must congratulate Mr. G. I. Patel on undertaking the ambitious task of writing a full length biography of Vithalbhai Patel and performing it so well. He had vast materials at his disposal, both public records of the time and the private papers left with him by Vithalbhai Patel. The danger of having vast materials is always to lose sight of the wood for the trees, but Gordhanbhai Patel has refused to allow himself to be lost in the trees.

We have here a clear picture of Vithalbhai Patel's early life and education, about his father Jhaverbhai who had taken prominent part in the War of Independence of 1857. It is important to note the love for chess that both father and son had. Through-

out his political and public life one is always reminded of Vithalbhai playing on the chess-board with astuteness and acumen, moving one piece here and another piece there, all the time intending to checkmate the British King. We also become conscious of his innate sense of humour which sometimes developed into the playing of practical pranks and his complete indifference to money. Very early in his life he made politics a whole time job. It is necessary to emphasise this fact because today we are often apt to forget that study and scholarship are prerequisite conditions to success in politics. Vithalbhai was a Moderate in politics in his early days. But his training as a Moderate taught him one great lesson which stood him in good stead throughout his life. He never spoke on any subject without making himself a master of it. Blue books were his staple food and a mastery of details was his greatest asset. His oratory did not consist of merely an appeal to mass psychology or the shouting of slogans which roused the passions of those who listened to him. It is true of him to say that he was a better committee man than a platform speaker.

When he became a member of the Bombay Council he had to work under a great handicap. The powers of the Council were limited, the Governor presided over it and in matters of procedure and the regulating of debates he had almost dictatorial powers. Under those conditions the achievements of Vithalbhai were indeed remarkable. One weapon he used with great skill and ability was the asking of questions. He kept a vigilant eye on details of administration and brought the Government to book whenever it strayed from the path of rectitude. Apart from questions his legislative work was also considerable. He got the Bill to make elementary education free and compulsory passed. He also took keen interest in the improvement of Ayurvedic and

Unani systems of medicine in this Presidency by introducing a Bill to amend the Bombay Medical Act of 1912. Although the Bill was lost, the merits and claims of indigenous medicine were prominently brought before the Legislature. He was also a protagonist in the Council of the District Municipalities and District Local Boards and he did for them what Sir Pherozeshah Mehta did for the Municipal Corporation.

The author rightly points out that the Kaira Satyagraha of 1918 marks a crisis in the life of Vithalbhai. It was a definite turning point. He ceased to be a Moderate and his political development henceforward was on entirely different lines. The author also points out the difference in points of view between Gandhiji, Gokhale and Vithalbhai. With Gandhiji Satyagraha was a moral and ethical experiment. With Gokhale it was the last resort which he would only take as a painful measure. Vithalbhai came between the two. He wanted to extract as much good as possible for the people from the existing Constitution. But he did not shrink from availing himself of the method of direct action if it would serve his purpose.

In 1918 he transferred his activities to the Imperial Council and also decisively and finally allied himself with the Congress by becoming the Chairman of the Reception Committee of the Special Session of the Congress held in Bombay in August 1918. The publication of the Montagu-Chelmsford report further accentuated the political division in the country. Vithalbhai refused to accept it as a great boon and looked upon it as disappointing and unsatisfactory.

It is necessary to notice in connection with his work in the Imperial Council his introduction of the Hindu Marriages Validity Bill which was intended to provide for marriages of Hindus of different



castes. This Bill helps us to understand Vithalbhai's attitude towards social reform. He was opposed to the caste system as something pernicious and as likely to undermine the solidarity of the nation. He was right in emphasising the psychology that lay at the root of the caste system. As he rightly put it: "Inter-dining, inter-marriage, etc., may not be necessary for National Unity and ideals of brotherhood, but the psychology that stands in the way of these does interfere with both." He was also right in taking the view that the problem of untouchability could not be solved apart from the caste system and that untouchability was one logical extremity of the caste system. He could not divorce social reform from political reform because as he again rightly put it: "Our social relations must be based on justice, freedom and consent, if these are to be the features of our political institutions." He was not merely a doctrinaire social reformer but he put his precepts into practice. He created quite a sensation when in his native village he refused to attend a caste dinner which his elder brother Narsinhbhai proposed to give on the 12th day of his father's death in 1910.

The author makes the sound observation that the passing of the Rowlatt Bills through the Imperial Legislature made a definite departure in the methods of political agitation pursued in India. It took some time before those methods crystallised under the leadership of Gandhiji, but undoubtedly an important milestone had been reached in the evolution of the political history of India. The method of representing grievances to the British authorities was not yet wholly given up as can be seen from the fact that Vithalbhai went to England as a member of the Congress Deputation in connection with the Government of India Bill to be introduced in Parliament by Mr. Montagu. I myself was in England at that time as a student and for some time I was staying at

the National Liberal Club where Vithalbhai also used to come and I vividly remember Vithalbhai holding conferences at all hours of the day and night with men representing different shades of opinion both in India and in England. I also remember hearing him give his evidence before the Joint Select Committee and the impression that he created on my mind was that of a close student of politics who had his facts and figures at his fingers' ends and whose one anxiety was to see that the domination of India by England came to an end within a measurable period of time.

One important consequence of Vithalbhai's visit to England was the intimate contact that was brought about between him and Tilak. We were on the eve of the Non-Co-operation Movement and there can be no doubt that Vithalbhai at that time was influenced more by Tilak's political philosophy than that of Gandhiji. Vithalbhai's political strategy was to organize obstruction to Government in every possible direction, and while technically keeping within the limits of the law, to try and bring the administration to a standstill. Throughout his life Vithalbhai remained an astute and practical politician. He had no objection to the use of any means provided the end was achieved. Only the objective and the goal remained constant and that was the freedom of his country. Whereas Gandhiji's approach to politics was spiritual and moral, Vithalbhai never left the mundane plane. His attitude is illustrated by the fact that he was opposed to the unnecessary sacrifice which would be entailed by students being asked to leave schools and colleges. But he was in favour of boycott of British goods, although to Gandhiji that represented an element of hatred which might vitiate the movement which he wanted to direct as a moral and spiritual leader. But although he was opposed to the ideology of Gandhiji,

with his shrewd commonsense he realized that in order to stir the Indian masses an appeal like that of Gandhiji was necessary and therefore he supported and stood by Gandhiji whenever it was possible for him to do so. He used to call himself *Ravana* in the *Dharma Yuddha* which Gandhiji was waging and he always emphasised the fact that he was not a Mahatma but an ordinary mortal whose passion was the freedom of his country and who wanted to embarrass, harass and corner his British opponent. It was the same practical outlook that was responsible for his enthusiasm in favour of Council entry and the yeoman services that he rendered in establishing the Swarajist Party. He had no love for the Constitution. He knew all its defects and shortcomings, but he believed like Tilak in offering opposition to the Government on all fronts and he thought that the most important front was the legislature where continuous, consistent and persistent obstruction should be offered.

The author draws a striking contrast between the personalities of Vithalbhai and Vallabhbhai. They are undoubtedly the two most illustrious sons Gujarat has produced in recent times. Vallabhbhai spent a great part of his political life as a trusted lieutenant of Gandhiji and he was quite content loyally to follow the Mahatma's mandates without questioning the reason underlying them or their advisability. Vithalbhai could never surrender his judgment to anyone. He liked to arrive at his own conclusions by his own method of ratiocination. Vallabhbhai recognised the necessity of capital and was prepared to build society upon it. Vithalbhai's intellectual proclivities were all towards labour and in England he had wholly identified himself with the Labour Party. Vithalbhai was lonely and aloof, looking upon life with a cynical smile. To Vallabhbhai life had its deep significance which he wanted to

translate into action. Vithalbai understood the value of European institutions and culture. Vallabhbai did not want to look beyond the frontiers of our country. Vithalbai's finest work was done within the Council Chambers. Vallabhbai till recently scrupulously kept out of the Councils. But while we note the dissimilarities, there are also marked similarities between their lives. Both were members of the Bar with acute and well equipped minds. Both did important and useful work in local bodies. Both were passionate lovers of freedom and both rose to the rank of National Leaders, respected and admired by the people.

Vithalbai's entry into the Legislative Assembly on the 13th of January 1924 was merely a prelude to his becoming the Speaker. But he was the Deputy Leader of the Swarajist Party and as such he pulled his weight in no uncertain measure. His Presidentship of the Bombay Municipal Corporation undoubtedly served as a noviciate for the much more august office. As President of the Corporation he laid down new and important conventions and his anxiety was to be a constant watch-dog of the activities of the Municipal Commissioner who was in no way responsible to the Corporation. But strangely enough when he laid down the reigns of office no one was more eloquent in praise of the work done by him than the Municipal Commissioner.

When he was elected President of the Assembly in August 1925, Vithalbai must have looked back at the strange ways in which his life had evolved, starting in a small village, struggling as a lawyer, playing his role as a politician on a limited platform, becoming a firm believer in political obstruction and ultimately rising to be the President of the Assembly, a part and parcel of the Legislative machinery and the custodian of the traditions of the House. The Assembly over which he presided was one of the

most brilliant that has ever come together in the Council Chamber in the whole history of India. Men like Motilal Nehru, Jinnah, Pandit Madan Mohan Malaviya, Lala Lajpat Rai, Rangaswami Aiyengar, Bipin Chandra Pal, Sir Chimanlal Setalwad, Sir Purushottamdas Thakurdas, Sir Harisingh Gour are only some of the names in the galaxy of members who then adorned the Legislative Assembly.

It would be no exaggeration to say that any Parliament in the world would have been proud to have Vithalbhai as its President. His achievements stand out in all their brilliance when one realises the handicaps under which he had to work. The Legislative Assembly had hardly any traditions or conventions having the force of law. Vithalbhai had practically to start from the scratch. He had to fight the bureaucracy which detested him and which looked upon him as a thorn in its side. While Muddiman was the Leader of the House things were not so bad, but when Crerar replaced him it was easy to discern the bitter hostility that was concealed behind the formal courtesy which was shown by the Leader of the House to its President. Vithalbhai was President when the country was engaged in a life-and-death struggle for freedom. His heart was naturally with those who were carrying on the struggle, and at the same time he had to be absolutely impartial in the Chair and to be above all parties and sections. His strict impartiality can be judged from the fact that he refused to subscribe to the funds of the Swarajist Party out of his salary he received as President. He had resolved to give a portion of his salary to some national cause, but in order that he should not be accused of any political bias he gave every month a large sum to Gandhiji to be used for some national purpose.

The work that he did as President of the Assembly is described in detail in the book. One sees it

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like the development of a drama: the election of Vithalbhai as President by a very narrow majority, his unanimous re-election, the growing confidence of members in his ability, independence and fearlessness and the inevitable climax which resulted in his resignation.

The very first thing he did after he was elected President was to change the ceremonial which was always followed when the Viceroy came to the House to address its members. It was the practice for the President to vacate his chair and sit among the members when the Viceroy visited the House. Vithalbhai upheld the dignity of the House by continuing to remain in his chair and calling upon the Viceroy to address the House. When the Swarajists walked out in March 1926, he referred to the House as unrepresentative and pointedly referred to his powers to adjourn the house *sine die*. But subsequently he realized that there were other elected members still left in the House and his remarks might be considered to have cast a reflection upon them and so he made honourable amends by making a statement which made it clear that no aspersion were intended to be cast on them. The boycott of the Simon Commission by all national opinion in India seemed to make his position rather difficult. But he was more than a match for Sir John Simon. He refused to take any notice of him or his colleagues until Sir John Simon had formally called upon him as President of the Assembly. It will always stand to the credit of Vithalbhai that he gave his casting vote against the first Public Safety Bill ever to be introduced in the Legislature. His reasons for doing so were in keeping with the highest traditions of Parliament. He said that if any party or any individual member sought to put such an extraordinary measure on the Statute Book he must persuade the House and get a majority in his favour. When the Second

Public Safety Measure was introduced, the Meerut trial was proceeding and he pointed out to Government that free and full debate on the Bill was not possible so long as many of the matters involved in the Bill were *sub judice*. His suggestion therefore to Government was either to postpone the Bill and proceed with the Meerut trial or withdraw the Meerut case and proceed with the Bill. As Government did not accept his suggestion he ruled the motion for the consideration of the Bill out of order on the ground that it would deprive the minority which was in opposition of its right of reasonable debate. The result of this ruling was that Government promulgated a new Legislative Rule—17-A, which prevented the President from refusing to put any motion to the House. Although this was a serious encroachment upon the rights of the President, he ultimately succeeded in persuading Government that in future no rule affecting the Assembly would be passed without consulting the House itself except in cases of emergency. He was always vigilant in seeing that the dignity and decorum of the House were maintained and everyone will remember what a sensation was caused when Vithalbhαι administered a well-deserved snub to the Commander-in-Chief. The Commander-in-Chief made a long speech and walked away from the Chamber and was not there when, on a motion for adjournment, his speech was being discussed. He told Government that unless the Commander-in-Chief apologised to the House, he would not permit him to make any speech thereafter. The Commander-in-Chief had to submit and express his regret. He succeeded in bringing about the removal of the control of the Legislative Department over the Assembly. A separate and independent Department of the Assembly was set up so that the President had no longer to be at the mercy of the officials who were part and parcel of the Governmental machinery.

When Byrt, the Correspondent of the *Times of India*, and Rice, the Correspondent of the *London Daily Telegraph*, made disparaging remarks about the Chair, he cancelled the press passes issued to them and the matter only ended when, as far as the *Times of India* was concerned, a handsome apology was offered both by the proprietors and by the offending correspondent himself. He also succeeded in establishing the authority of the Chair over the Assembly precincts. There was a long tug-of-war between him and the Police authorities in Delhi and he closed all the public galleries attached to the House for two months until a fair and reasonable solution was arrived at and his authority and right to control the security measures in the inner precincts of the Assembly were recognised.

But while his unending fight with Government and bureaucracy was going on his relations with Lord Irwin remained most intimate and Vithalbhai made the most of his friendship with the Viceroy to advance the cause of India's freedom. It was at his suggestion that Lord Irwin conceived the idea of a Round Table Conference. It was Vithalbhai who impressed upon him that no solution of the Indian problem was possible unless the Congress was a party to such a solution. He brought about an interview between Gandhiji and Irwin, but unfortunately Gandhiji insisted on the Viceroy giving a pledge that the Round Table Conference would recommend nothing short of Dominion Status and, on that, negotiations failed and the first Round Table Conference was held in the absence of the Congress representatives. It is one of the most interesting and perhaps also tragic 'ifs' of history as to what would have been the evolution of political freedom in India if Gandhiji and Irwin had arrived at a pact before the First Round Table Conference as they did before the second. The Lahore Congress presided over by



Pandit Jawaharlal passed the famous Independence Resolution, which resulted in the boycott of Legislatures, the launching of the Satyagraha movement and the wholesale arrests of leaders. Vithalbai was naturally moved, but in order to emphasise the principle that the President was above all parties, he refused to resign his post at that juncture. But he made it clear that if he found that the holding of his office under the altered condition was inconsistent with the maintenance of absolute independence and impartiality he would resign his office. The crisis was reached when the amendment moved by Chetty in favour of Imperial preference was carried. Vithalbai put it on record that any decision reached by the Assembly on that important question would not be by the free vote of the House on merits. After Chetty's amendment was carried, Malaviyaji and the members of the Nationalist Party walked out of the Assembly. Vithalbai was then left to preside over a rump of the Legislature. All his friends had gone, there was no opposition left to Government and the Assembly was merely there to register the decrees of the Executive. Under those circumstances, there was no incentive left to continue in the Chair and therefore he tendered his resignation. He felt that his proper place was with his countrymen.

In England when a Speaker resigns he gets a peerage and a handsome pension. All that Vithalbai got for his great service was six months' rigorous imprisonment. He served five months of his sentence and he was released when fresh negotiations were started between Irwin and Gandhiji. At this time he came very near to achieving one of the greatest ambitions of his life and that was to be elected the President of the Congress. But Gandhiji ruled that his brother Sardar Vallabhbai at that important juncture in the country's history should preside over the destinies of the National organiza-

tion. The other ambition which he had set before himself was to represent India at the Round Table Conference, as in a very large sense he was the architect of the very idea of India's political destiny being moulded at a conference between British and Indian representatives, but here again his ambition was foiled because the Congress decided to send only one representative and that was to be Gandhiji. He was arrested again when Gandhiji returned from London along with other leaders, but he was broken in health and he was released very soon. But even while he was a sick man he did not stop rendering services to the cause of his country. He went to the United States of America and toured the whole country in order to enlighten the people as to the justness of India's cause. He died in Switzerland in exile, but before his death he and Subhash Bose came to the conclusion that passive resistance would not succeed in achieving India's freedom and that more militant methods should be resorted to. Vithalbai never lived to put into practice his ideas. Future history was to record how Subhash Bose carried out his militant programme and how at the head of the Indian National Army he tried to defeat the forces of Imperialism on the field of battle. The decision of Vithalbai to give up Non-Violence and Passive Resistance further emphasises the difference in outlook and philosophy between him and Gandhiji. Vithalbai never hesitated to change his means and methods for achieving freedom, if changed circumstances required him to do so. He believed in such action as was effective for his purpose at a given time. He looked upon politics as subserving only one purpose and that was the freedom of his country. Gandhiji's philosophy was never purely political; moral values were to him of infinitely greater importance than any victory snatched by methods which he considered unethical and unworthy of India's

great culture. The last message that he gave in the Swiss Clinic where he lay dying was his blessings to his countrymen and his prayer for the early attainment of India's freedom.

Vithalbhai's cynicism, his detachment, his logical and unsentimental mind made it difficult for people very often to understand him. His ways were inscrutable and he had the knack of keeping his thoughts to himself. Therefore, it is not surprising that he was often involved in controversy. Even after his death he maintained his inscrutability, because his last will and testament became the subject of acrimonious debates and had ultimately to be construed by the High Court. But although the trust he had made for India was found to be bad in law and his heirs were held to be entitled to his estate, his heirs, including Sardar Vallabhbhai, made a fine gesture and handed over all that they had received from Vithalbhai's estate to a national trust.

This biography of Vithalbhai which Mr. G. I. Patel has so ably written will always remain an eloquent and moving testimony to the great work done by Vithalbhai in the cause of India's freedom and his splendid achievements as the President of the Assembly. Perhaps his work was not fully appreciated when he performed it. But now that the struggle for freedom is over and we are working the experiment of Parliamentary democracy the traditions he laid down, the conventions he established, the independence of the Legislature which he emphasised, will receive their just appreciation. It is also very fitting that in his memory a statue should be erected on the foreshore of Chowpatty. From there he will look out upon his country struggling to become a Secular Democratic State and securing its rightful place in the comity of Nations.

Chief Justice House  
Harkness Road, Bombay.

M. C. CHAGLA

## PREFACE

**I** AM not sure whether I should assume an attitude of eloquent apology in presenting this work as a labour of love to the public. I am well aware of my limitations, both intellectual and otherwise, in undertaking a work of this kind. Men with much higher and much better qualifications than myself, keener in judgment, deeper in their understanding and more thorough in their grasp of the events and happenings, and of men and matters, that constituted the history of India during the last quarter of a century, would certainly have done ampler justice to this work than I could ever hope to do. I waited, and waited long, for some one belonging to this category of people to take up this work, and I even ventured to suggest to some of those who, I knew, could execute it. But to my great disappointment, I found none ready to discharge this duty to the Departed Great.

The history of India, as indeed of every other nation, is the biography of its heroes. And heroes abide in the hearts of mankind not as curiosities of history or as archives in a museum but as fountains of living inspiration, as dynamos of inexhaustible energy. Vithalbai dead is not Vithalbai forgotten, but Vithalbai triumphant, and deserves to be looked upon, now and for a long time to come, as a symbol of what every young man in this country should aspire to be. Time and again had I felt it incumbent on me to take upon myself this difficult task, however feeble my equipment for it may be; for to allow the memory of one, who served the country so ably and so courageously, to sink into oblivion, to be recalled only occasionally and in moments of pride and for temporary delectation, would be a rank injustice to posterity. Every time, however, I ventured to go near the task, I found that I lacked the necessary strength to overpower my feelings

of diffidence, until one day, Mr. C. M. Trivedi, B.A., LL.B., Bar-at-Law, an intimate friend of mine, with his persistent encouragement and playful tongs goaded me on, at least to try my hand on it. I have known Mr. Trivedi for over thirty years. He has witnessed the various ups and downs in my life at close quarters, and has therefore been in a better position than anybody else to estimate my limitations and my shortcomings. He persisted in impressing upon me the fact, day in and day out, that I was wrong in placing a premium on my diffidence and that if I really meant what I said, and if it was my sincere wish that the biography of Vithalbhai Patel should see the light of day, I must without any reliance whatsoever upon any outside agency undertake the work myself. If Mr. Trivedi has been responsible for taking the initiative in goading me on to action, it was left to my esteemed friend, Principal K. M. Khadye, M.A. (Cantab.), to sustain me on that path with constant encouragement and inspiration.

Vithalbhai's has indeed been a thought-compelling and emotion-stirring life. Worthier hands than mine with a more gifted pen than I can ever hope to wield, might have succeeded in presenting Vithalbhai as the epic hero of the epic struggle of an epoch-making era. That, however, has not been; and so has fallen upon my pigmy shoulders this gigantic task; and gladly and willingly have I taken it up in the fond hope and the firm belief that I would discharge it to the best of my capacity. Fortunately, for me, I have one definite advantage over anybody else,— and that is an advantage which every biographer would certainly set a very high value on — namely, my intimacy with the subject of my biography. I have had the rare fortune of being closely associated with Vithalbhai during the greater part of his public life and had further the privilege of enjoying his confidence throughout the greater part of his career of intellectual labour and political activities. This may, of course, on the other hand, be looked upon as one of the disadvantages under which I labour, because, situated as I am, I cannot normally be expected to write without predilections of any kind whatso-

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ever, my admiration for him being so deep, intimate and profound. In fact, I do feel that if the feeling-tone of my heart had not been imparted to this account of his life, I should have deprived this biography of all its inner value. Having lived with Vithalbhai closely, and dived deep into the sea of his mind and heart, it has indeed been my positive desire to portray the departed greatness, with fidelity certainly, but also, with the warm glow of personal affection. I have, of course, been conscious of the need for tempering my zeal and admiration for my hero with honest and discerning objectivity. Time has also contributed its share towards enabling me to scrutinize, appreciate and evaluate the hard facts of his life and to see them in their proper perspective.

If ignorance has ever proved a blessing, it has been so in my present venture, for little did I know, when I embarked upon it, the enormity of my task, the numerous handicaps under which I had to labour, for the collection of the necessary material, for the understanding, if not the mastering, of the technique and the art of presenting facts and above all of the art of writing. I must not pretermit to mention in this connection how keenly I felt the absence of the help and guidance that I yearned so much to have from Sardar Vallabhbai Patel. He who knew his brother so well and who certainly understood him better than any one else would have been of immense help to me in my endeavour. But, alas, during these many years that I have been attempting to chisel this book into shape, the Sardar was either languishing in prison, having incurred the displeasure of the alien Government or busy with the onerous and monumental work of welding into homogeneity this unfortunate country after its partition in 1947. To him, therefore, I could not go for help and had perforce to remain content with what I have been able to achieve without his guidance. Again, I was hoping to receive some substantial help from some of the political associates of Vithalbhai. They too, were deeply engrossed in their own activities, and were not able to spare any time for me. Some of them who were known to be singing songs of praise and admira-

tion about Vithalbhair during his life time, had no use for Vithalbhair dead. Earlier associates of Vithalbhair who could have thrown some light on his earlier activities had departed from this world one after another.

Throughout his life, Vithalbhair had lived the life of a *Mast Fakir*. He never cared to maintain a diary of his activities, much less a record or memoranda. In fact, he had hardly preserved any correspondence bearing on his personal or public life. Political conditions of the country at the time also made it practically impossible for me to have an easy access to the files of old journals, and so the prospects of securing much valuable and useful information, appeared very gloomy. With all these difficulties and several others which I refrain from detailing here, I resolved to continue my pursuit on the strength of my own recollection of several interesting episodes of Vithalbhair's life either witnessed personally, or heard, during my close contact with his stormy and exciting life. I had with me, fortunately, some useful material, collected and preserved by me from time to time. I also had some valuable original papers carefully stowed away during the life-time of Vithalbhair. Equipped with this material and further helped by the study of the proceedings of the Bombay Legislative Council, the Imperial Legislative Council and the Legislative Assembly, and other publications of a similar nature, I continued my struggle with the task. My sole reliance for the success of my effort rested on my enthusiasm and a sense of duty to my Chief, strengthened by the ties of affection, respect and reverence, I had developed for him, not only because of his brilliant achievements in public life, based on the solid foundations of Sacrifice, Service and Devotion, so rare among so many of our many public men, but because of his human and humane qualities.

This book should have been in the hands of the public as far back as 1945, but for the misfortunes that intervened. I had very nearly succeeded in threading into shape these volumes, but the political conditions that existed at the time were hardly conducive to the publication of a book of this

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nature. India was under the iron heels of a foreign Government. Her voice was choked by various measures of an unprecedented reign of terror. Numerous strangle-holds were placed on her neck which denied her any freedom of thought or expression. The Second World War that brought in its wake numerous controls and restrictions on the specious plea of the necessity to regulate short supplies of essential commodities in the interests of society, created a well-nigh impossible situation for getting this book printed within reasonable time and at reasonable cost. It then occurred to me that what was impossible in India could be accomplished in England, and with that hope I left for England towards the end of September, 1945. I was hoping to complete my work on the spot and negotiate with a London Publishing House for the publication of this book. But, as ill-luck would have it, I fell seriously ill and was obliged to return home by an R.A.F. plane. My tale of woe did not stop there. A shock, greater in intensity, and far-reaching in consequences, all but broke my spirits. My suit case containing the typed and handwritten material, together with some original papers, which I had arranged to be shipped by a boat, was reported to have been either stolen or lost in transit, and so had vanished or almost vanished the fond dream that I had cherished so long. The loss was poignant, too deep for tears, and hurled me headlong into utter despair. The blow was acute, too hard to bear, but the prospect of having to tread the trodden path once again, was worse still.

Once again my friend Principal Khadye came to my rescue. He explained to me the ethics of blessings in disguise — that out of my very loss a gain may still be achieved by a fresh effort — and imbued me with a new vision and vigour. He maintained that I was getting a splendid opportunity for re-writing the handwritten chapters that were lost and also for re-arranging the typed chapters that still remained with me in the light of the new political set-up of the country. I was buyoed up with the thought that calamities of this kind are meant only to test a man and not to trample upon him. And then, like one whose dream is



disturbed by unwelcome intrusions, but whose waking hours are still haunted by the lingering halo of the vanished dream, I replumed myself for a fresh attempt.

Principal Khadye has been known to many as an erudite scholar, with a mastery over English language and English literature, and as an educationist. Very few, however, are aware of his enviable analytical mind, his detached view of things, his passion for accuracy of facts and figures, his splendid capacity for a synthetic outlook on life and events, and his ability to grasp the essence of the complex and complicated tangles and cob-webs of politics. Him have I known for years as a friend and guide in matters, intellectual and literary, and to him are due much more than I can ever repay, much more than I can ever express in words, my grateful thanks for all that he has done in helping me to put into presentable shape the chaotic mass of material that had been lying with me for years.

The authors and publishers of several books deserve appropriate acknowledgment. Among the books that have been helpful to me in my task, at one time or the other, are the *History of the Indian National Congress* by Pattabhi Sitaramayya, the *Indian Struggle* by Subhash Chandra Bose, *Parnell* by Joan Haslip, *Life and Times of C. R. Das* by Ray, *May's Parliamentary Practice, Procedure of the House of Commons* by Redlich, *The Mother of Parliament* by Graham, *A Speaker's Commentaries* by Viscount Ullswater, the Bombay and the Imperial Legislative Council and the Legislative Assembly proceedings, and the Bombay Gazetteer and several other books and pamphlets, which I hope have received appropriate mention in the body of the book. To all of them I express my grateful thanks.

I am obliged to Dr. Miss Aloo Dastur, M.A., Ph.D., Professor of Politics and History, Vithalbhai Patel Mahavidyalaya at Vallabh Vidyanagar (Anand), who very kindly volunteered to help me in the matter of checking up references in the body of this work and in preparing an index.

My thanks are due to Mr. P. G. Kanekar, a wellknown student of public affairs, who, despite poor health and many

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other preoccupations, and at great personal inconvenience, undertook the onerous and exacting task of proof-reading. His wide knowledge of public affairs and his scholarship have been very helpful to me.

The publication of this book on the occasion of the unveiling ceremony of the statue of Vithalbai on the Chowpatty foreshore by the citizens of Bombay would have been impossible, but for the untiring efforts of my friend, Mr. R. A. Moramkar of the Shree Laxmi Narayan Press. I am indebted to him for his extraordinary resourcefulness and his firm determination to race with time in getting the book printed at the right moment.

I do not know how to thank the Hon'ble Mr. M. C. Chagla, B.A. (Oxon.), Bar-at-Law, the Chief Justice of the High Court of Bombay, who has placed me under a deep debt of gratitude by writing a very illuminating and well-balanced Foreword to this book.

Justice Chagla has earned the affection, admiration, respect and confidence of all sections of the public by his erudite scholarship, by his catholicity of views, by his broad and detached outlook on life, by close study and scrutiny of events and happenings, and by impartial judgment on issues put up before him. No wonder, therefore, if men like me are unable to resist the temptation of encroaching upon his precious time, and putting him to extraordinary trouble.

My intimate contact and personal knowledge of Justice Chagla during his Vice-Chancellorship of the University of Bombay have evoked in me the deepest regard and respect for him, who is an eminent scholar well-versed in legal lore, a learned constitutionalist, an able administrator endowed with vision and imagination, and, above all, a genial personality blessed with all the qualities of Heart and Head that would make one truly Great. To know him is to love him. That, I am certain, has been the conviction of most of the University men who had the privilege of working under his inspiring stewardship.

I consider myself fortunate that, in the midst of his

numerous public engagements in addition to his heavy responsibilities of the administration of Justice in the Bombay State, Justice Chagla so kindly found time to write a Foreword to my book. What I owe to him in gratitude for his ever-ready encouragement, and generous friendliness to me, I can never hope adequately to express in words.

And so, here is my work, frail but faithful, with sincerity as its sheet-anchor, set afloat like a paper boat on the stream of public reaction. The cargo that it carries is rich and rare — let it touch what ports and harbours it will: the mariner that guides it may not count and indeed does not want to count. All that he hopes for is that the boat may have a fair breeze and a full sail and that it may waft the fragrance of its merchandise to those whose senses are keen and receptive.

10th November, 1950.  
305, Honrby Road,  
Bombay.

*G. I. Patel*

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## *CHRONOLOGY OF VITHALBHAI'S LIFE AND CAREER*

- 1873 27th September Birth at Nadiad.
- 1878 Joined village school at Karamsad.
- 1882 Marriage to Diwalibai of Sojitra.
- 1891 Passed University School Final Examination.
- 1895 Passed District Pleader's Examination.
- 1898 Moved to Borsad for law practice.
- 1905 Sailed for England to qualify for the Bar.
- 1908 1st July Called to the Bar.
- 1910 Death of Diwalibai.
- 1911 Defence Counsel in Sedition case.  
Elected to the Taluka Board.  
Elected to the District Board.
- 1912 Elected to the Bombay Council.
- 1913 Voted with Government
- 1915 Joined the Indian National Congress.
- 1917 Moved the Primary Education Bill.  
Became a political propagandist.
- 1918 3rd February Elected President, Bombay Political Conference (Bijapur).
- 1918 19th March Elected to the Imperial Legislative Council.  
Elected Chairman, Reception Committee, Special Congress Session, Bombay.
- 1918 4th September Took the Oath of Allegiance in the Imperial Council.
- 1919 Representative of the Congress before the Joint Parliamentary Committee

## VITHALBHAI PATEL

- on the Government of India Bill,  
1919.  
Drafts memorandum of Evidence.
- 1920 Visits England again for Congress pro-  
paganda.  
Mrs. Besant attacks Vithalbhai.  
Vithalbhai non-co-operates.
- 1921 Resigns seat on Bandra Municipality  
and Imperial Legislative Council.
- 1922 Leads Bardoli No-tax Campaign.  
Forms the Bombay Municipal National-  
ist Party.  
Advocates Council Entry.
- 1923 Elected Chairman, Schools Committee,  
Bombay Municipal Corporation.  
Leads Nagpur Flag Satyagraha, along  
with Vallabhbaī.  
Elected President, Bombay Municipal  
Corporation.  
Organises the Bombay Swarajist Party.
- 1924 Elected Member, Indian Legislative  
Assembly.  
Refuses attendance at functions wel-  
coming Lord Reading.
- 1925 Resigns and gets re-elected President,  
Bombay Municipal Corporation.
- 1925 22nd August Elected President, Indian Legislative  
Assembly.
- 1926 Makes a statement on the Swarajist  
walk-out.  
Gives a part of his salary to Gandhiji,  
each month.  
First term as President, Legislative  
Assembly, ends.  
Returned unopposed as an Independ-  
ent to the Legislative Assembly.

VITHALBHAI'S LIFE AND CAREER

- 1927 Unanimously re-elected President, Legislative Assembly.  
Resigns from the Municipal Corporation.  
Visits England on a study tour of Parliamentary procedure.  
Calls on H.M. the King.  
Efforts at Congress and Government rapprochement.  
Plays prominent part in Gujarat Floods Relief Work.  
Refuses to resign Presidentship.
- 1928 Helps towards a satisfactory solution of the second Bardoli No-Tax Campaign.  
Gives his Ruling on the Reserve Bank Bill.  
Anglo-Indian Press attacks Vithalbhai.  
Casts vote with the opposition on the First Public Safety Bill.
- 1929 "*The Times of India*" tenders apology to Vithalbhai.
- 1929 8th April Bombs thrown in the Legislative Assembly.
- 1929 11th April Gives his famous ruling on the Second Public Safety Bill.  
Orders the Assembly galleries to be cleared.  
Again strives for Congress and Government rapprochement. These moves miscarry.
- 1930 Statement on the authority of the Chair.
- 1930 25th April Resigns from Presidentship of Indian Legislative Assembly.  
Appointed on the Congress Working Committee.



V I T H A L B H A I P A T E L

- Appointed Chairman, Peshawar En-  
quiry Committee.
- 1930 28th August Convicted and imprisoned.  
Ill in Ambala jail.
- 1931 24th February Sails for Vienna for reasons of health.  
Undergoes operation in a Vienna Clinic.
- 1931 28th December Returns to India.  
Issues a statement on the White Paper,
- 1932 5th January Re-arrested and lodged in Byculla jail.  
Illness recurs.
- 1932 5th March Sails for Vienna once more.  
Visits U.S.A.
- 1933 Back in Vienna for treatment.  
Visits Dublin on de Valera's invitation.  
Issues jointly with Subhash Chandra  
Bose a statement on India.  
Seriously ill.
- 1933 22nd October Journey's end.
- 1933 9th November Mortal remains reach Bombay.
- 1933 10th November Cremation at Sonapur.
- 1933 11th December Bombay Sheriff's meeting to mourn  
loss.
- 1950 10th November Unveiling of his Statue on the Chow-  
patty foreshore.

## PROLEGOMENA

*O Captain! my Captain! our fearful trip is done!  
The ship has weathered every wrack, the prize we sought is won.  
The port is near, the bells I hear, the people all exulting,  
While follow eyes the steady keel, the vessel grim and daring.*

*But, O heart! heart! heart!  
Leave you not the little spot  
Where on the deck my Captain lies,  
Fallen cold and dead.*

**M**Y Captain, Vithalbhai Jhaverbhai Patel, came into my life, for the first time, in the year of grace 1920, one cold December night, when I was moving from one side to the other in my bed in one of the rather uncomfortable rooms of the Fergusson College Students' Quarters, thinking furiously about how I should respond to the call of the Non-Co-operation Movement to boycott schools and colleges. With the greatest respect I then had for several of the leaders of that movement, I could not easily bring myself to believe that this particular boycott could serve any useful purpose. My reason definitely told me that, even such education as we were having was better than no education at all, and also that, if only we had the will, we could have as much of National education as we liked even in those normal surroundings of ours in those days. On the other hand, if so many of the political leaders we venerated, themselves being the products of the same education, insisted upon our abandoning this education, surely they must have had some reasons in support of their view. I had, till that night, been absolutely unable to solve this riddle. "What has the boycott of this education", I asked myself, "to do with the political emancipation of the country?". I asked and asked, and did not get an answer until I caught the import, that night, of the great speech which Vithalbhai delivered that time, as President of the Students' Convention at Karachi. Vithalbhai had not said that the education we

received was necessarily bad. In fact, it might have been as good as any that we could have received at any time and anywhere in the world. He had said that the country needed our help in the National Struggle. We could not give it if we did not turn our attention even for a short while, from our routine studies. The country was making an all-out effort to free herself from age-long bondage, and was it right, he asked, for the young men and women of the time to stand aside and watch from a distance the gigantic total non-violent war that was being waged against an alien bureaucracy that was eating into the very vitals of our country? What he wanted us to do was not to abandon our studies for all time, or even to wait for National institutions to come into existence, but to suspend our studies for one year—in fact it was less than a year, since the call was announced earlier,—and virtually to go in for a “National strike” for a limited period.

The full meaning of this clarion call flashed before me all of a sudden that night, and I awoke to a new consciousness. Could there be, I thought to myself, a greater opportunity for the young men and women of the country to put their shoulders to the wheel? Could there be a greater opportunity for myself to offer my humble contribution towards the redemption of my own native land from the clutches of an alien rule? It was a sort of revolutionary fervour that caught me in its grasp, and I took the plunge. I struck. I left the college, left it when I was very near the end of my academic career; for I was then in the Senior B.A. class, and within three months I should have taken my final examination for the Degree. Without knowing it himself, Vithalbai had influenced my decision, and made me a soldier in my country's cause.

Leaving the college was a simple affair, but the question was, what was I to do next? National Service? What kind of National Service? And whatever kind of National Service I might have chosen to do, I could hardly do it without some financial backing. My father had built high hopes on my academic career, and all those hopes of his had dashed to the ground in one moment. He was furious. He cut off my supplies. My moorings drifted away from me. I had gone on strike, and there were no means

at my disposal to keep me going. I must freely admit here that what had really appealed to me in Vithalbhai's clarion call was not national service so much as his goading us on to a national strike. If my supplies had not been cut off, I might have gone in for some kind of national service as expected by our leaders. Unfortunately for me, the situation created for me by the cutting off of my supplies proved so terrible that I had to think of earning my own living and that too immediately.

During my college days I was a regular reader of *Hindusthan and Akhabare Soudagar*, a popular Gujarati daily, well-known for its nationalistic politics and also for its progressive outlook in social matters. I do not know whether it was this that made me think of a job on the staff of *Hindusthan*. Perhaps, I thought, if I could find some such job, I could be understood to be doing some kind of National service. Looking back upon this affair, now after about thirty years, I wonder whether it was an instinct or merely a chance impulse that led me to the office of the *Hindusthan*; for certain it is that at that time I did not have a flair for journalism, and I could not have deliberately chosen this line. I did not have any special aptitude for writing. In fact, till then, I had hardly written anything but a few usual essays during my college career. I believe, I entered the Fourth Estate only by chance. In my strenuous search of livelihood, I approached Ranchhoddas Lotewalla, the Managing Director of *Hindusthan*, and he gave me a job, however humble. I recognised that where one's work is, there one's worship should be; and with a conscientiousness, which was almost religious, I drudged, day in and day out, to do my little bit for the paper.

Hardly did I know when I accepted this job, that the Chairman of the Board of Directors of the *Hindusthan* was no other than Vithalbhai Jhaverbhai Patel whose clarion call had made me come out on a strike, and induced me to sacrifice my studies at the altar of the struggle for freedom. I had, of course, heard of the great Mr. V. J. Patel, as a member of the Bombay Legislative Council, as a leading Congressman, as the leader of the Congress Deputation to England, and as one of the most fearless, thorough-going, live, astute, constitutional politician-fighters of the time. His reputation as a master of the intriguing art of parliamentary

debate and repartee had certainly reached my ears, and I had also known that he had won his way to the very front rank among our national leaders by the force of his intellect and by his unremitting industry. In fact, I knew him to be a politician, a diplomat and a statesman of a very high order.

The policy of the *Hindusthan* was largely influenced by Vithalbai, but that was because the *Hindusthan* was largely a forum for the views which he held. He had hardly anything to do with the daily routine of the paper, and nothing at all with those who worked there in a subordinate capacity. There was, in fact, no occasion whatever for me to see him. It was, therefore, not without some surprise that I received, one day, a message from Lotewalla that Vithalbai had summoned me for an interview. I scratched my brains to discover what it was that had brought about this summons. I was holding a very insignificant position in the organization of the *Hindusthan*, and I could not see why I had to go before the great man who was at the head of that organization. One possible explanation was this: a few days before this summons, Lotewalla had asked me to translate for the *Hindusthan*, certain articles on Economic problems that were being published in the *Bombay Chronicle* under the pseudonym — Christodas, and I had suggested to him that, instead of translating those articles, we could ourselves write independent articles on those problems. Lotewalla was, of course, doubtful of our capacity to do anything of that sort. But I did try to write a few such articles, and Lotewalla was pleased to find that they had evoked a certain amount of appreciation. It was perhaps this that made Vithalbai curious to know more of me. I do not know if the fact that I belonged to Karamsad myself, or rather that I spent the greater part of my childhood there, had anything to do with his interest in me. Whatever it was, one fine day, I had to present myself to him at his residence in *Bandra*.

Living and vivid are the impressions which Vithalbai left on my mind in that first meeting of mine with him. I was indeed very nervous. I expected to meet a stern, stiff perhaps, a stolid person who might not bear with such a raw inexperienced young man, just coming out of the portals of a college, as I then

was. I was therefore, most agreeably surprised when I found him speaking to me with a cordiality which made me not only overcome my original nervousness, but which encouraged me almost to be quite familiar with him. Within a few minutes, he touched the deepest chords of my heart, and made me realise that I was in the presence of one whose solicitude and warmth for me would be my abiding possession.

His personality was Vithalbhai's greatest asset. Nature was really kind to him. His body was compact and strong, and he had a moderate height. His large head looked like a storehouse of natural gifts. His medium-sized frame supported strong, well-knit and somewhat heavy limbs, and his countenance was benign, if somewhat massive and stern. His face wore an intellectual expression, and he had rather a prominent nose. His flowing beard added grandeur to his stern, dignified and majestic mien. His penetrating eyes and rather prominent brow indicated the diplomatic temper and the bent of a subtle mind. He literally exhaled energy, firmness, passion, pity and sadness. His voice was sharp and heavy. On the whole, Vithalbhai's was a magnetic personality even at this time of his life.

I felt attracted to Vithalbhai almost at first sight, and since then, started a long period of growing intimacy between us which continued to his dying day, and has proved to be my inspiration in all my work. How often would he send for me, inquire of the progress I was making, discuss with me the views I happened to express in my contributions to the paper, guide me on in the moulding of them, and give me such advice as put confidence in me! Frequent were our meetings and varied our interests, and they cemented between us a bond not merely of cordial friendship, but of something much more akin to kinship than any other human relation can be — in fact many a man has believed that we were blood relations — and I myself realised — alas! it was too late then — that, if I looked up to him not only as friend, philosopher and guide, but actually as my mentor, he looked upon me as his son.

While our relations were becoming more and more intimate every day, I had to take a month's leave for my studies because, when I left off my studies, I had given a promise to Prof.

J. P. Trivedi, an intimate friend of mine, that I would one day resume my studies which I had only suspended for one year, and this friend counted that one year from the inauguration of the movement calling for the boycott of schools and colleges and insisted upon my fulfilling my promise at least to this extent that I should take my examination in October. Before my examination result was out, I was offered the Editorship of the *Hindusthan*, and I could accept it only because I now felt that I had won the entire confidence of Vithalbhai. With each fresh meeting now with Vithalbhai, I grew richer and richer in experience and knowledge, and could draw something substantial from this-to-me-the fountainhead of all that went to make an editorship successful. On his part Vithalbhai regarded me as material that could be moulded by him into a channel of continued useful activity.

Vithalbhai's methods of preparing his lieutenants, as practised on me, must, at least briefly, be touched upon here. Whenever he wanted to train anybody in whom he was interested, he would ask that person to prepare a speech or an article *for him* on some subject which required intensive study and close scrutiny of facts. The person concerned was made to feel that he was writing that speech or that article for Vithalbhai himself — in fact, that he was doing Vithalbhai an obligation. This feeling in that person ensured his ransacking all the shelves of the library and taking all possible pains to do the article or the speech in such a way as would, not only stand the test of Vithalbhai, but would do Vithalbhai himself some credit. On several occasions, I was in this category and received this attention. Imagine my wonder then, when, in course of time, I realised that all these so-called speeches and articles of mine were no more than a preparation for me and that they had found no better place than the waste paper basket! I must own, however, with legitimate pride and gratitude that what little I know of the various political and other public questions and what little capacity I have of tackling them, has been entirely the result of this probationership of mine under my Captain.

In course of time, Lotewalla and I fell out over some question of the management of a Diwali issue of the *Hindusthan*, and though Vithalbhai was the Chairman of that organization, he recog-

nized the justice of my point of view and approved of my resignation of the editorship of the paper. Very soon thereafter, I was put in charge of the editorial conduct of the *Bombay Samachar* and the *Prajamitra*. The first of these papers was owned and managed by Belgaumwalla, and the other owned by the Tatas, but managed by Belgaumwalla. While in this new position of mine, I found an occasion one day to test a theory propounded, and impressed upon me, by Vithalbai, during my editorship of the *Hindusthan*. The theory was this: "Never be misled by appearances in so far as the actions of the British Government in India are concerned. They may appear to enact a measure beneficial to India. Scrutinize it carefully. You will easily find that there is some catch in it. The British people are not here in India for the purpose of doing any good to us. They have primarily to serve their own interests. What would really be good for us cannot possibly be good for them also. Never allow, therefore, your judgment to be blurred by the offer of some apparent benefit to our country. Look into it carefully and you will find that this apparent benefit to us means some real benefit to England." The occasion for the testing of this theory came one evening in 1923, when we received an A.P.I. message intimating to us that our benevolent Government of India had, at long last, decided to grant protection to the Indian Steel Industry and that they rated this Bill so high that, instead of hurrying the Bill through, during the ordinary February Session, they had called a special May Session for the consideration of this Bill. Apparently this was a very beneficent move on the part of the Government, and as the Tatas, who owned the paper of which I was in editorial charge, were the real beneficiaries of this Bill, I was sure that they would be interested in reading an editorial on this Government move in their own paper. I revolved in my mind the theory of my *Guru* to see where the catch was in this move. The editorial had to be written at once, if it was to have any real value. I prayed for light and the light came. *The announcement was made in February and the action was to follow four months thereafter.* It struck me that this interval was a sort of warning to Government officers to place all their orders immediately in England — Government being the biggest purchasers of



steel — on the basis of the February budget. That would enable the English and other foreign manufacturers to dump their produce on the Indian market and thus virtually nullify the benefit to the Tatas and to India. I finished my article on these lines. When Ratan Tata saw the article the next morning, he was agreeably surprised to find that a man utterly unconnected with that trade and industry, could see the catch in the Government move. He got the article translated and despatched it post-haste to several members of the Assembly. When Ratan Tata congratulated me on that article, I told him where the credit was due, and Vithalbhair turned Ratan Tata's appreciation of me to advantage by making him donate Rs. 5,000 to the Swaraj Party Funds.

\*             \*             \*             \*

The boycott of schools and colleges, which Vithalbhair had advocated, was to last for no more than a year, but the orthodox non-co-operators had taken a different view. They had managed to see that schools — they could not do much with colleges — which were formerly recognised by the Universities now affiliated themselves to the new National Universities they had brought into being. One such school was the Dadabhoy Nowrojee High School of Anand, conducted by the Charotar Education Society of which Vithalbhair himself was the President. This Society was founded under the inspiring leadership of Motibhair Narsinhbhair Amin, in 1915, by a band of selfless workers whose sole aim in life was to raise the social and cultural level of the people of the district. Bhikabhair Kuberbhair Patel was the Secretary of the Society almost from its very inception. Their school has been situated in ideal surroundings. It had taken no grant from the Government and had been absolutely free from Government control. It was affiliated to the University of Bombay. The incessant and untiring efforts of Bhikabhair had raised its prestige, and it had made wonderful progress during the first three or four years of its existence. In the first flush of the Non-Co-operation Movement, the volunteers of the Society severed its connection with the University of Bombay, and linked it up with the Gujarat Vidya Peeth. Under the Vidya Peeth, the school somehow

dragged on for about five years, but thereafter it presented almost a deserted scene. Pupils went to schools affiliated to the Bombay University, and the Society suffered terrible financial losses. Bhikabhai acquainted Vithalbhai with the correct state of things and asked him for his advice. Vithalbhai promptly asked him to change over to the University of Bombay. Bhikabhai was worried. What would the orthodox non-co-operators say? Vithalbhai said, "Courage and conviction must be the guiding principles of public workers. It was easy to break, but very difficult to raise new institutions."

Under instructions from Vithalbhai, Bhikabhai called a meeting of the general body of the Society to consider the desirability or otherwise of affiliating the school to the University of Bombay. Though a fairly large number of the members was in favour of the new move, the 'no-changers' had gone to the meeting with a firm determination to defeat that object. Vithalbhai scanned the situation, and brought the meeting round to the view that this was hardly a matter to be decided by the vote. The members assembled there accepted Vithalbhai's suggestion that the matter should be settled by the arbitration of persons who understood what education was, and, at the same time, realized the importance of the National Struggle. The arbitrators he proposed were Mahatma Gandhi, Motibhai Amin and Amritlal Thakkar. Nobody could decently object to these names, and yet, with these arbitrators, it was a foregone conclusion that the school would be saved, and it was saved. Motibhai Amin and Thakkar Bappa were bound to be realistic, and Mahatmaji was not likely to go against the joint opinion of his two colleagues. In fact, when Gandhiji was told of the resolution, he smiled and politely told the authorities that he would unhesitatingly accept the joint verdict of Motibhai Amin and Thakkar Bappa.

Here we have an illustration not only of Vithalbhai's innate realism, but also of his uncanny tact.

\* \* \* \*

I had innumerable opportunities of watching him at close quarters throughout the whole of his life — the period during which he actively participated in the Non-Co-operation move-

ment, as also the periods during which he was a Corporator and the President of the Bombay Municipality, a Swarajist, a member of the Assembly and the President of the Assembly — also after his resignation of the Presidentship — in fact, all the time except when he was in jail and when he went to Europe in search of health and to the United States of America for his political propaganda. To be accurate, I was with him even in Europe, in Vienna as well as in London, particularly, just before he went to America. This intimate and constant contact with him has undoubtedly done me a world of good, but it has also brought to me a knowledge of what selfless political work is when there is no financial backing behind you. I have known Vithalbhaji during the hey-day of his Presidentship of the Bombay Municipal Corporation going to the municipal buildings in a tram-car, asking the tram-conductor to issue him a ticket to the House of Sir Pheroze-shah Mehta, and when the conductor looked at him in amazement, pitying his ignorance and showing him the Corporation building as that House. Apart from the joke with which he enlivened his fellow passengers in the tram-car, along with the conductor, it is noticeable that he had often enough to content himself with such cheap conveyances. As we were proceeding together, one day, for an important meeting, he wished to have a cup of tea and proposed that we should go to some restaurant before going to the meeting and lo! to my utter amazement, if not complete disappointment, he led me slowly but surely to a *Vishrantigriha* — a wretched tea-stall, opposite the Arya Bhavan, where cheap tea was made and served, and of which the normal customers were domestic servants and other menials, as also the hamals and the *patiwalas*.

Incidents like these, it must be observed, were indicative more of his love of practical jokes or of a desire to shock the sense of 'respectability' of the average man of the world, than of the paucity of his means, but the fact remains that his means were none too good, and that it was only his peculiar sense of humour that frequently pulled him out of a difficult situation. I still vividly recollect the day on which he got into a hack Victoria near the Arya Bhavan and proceeded to the Grant Road station (from where he used to go every day to Bandra by

train). When he reached the Grant Road station, he found that he had not even a four-anna piece in his pocket. With his usual presence of mind, he quietly, as if nothing was unusual in that proposal, gave his name to the driver and asked him to see him the next day at the Arya Bhavan. The driver did call on him the next day, and Vithalbhai paid him then four times his usual fare. I was an eye-witness to a number of such incidents, and I know of several others which came to my ears indirectly. Vithalbhai kept up appearances very well, but I knew that the struggle did tell on him, at least to some extent. Often enough he had no cash at all when he proceeded to Delhi to attend the Sessions of the Assembly, and it was a queer sight to see him struggling somehow to put together the necessary amount. Incidentally it was sights like these that made me run away from public life and try to enter business. I shuddered at the thought of having to undergo such privations for the sake of an entry into public life. But Vithalbhai put on a brave face on all these to-him minor difficulties of a selfless public life. He had become a Sanyasi. True, during the early part of his public life, the Sardar, now and again, pulled him out of these monetary difficulties, but, as, since the Kaira Satyagraha days, the Sardar himself had become a whole-time public worker, that source had gone dry. Not having any inside knowledge of how Vithalbhai was pulling on, and deluded by the appearances he put on, some people did talk at the time of some help being received by Vithalbhai from somewhere and from somebody, but all that talk was a pure myth. He somehow struggled through. Even the rent for the flat he occupied in Bandra was often in arrears for several months. Once the manager of the Tatas who looked after these flats, served Vithalbhai with a legal notice, but when Sir Dorab Tata came to know of it, he gave peremptory instructions to his manager never to ask for rent from Vithalbhai, and to take it only when it was paid.

Amidst all these privations, Vithalbhai could pull on, mainly because of his innate sense of humour. To him life was a *Leela* or a play wherein man appears on the stage, does his part and disappears, or to put it in other words, his life was that of a *Mast Fakir* who never bothers about the reactions and

repercussions of what he says or does, and goes on saying and doing what he wills, so long as he does not lose his hold on his own altruistic ideals. His outlook on life was, to a large extent, moulded by his social environments. Perhaps he was a social iconoclast. His vitriolic humour spared nobody, and sometimes he made the very greatest of men look ridiculous. Even men like Gandhiji, Motilal Nehru and Madan Mohan Malaviya, were uncomfortable in his company; for, one never knew when this weasel-eyed, bearded sphinx sitting in a corner would blurt something out and throw the whole company into a roar of laughter at their expense. That he was more often tolerated than not was because of the fact that if he laughed at others, he also laughed at himself. He was at his best in this field in the Assembly when he presided over that august body. On the day on which Motilalji raised his point of order on the Public Safety Bill, and Crerar was fumbling to find a flaw in Motilalji's contention, Vithalbai noticed that S. R. Das, the then Law Member, was dozing. He promptly rose in his seat on the conclusion of Crerar's speech and said, "As the Hon'ble member seems to have been deeply engrossed in thought, I may as well ask him to enlighten the House." Imagine the effect of this remark in that situation in that electrified House. On another occasion, when the Birdwood episode had induced a pindrop silence on the Assembly, Vithalbai threw it into an hilarious laughter by calling upon 'Col.' Munje to address the House.

An American tourist couple once visited the Assembly. Someone showed their visiting cards to Vithalbai. He took them round, showed them every inch of the Hall, and even made them sit on the President's Chair and then he quietly salaamed them. They offered him a tip. That he did not accept. He then left the couple to roam about the Chamber, and asked a friend who was with him to take them after they had finished their perambulations, to his own Chamber. When the couple at last came there, they realised that their guide was no other than the President himself, and apologised profusely for their apparent insolence.

Of his practical jokes, there is one which might be recorded here, though the name of the victim must remain undisclosed.

One of the aristocratic supporters of Government, whose knowledge of English was limited and whose speeches, as was usual with several such members of the Assembly, were prepared for him by his secretary, was that victim. One day, Vithalbhai took a fancy to making fun of him. When Vithalbhai met him during one of his walks, he greeted him in such a way that the man felt that he was somebody and that the President himself had recognized his importance. Vithalbhai went further and said to him that a man like him must take much more interest than he had so far taken in the debates of the Assembly. The man felt flattered and said that he would certainly do so, but unfortunately he was not always able to catch the President's eye. Vithalbhai said to him that he would see to it that an early opportunity was given to him to make his speech, and in fact suggested that he could make it the very next day on a subject that had attracted so much attention. Vithalbhai then took him to his house and spent the whole evening with him. The man said that he would have been happy if he could have made his speech the next day, but, as his secretary was away at the time, he had to deny himself that honour and that pleasure. Vithalbhai told him that, if he consented solemnly to treat the matter as entirely confidential, he would himself help him in the matter. The man readily accepted the suggestion and fell into Vithalbhai's trap. Vithalbhai managed through one of his most trustworthy friends to have a speech written for the man by one of the members of the Assembly who could be relied on to make it really spicy and full of bitter invectives against the British Rule, the import of which could not be grasped, on account of its high-flown language, by the man who was to read it, and handed it over to him at such a time as made it impossible for him to have it read by anybody else before it was delivered. As soon as the proceedings of the Assembly began on that day, Vithalbhai called upon the man to speak. As the man proceeded with his speech, it was clear to several members of the Assembly that the man was fooled by somebody. For, not only were the contents of the speech very unlike anything that the man could be expected to be responsible for, but this man — who was universally accepted as one of the most trusted supporters of the Government

— was found showing himself to be one of the most rabid critics of the entire Government policy. Members of the popular party, men like Motilal Nehru and Lala Lajpat Rai, enjoyed the fun and roared with laughter. Vithalbhair sat like the sphinx all the time — not one trace of a smile appearing on his face. The speech was received with tremendous applause. Sir Alexander Muddiman was very much upset. He asked the man who the writer of that speech was. The man told him that his secretary had written it. Muddiman soon found out by his talk with him, that the man was fooled by somebody, and only asked him to see that the printed speech was not approved by him and that he should vote in the Government lobby. The man, of course, assured Muddiman that he would carry out both his wishes.

One of the most pleasant characteristics of Vithalbhair was this, that he never forgot that he was 'one of the people' and that his first and foremost duty was to stand 'by the people.' Peasants and farmers, gardeners and day labourers looked upon him as one of them — he so freely mixed with them. It was a sight to see him even when he was the Hon'ble the President, chatting with the Assembly gardeners, discussing with them the peculiar properties of the several herbs and shrubs that were grown in the Assembly gardens, and accepting their views as very valuable. The interest of the poor people and of the middle classes he had always at heart. He would never have given the capitalists any quarter if he could be sure that India's interests were not jeopardised by his opposition to them. In the Assembly he was one of those few Swarajists who more often than not sympathised with such labour leaders as N. M. Joshi and Diwan Chaman Lall. He showed himself to be almost as much against the Bombay and Ahmedabad millowners as he was against the European exploiters of India. When after his resignation of his Presidentship of the Assembly, he was carrying on his propaganda against foreign cloth, he found that the Indian millowners were exploiting the sentiment of the masses of India; and therefore, in one of his speeches on the Azad Maidan in Bombay, where he appeared in tattered clothes himself, he said, "I advise you strongly to carry on with torn or patched clothes, and would urge you to take a vow not to buy new

clothes for a year at least. This alone will bring the Indian mill-owners to their senses." It may be worth while to note here what he said of the capitalists in general. This is how the report of his speech goes: "As regards capitalists, he emphatically said that he wanted Swaraj for the poor, for the peasants and labourers. Do not believe even for a moment that the heart of the capitalists could ever be in this movement. If they have any sympathy for this movement, it is only because, of their fear, either of social boycott or of public opinion."

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Of his relations with the more prominent Indian leaders of his time, a good deal appears in this book. I might, therefore, notice here his relations with only a few of them, and notice them very briefly. The first considerable political figure he came into contact with, was Lokmanya Bal Gangadhar Tilak. His contact with Sir Pherozeshah Mehta was, on the whole, very slight, and with Gokhale almost nil. With Tilak he came into real and very intimate contact only in England. They took to each other as a duck takes to water. Politics was to both of them not merely a passing pursuit but a veritable passion of life. Both of them loved politics with a lover's frenzy, and both of them found in it the joy of a creative artist. Both of them were practical politicians. Neither of them looked down upon political expediency. Neither of them was quite squeamish about the means he used, so long as he was sure that the end he sought was just and noble. The 'inner voice' did not appeal to either of them. Politics to them was of the earth, earthy. Neither of them would have cared to spiritualize politics beyond a certain limit. Unfortunately, Tilak died too early for the collaboration between these two of the most astute politicians of the time to have a determining influence on the course of the political events of the time.

Mahatma Gandhi's influence on Vithalbai has been a matter of some dispute. Certain it is, however, that at no time in his life, not even in 1933, when, jointly with Subhash Bose, he issued a manifesto asking for a new orientation of Indian politics, did Vithalbai minimize the value of Gandhiji for the poli-



tical uplift of India. Gandhiji's hold on the masses was Gandhiji's greatest asset, and Vithalbai would have it utilized to the fullest extent for the political emancipation of India. For non-violence, as an article of faith, Vithalbai had no use. He accepted non-violence, nevertheless, but only as a matter of expediency. Khaddar and Charkha he would put in their proper place. He would not look upon them as the Alpha and Omega of constructive political work. If Gandhiji had remained content with being only a political leader, and not aspired to be a world-saint, Vithalbai, notwithstanding his scepticism about Gandhiji's political acumen, would have been willing to work under his banner throughout his life, for, as he emphasised so often, in his opinion, Gandhiji was the only man in India who could 'deliver the goods.'

Vithalbai had accepted Motilalji as the leader of his Swarajist Party in the Assembly, and Vithalbai's relations with Motilalji continued to be fairly cordial almost throughout their lifetime. It has to be observed, however, that at no time was there anything like complete agreement between them. While Vithalbai was an obstructionist *par excellence*, Motilalji showed himself to be ever ready for a compromise, and ran too often after the mirage of so-called 'respectability'. When Vithalbai handed over a substantial part of his salary to Gandhiji for such national work as Gandhiji would have it used for, Motilalji made it a grievance that it was not given over to him for the Swaraj Party funds — he would not recognize that, if it had been so diverted, Vithalbai's neutrality as the President would have been open to question. If Vithalbai brought about an interview between Irwin and Motilalji, Motilalji would have it believed that Vithalbai had nothing to do with it, and that it was Sapru who had done it. One wonders whether Motilalji had really become jealous of Vithalbai. It does appear to me that Vithalbai was, on the whole, more faithful to Motilalji than Motilalji was to him.

Vithalbai's relations with Jinnah appear to have been more cordial than those between any other Congressman and this great Muslim nationalist of those times. They understood each other and there were several occasions on which they collaborated.

Vithalbhai had due respect for Malaviyaji; he recognized his great abilities and mature experience, but it has to be admitted that he could not always resist the temptation of enjoying a joke at his expense.

Between Sapru and Vithalbhai, such relations had begun to develop that one is sorry that the Fates intervened and closed a chapter that had immense possibilities.

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Vithalbhai's relations with Europeans is a subject by itself. The readers of this Book can draw their own inferences from the material provided therein. I shall here briefly summarise my interpretation of this rather interesting and complicated question.

The first considerable European with whom Vithalbhai had to deal was Lord Willingdon, when Vithalbhai was a member of the Bombay Legislative Council and Lord Willingdon was the Governor of Bombay. Anybody who carefully reads the proceedings of that Council in those years will be convinced that Vithalbhai had built up the best of relations with Willingdon, and Willingdon had accepted him as one of the ablest members of his Council. He was particularly gratified with him when he exposed the scandal of the Official Assignee's income being larger than that of the Governor of Bombay.

When Vithalbhai entered the Bombay Municipal Corporation, particularly from the time he became the President of the Corporation, he came into very intimate touch with Clayton. He had several clashes with Clayton, but, notwithstanding all his opposition to him and to the Government, Clayton looked upon him as an ideal President of the Corporation, and in fact said so in so many words, and was, in effect, instrumental in putting him on the Presidential *Gadi* of the Indian Legislative Assembly.

Sir Frank Sly, the Governor of the Central Provinces, had become his friend in England when Vithalbhai was pursuing his legal studies there, and when Vithalbhai renewed his acquaintance with him during the Nagpur Flag Satyagraha days, Sir Frank made his path and that of the Congress easy, mainly because of his intimate personal relations with him.

Of his relations with Sir Henry Lawrence, Lady Lawrence has something pertinent to say in her *Indian Embers*. Her statements do not appear to be quite accurate, but with all her bias against Vithalbai — her impressions of Vithalbai are probably coloured by a later picture of Vithalbai — she does convey the main fact about their relations, namely, that they were really very cordial. Talking about some resolution, which, according to her, Vithalbai moved in the Bombay Legislative Council in 1915, asking for the amendment of 'the law regulating the powers of Indians in Self-Government', she says: "The members of the Executive Council opposed the motion, and with the Government majority in the Legislative Council it was thrown out. At that time ... the Governor presided in person at these meetings. That evening, Henry asked for an interview with Lord Willingdon, and told him that the advice given to him by the Executive Council was a grave error. H.E., therefore, appointed a special Committee with Henry as chairman to examine the law and propose amendments, and with Patel (Vithalbai), the original mover, as a member of the Committee. Sitting together Henry and Patel became good friends, both men always ready to see a joke. This friendship some could not understand — John Shillidy for instance, who regarded 'V.J.' as he was popularly known, as the devil incarnate!"

Another episode which Lady Lawrence has recorded seems to me to be grossly inaccurate, because I have myself a vivid recollection of something quite similar to what she has recorded, the true import of which, however, puts an altogether different complexion on that affair. I regret I do not quite remember exactly *when* it happened. One day, Lawrence himself came to the Arya Bhavan and asked Vithalbai to dine with him that evening. Vithalbai said, "How can I? I am a non-co-operator. If I associate with you like this, I shall be misunderstood." Lawrence asked him not to be bothered about it. He could go to him without anybody else knowing anything about it. He would send his own car and also see to it that nobody else was present on that occasion. What had politics to do with personal relations? Somehow, Lawrence persuaded Vithalbai to accept the engagement. I remember it vividly, because *when*,

late at night, Vithalbai proceeded to the residence of Lawrence, I was for sometime in the car with him. He actually dropped me at Chowpatty and went alone to Lawrence's. He returned very late that night. Lady Lawrence's account is as under:

"Then years later (if she means the latter half of 1925, that is impossible, because then he had become the President of the Assembly and as such, could not have been engaged in any kind of seditious oratory), when V.J. was engaged (on?) in a whirlwind campaign of seditious oratory, and Henry was a member of the Government, V.J. came secretly to Henry at midnight, saying cynically that he was completely worn out with making these endless seditious speeches, and needed a rest. Would Henry therefore have him arrested and give him three months in prison? ... With characteristic humour he added, 'This *crown of martyrdom* would do me a lot of good politically.' Henry did not comply."

The truth about this episode appears to be that Vithalbai and Lawrence that night kept very late hours, and talked nonchalantly about some such things, and Vithalbai might have said, jestingly, that if Government put him into prison that would only add to his glory. This, if at all it happened, must have been mere chaff. Vithalbai had not gone to Lawrence, of his own accord, and the meeting was only a social affair among friends of a long standing, without any political significance.

The third episode that Lady Lawrence records has simply to be reproduced. On the face of it, the readers can see that Lady Lawrence has not really grasped the exact relationship between Lawrence and Vithalbai, and that Lawrence had not much cared to remove the prejudice of Lady Lawrence against Vithalbai. The episode is as under:

"In 1919, he (Vithalbai) was over in England to be present at the debates in Parliament over the Amritsar affair, and the shooting down of the people by General Dyer. We were staying at that time in a residential hotel in Queen's Gate, whose inhabitants were chiefly old ladies, with a sprinkling of retired army people. Henry asked V.J. to come and dine with us. The inmates were startled, for V.J. turned up arrayed in home-spun white khaddar, sandals on his bare feet, and a soft Gandhi cap which he kept on, indoors. Hitherto one had always seen him in

European dress, and on greeting him, I could swear his tongue was in his cheek. Now Henry's eldest son in the Coldstreams had just returned from Cologne, and was now at Oriel, annoying his uncle, Reginald Thornhill, by his pro-German views and deep pink politics. George had been loud in condemnation of General Dyer ... that was understandable ... but he also spoke a good deal of the tyranny of the British Government in India! So Henry had him in to dine to meet V.J. The latter, on introduction, familiarly thrust his arm through George's, and addressed him as 'my dear Lawrence.' "

It was amusing to see George's reaction. With obvious difficulty, he concealed his Colonel Blimp's attitude. Needless to say we teased him afterwards. 'But to put his arm through mine! To call me 'dear Lawrence' straight(a)way.'" George stuttered with indignant surprise.

So much for the politics of the young.  
How we laughed, Henry and I, when alone."

Vithalbhair's familiarity with George will be easily understood by our readers when they remember that George condemned Dyer and spoke a good deal of the tyranny of the British Government in India, and that he was a son of his dear friend, Henry Lawrence.

When Vithalbhair was in England in connection with the Montford Reforms and the Amritsar massacres, he had developed personal relations with so many of the British Labour leaders, also with the British labouring classes in general, and in particular, with Ben Spoor. The admiration of Ben Spoor for Vithalbhair and Vithalbhair's admiration for Ben Spoor were definitely conclusive of a real bond of friendship between them, and might have developed into much riper friendship in course of time, if the situation in India had not gone at that time on the lines on which it went.

When Vithalbhair went to England during the period when he was the Hon'ble the President, before the appointment of the Simon Commission, he came into intimate contact with Birkenhead. There was a certain misunderstanding between them at the beginning, but when, at the intervention of His Majesty the King, it was once overcome, Birkenhead appears to have

come to like him. In the life of Birkenhead, written by his son, there is an interesting reference to Vithalbai. Birkenhead had taken Vithalbai to lunch at Gray's Inn. The biographer writes: "Mr. Patel was a polite Hindu, but he proved difficult to entertain. Lord Birkenhead asked him what he would like to drink; warmly recommending the wines and beers. Mr. Patel after some moments of anxious thought, said that he would like some water. 'Ah, that is the only beverage in this inn on which I am not qualified to express an opinion', said Lord Birkenhead, 'but', he added loyally, 'I am sure you will find it excellent!'" Birkenhead's appreciation of Vithalbai is noticeable in the following words which he has himself written in the copy of his book — 'Judgments of Lord Chancellor Birkenhead, 1919 to 1922,' edited by Roland Burrows under his direction, which he presented to Vithalbai over an autograph signature of his: "July 15, 1927/ The Hon'ble Mr. Patel/*with sincere respect*/from/Birkenhead."

There were several other Europeans with whom Vithalbai was quite familiar, but the one European that he trusted, the one European whom he looked upon for a very long time as his sincere friend was Irwin. Vithalbai's relations with Irwin was definitely a very interesting and instructive chapter in Vithalbai's life. It must be observed, however, at the outset, that both of them were diplomats first and diplomats last, of a very high order. When their relations began, the underlying motive of their association was positively a desire to do the best that each of them could, in the then difficult situation, to solve the intricate and complex problem of India's political advance — Irwin's problem being to keep India contented and Vithalbai's to secure Dominion Status for India. Neither of them, at that time, trusted the other, in anything like a full measure. At no time in his life, had Vithalbai believed that the British people had come to India to do good to India. He firmly held all the time that they had come to India to do good to themselves or to their country. The best that could be said about the best of them amounted to this, that they might not have minded if some good happened to be done to India in the course of their working for the benefit of Great Britain, perhaps also that, if, without jeopardising the interests of Great Britain in any

way, they could have kept India contented and happy, they would have — the best of them would have — tried their utmost to do so. The British people had all along been fondly believing that, if they satisfied the Moderates of India, among whom were some of the best intellects of the country, they would succeed in keeping India happy and contented. 'Rally the Moderates' was therefore, their cry. Morley had uttered that cry when the Morley-Minto Reforms were ushered in. The sponsors of the Montford Reforms had worked on more or less the same principle. They had never fully realized that the country was not, and was never likely to be, behind the Moderates and that the Moderates could not 'deliver the goods'. They had always hoped, or deluded themselves into the hope that ultimately 'the better counsels would prevail', and that the Extremists would see the futility of their ways, also that they would ultimately accept the inevitable or would be made to accept the inevitable by a systematic course of repression. Vithalbhai had some faith in the better class of the English people taking the correct view of Indian affairs before their ears were poisoned by the permanent bureaucracy of India, and therefore got himself into touch with Irwin from the day he landed in India. On the other hand, Irwin had to give due weight to the views of the officials who surrounded him — the steel frame which represented the permanent bureaucracy. Of course, he could also see several other public men of India, but normally such of them only as cared to meet him of their own accord. This meant, in effect, that the bureaucracy and the Moderates had his ears. The Congressmen could not and did not approach him. The main sources, therefore, of Irwin's information were such that he could not believe that the Moderates had lost all their hold on the country. True, he could be aware of the agitation in the country — the Press and the platform were doing their duty of voicing public opinion, but it must be remembered that the bureaucracy had raised the canard, which was given more than ordinary credence in the official circles, that while the vocal classes — which they pretended to believe were microscopic — might be against the Government, the dumb millions were definitely behind the Government, and would go rather with the Moderates than with the

Extremists. Irwin, like every other Englishman coming straight from England who could not be in direct touch with the people — who could not be in direct touch with the Congressmen, had to accept this official version as substantially correct. In fact, he sometimes told Vithalbai that, according to his information, Gandhiji had lost his hold on the Indian masses. On Vithalbai, therefore, who was the only representative Congressman who could have the ears of the Viceroy, fell the duty of acquainting the Viceroy with the other side of the shield, and he did it with tremendous zeal. For a time he had but moderate success. Irwin promised Vithalbai that he would try to satisfy *all* sections of the public, and not *merely* the Moderates, that he would not make the mistake which Montagu and Chelmsford had made in ignoring Congress opinion altogether. Obviously this could not satisfy Vithalbai. Vithalbai would have liked Irwin to ignore Moderate opinion, or at least to give a preponderant weight to the opinion of Congressmen, because it was they who could 'deliver the goods.' That was Vithalbai's refrain throughout, and it appears that almost throughout the period of their intimacy, this tussle between Irwin and Vithalbai was going on. Neither of them would give up their main point of view. In spite of this tussle, however, or rather because of this tussle, they came together very frequently, and with continued association there was pretty often a free and frank exchange of views. Personal relations developed. In Vithalbai's various struggles with the bureaucracy, Irwin proved to be his friend. He poured oil on troubled waters, and helped Vithalbai to keep his dignity as the President of the Assembly. Irwin realised the great inherent abilities of Vithalbai, also realised that Vithalbai had tremendous influence with the Congress, even with that section of it which had refused to come into the Councils, and, on several occasions, made him the medium of his negotiations (he would not have called them negotiations himself) with the Congressmen, with men like Gandhiji or Motilal Nehru. On his part, Vithalbai recognised the apparent sincerity of Irwin. For a short time, at least, Vithalbai modified his opinion about Englishmen in general, and did believe that there could exist some Englishmen, like Irwin, who would, if they could, do good to India, whether



their efforts in that direction brought any direct benefit to England or not. Enlightened self-interest, if not altruism, might lead some Englishmen, he thought, to believe that giving real responsible Government to India was the surest way of keeping India within the Commonwealth, and looking far ahead, that itself was not quite a negligible advantage. For a time, again, Vithalbhai did believe that it was an advantage to India too, to remain in the Commonwealth, and that an isolated India, in the modern set-up of the world, might not prove to be quite a boon. Mutual interest, if not mutual goodwill, might cement the two nations, and, if once the idea of England being the ruling nation and India a ruled nation was eliminated, there was yet a sporting chance of good relations growing up between the English people and the people of India. While in this frame of mind, it was that Vithalbhai came to look upon Irwin as his friend, and when Irwin reciprocated these feelings, really intimate relations did grow up between them, and when Irwin actually helped him in his tussles with the bureaucracy, Vithalbhai's regard for him increased enormously, and he put such trust in him as he had not put in anybody else. At almost every critical moment of his career, he sought his advice, got it and accepted it. If the friendship could not continue longer, that was because Vithalbhai could never break with the Congress, even if he felt that the Congress was, at times, unreasonable, and Irwin could neither overthrow his officials in India altogether, nor ignore the views of the authorities in England, even when he felt that they were not quite right in expressing themselves as they did. Irwin's declaration about the attainment by India of Dominion Status being implicit in the declaration of 1917 is a case in point. We shall not be wrong in presuming that Irwin wanted the Round Table Conference to consider the granting to India of what was called in India, at that time, 'Dominion Status with reservations', and he would surely have given to Gandhiji and Motilal Nehru the assurance that he himself would try to persuade the authorities concerned to consider that demand, if such a hulla-baloo had not been raised in the British Parliament about his declaration, because to the Englishman it was a contradiction in terms to speak of 'Dominion Status *with reservations*.' On the

other hand, perhaps Gandhiji might not have asked for any assurance of this sort, if the subject had not been so mishandled in the British Parliament. As Irwin put it in his *Note on Dominion Status as understood in Great Britain and India*, now published in Alan Campbell Johnson's biography of Viscount Halifax, Indians were not so much concerned with the *achieved* constitutional State, *in the British sense*, as they were with what they would have considered *the indefeasible assurance of such achievement*. Irwin's position was compromised by the several speakers who spoke on the floor of the British Parliament, and Vithalbai's position was compromised by Gandhiji himself by making an impossible demand. That, in spite of the wide gulf created hereafter between Vithalbai and Irwin, on account of their political differences, which kept them poles apart, Irwin sent a letter to Vithalbai when he was languishing in a Swiss clinic, just a little while before his death, expressing sincere sympathy for him, is quite significant, and proclaims loudly their friendship for a fairly long period.

If Vithalbai got on all right with Irwin, and almost made him a very near friend of his, his relations with the European officials in the Government of India, went on becoming worse and worse from day to day. As President of the Assembly, Vithalbai had a good deal to do with the Leader of the House, and the Secretary of the Assembly who, till about the termination of his Presidentship, happened also to be the Secretary of the Legislative Department. So long as Muddiman was the Leader of the House, Vithalbai got on all right with the Government Benches. Muddiman was a perfect gentleman. He understood Vithalbai, and Vithalbai understood him. Perhaps, also, the situation that prevailed then played some part in the maintenance of amicable relations between Vithalbai and the Government Benches in general. As the stormy petrel of the Swarajist Party, Vithalbai had proved himself to be a thorn in their flesh. They had feared that, as President, Vithalbai might not keep all his Party bias aside, that he might not call on the Viceroy, and, in general, might behave in quite an obnoxious manner. They were, therefore, agreeably surprised to find that his behaviour was quiet 'correct', and socially he was not the disagree-

able man that he was expected to be. Anyway, Muddiman and Vithalbhair get on all right, and Muddiman's splendid apology, or rather his statement which compelled Arthur Moore to apologise, when the *Statesman* insinuated that Vithalbhair was not quite impartial in his dealings with the Government, put their relations on an excellent plane. The whole thing changed topsyturvy when Crerar became the Leader of the House. Vithalbhair had known Crerar during his membership of the Bombay Council. Crerar had then an occasion to write to him that his name was not included in the list of J.P.'s, because he was not taken to be a permanent resident of Bombay. Crerar was definitely arrogant. He also appears to have felt that Irwin was giving Vithalbhair more importance than he should have given. Also the earlier impression of President Vithalbhair having ceased to be a party man — which by its contrast with his behaviour as the Swarajist member when he gave hell to Government had, for some time, completely won over to him the Government Benches — had now begun to become fainter and fainter every day. By impartiality Government officials had been accustomed to mean a bias in favour of the Government, for the King's Government must go on, and the President of the Assembly was to them a part of the Government machine, and as such, must help them in carrying on. Vithalbhair had schooled himself to be quite 'correct' in the Chair. He would not move by a hair's breadth from what, in his mature and considered opinion, was the 'correct' procedure, and certainly not in favour of any measure which he took to be against the interests of India as he understood them. And so, when he gave his ruling against the Government measure for the Reserve Bank of India Bill at a critical stage, all the Government members began to doubt his impartiality in the Chair and started a campaign of social boycott against him. Hereafter the officials, all along, aligned or arrayed themselves against Vithalbhair. Crerar's conflicts with Vithalbhair became more and more acrimonious as differences between them increased. The Public Safety Bills and the wranglings over the separation of the Assembly branch from the Legislative Department and over the watch and ward of the Assembly precincts intensified the struggle, and if Irwin with his tact and general

affability and a certain genuine regard for Vithalbhai had not poured oil on troubled waters, Vithalbhai's resignation might have come much earlier than it did.

If Crerar reawakened in Vithalbhai's mind his dormant distrust of the British people, Graham positively disgusted him. As Secretary of the Assembly, Graham was Vithalbhai's subordinate and had to take orders from him, but, in the queer set-up of things in those days, Graham was primarily the Secretary of the Legislative Department, and as such, quite independent of the President of the Assembly. Vithalbhai could never be sure of his loyalty to him. In fact, Vithalbhai suspected Graham of having been shadowing him, of making him wonder whether he was the President or a prisoner. When he prepared drafts for him, Vithalbhai noted that he hardly gave its proper weight to the Indian side of the question. They were all in support of the official side of the question. Vithalbhai saw to it that he was not nominated to the Assembly, and later he also succeeded in removing him from the Secretaryship of the Assembly.

The social boycott practised on him and the campaign of vilification carried on against him by Graham & Co. was largely responsible for the awakening of the hatred of the British in the mind of Vithalbhai. It is, however, fairly clear that he did not harbour these feelings against the British people in Britain. He hated the British people in India — the British people who arrogated to themselves a certain superiority because of their consciousness that they belonged to the Ruling race. He hardly bore any ill-will to the average Britisher in Britain, and certainly none to the Europeans as such, as distinguished from the British people. He could count among his friends several Europeans in Vienna and in Ireland. The doctors who attended on him in Vienna, in particular, had begun to look upon him as their friend, and he warmly reciprocated those feelings. His respect and affection for de Valera were very great. It is unfortunately not possible for me to throw more light on Vithalbhai's relations with this great Irish patriot, but I can confidently assert with the personal knowledge I have, that a really close intimacy had subsisted between them for some time.

And now, before I close these rather rambling prolegomena,

I must have a word about Vithalbhai's political objectives and the methods by which he tried to secure them, because I believe there have been numerous misunderstandings on this question.

There is no doubt whatsoever about what Vithalbhai proposed to do when he started on his political career. No higher objective than that of helping the peasants and the agriculturists of his district had been before him at that time. In the Bombay Legislative Council he put his heart and soul in getting several minor reforms introduced in the administration, in securing redress for the several local grievances of the people, in trying to get Primary education made free and compulsory, in endeavouring to get the indigenous systems of medicine being recognised, in getting the complaints of the poor people of his district in respect of the use and storing up of the mhowra flowers redressed, and in several other Reformist activities of this type. His real start on the higher political plane came with the introduction of the Montford Report in India, and his Chairmanship of the Reception Committee of the Bombay Congress of 1918. With the split in the Congress, he now definitely allied himself with the Extremists, and, while in England, worked in collaboration with Lokamanya Tilak. The Punjab atrocities inspired him to concentrate his attention on getting Chelmsford, O'Dwyer, and Dyer brought to book. He then collaborated with the Labour Party in England and was convinced that if there was any party in England which could be expected to help India to substantial political advance, that party was the Labour Party. In fact, he had almost secured promises from the leaders of the party to help the Indian cause effectively if and when they came into power — and he did expect them to come into power in the near future. The Montford Reforms disappointed him, and he planned a policy of consistent and persistent obstruction, more or less, on the lines of Parnell, with a view to their repudiation. His contemplated policy was three-fold: to indict the British Government — (1) through the Councils, (2) through mass agitation, and (3) through foreign propaganda. Among the foreign countries he included England also, where he did expect enough support from the rank and file of the Labour Party, but he would have given more importance to European countries other

than England and to the United States of America. Unfortunately for this programme of his, on his return from Europe, he found that Gandhiji had already started the Non-Co-operation Movement. He also realized that Gandhiji had secured a hold on the masses, or rather gave promise of having a real hold on the masses, if he was supported by a fair number of the then political leaders. The idea of non-co-operation, as distinguished from the detailed programme that Gandhiji had chalked out for it, appealed to him. He took it as a form of a National strike for a year, for Gandhiji had actually promised Swaraj within a year, if his plan was given a faithful trial. In spite of his disapproval of Gandhiji's detailed plan, Vithalbai therefore resolved to give a trial to it, and did his level best to help it forward. Strong believer as he was in work through the Councils, he now worked whole-heartedly for their boycott. Not only did he boycott them himself, but he carried on a whirlwind propaganda to see that that boycott was as successful as it could be in the then circumstances of India. Again, though he was definitely of the opinion that boycott of schools and colleges foreboded no good to the country, he endeavoured, with all the power of persuasion he had, to exhort the students to leave off their studies for one year, in other words, to go on a strike for that period, and succeeded in a fairly large measure in that endeavour. The first Bardoli Satyagraha was largely of his making. With the help of Kunverji and his associates, he made of it a tremendous success, and if Chauri Chaura had not intervened, or rather, if Gandhiji had not succumbed to his impractical ideal of *absolute* non-violence, Vithalbai would have remained a faithful follower even of Gandhiji's methods of Non-Co-operation. The abandoning of Non-Co-operation at the crucial stage by Gandhiji in his pursuit of an impossible ideal made Vithalbai think furiously about the whole scheme of Non-Co-operation as Gandhiji had conceived it. And then the Civil Disobedience Inquiry proved to him conclusively that the boycott of Councils had been an un-mixed evil. He was now convinced that Non-Co-operation from within the Councils, which to him was not a negative form of opposition, but a positive and active campaign of obstruction to Government, would be the right substitute for the hide-and-seek

policy that Gandhiji appeared to him to have been pursuing. He would rather beard the lion in his own den, but it has to be observed that Vithalbai never imagined that by itself the policy of obstruction from within the Councils would succeed if agitation on a wide scale outside the Councils did not support it. This is exactly what was done in Ireland, when Parnell managed the show. Unfortunately, during the time obstruction from within the Councils was having a fair amount of success, the country outside became a spinners' guild, and whatever chances there were for the British Government being made to feel that they had to come to terms with the Congress almost vanished. One of the other planks on which Vithalbai had stood firmly before he was completely absorbed by Gandhiji's Non-Co-operation was foreign propaganda, and under the advice of Gandhiji, the Congress had given it up altogether. Not only did the Congress not go any further than they had gone in that direction, but they now positively retraced their steps. They went so far backwards that they stopped the publication of *India*, the only paper that put the Indian point of view, and now, the point of view of the new Congress, before the people of England. In the Assembly, Motilalji was the Leader of the Swaraj Party, and Vithalbai was only the Deputy Leader. With his general bonhomie, Motilalji put a certain amount of restraint on his Deputy Leader, and the policy of consistent and persistent obstruction was gradually watered down. As the Swarajists found that they could carry certain things in the Assembly which they thought were beneficial to the country, only if they co-operated with the other sections of the popular party — like the Independents, the Nationalists and even the Liberals, they preferred this method of achieving their ends to the method, which they had deliberately chosen when they decided to enter the Councils, to wit, the method of persistent and consistent obstruction which might have yielded better results in the long run, but which was certainly incapable of yielding any immediate results worth having. In these circumstances, the capturing of the key position of Presidentship of the Assembly was in every way a desideratum, because from that position, Vithalbai was sure that he could prevent the mischief which the bureaucracy was doing with the connivance of an

amenable President. As Hon'ble the President, Vithalbhai, if he could not obstruct the Government, and as a constitutionalist, he had now decided not to do so either — though he was often charged in interested quarters with having done so — he could certainly lay down traditions for the conduct of an Indian Parliament — traditions which would definitely prove valuable even in an 'Independent Sovereign Republic.' It would be difficult to find in the whole galaxy of constitutional Pandits of those days even one man who could be his equal in working the constitution, whatever it was, in such a way as to get the utmost benefit out of it, without moving a hair's breadth from the 'correct' line of procedure. It was at this period, that Vithalbhai definitely became, whatever his opponents in the bureaucracy might have believed, a perfect constitutionalist, and, what is more, a co-operator with the Government for the purpose of securing the political uplift of India. Fortunately for India, Irwin was at the head of the Government at this time. He was on the whole well-disposed towards India, and was keen, maybe, because of enlightened self-interest or because of the tinge of a certain altruism that was in him, on trying his level best to satisfy the aspirations of India if he could, provided they did not come into a violent clash with the interests of Great Britain. He appears definitely to have believed that if India *willingly* continued to remain in the Commonwealth, that was in itself an asset for Great Britain, and he sincerely believed, what he solemnly announced in his famous declaration, that it was implicit in Montagu's Declaration of 1917 that the natural issue of India's constitutional progress was the attainment of Dominion Status. On the other hand, what India appeared to have wanted at the time, was a 'Round Table Conference' and 'Dominion Status in action' or, in other words, 'Dominion Status with Reservations.' Irwin thought he could manage both. The only fly in the ointment was that Irwin was not prepared to grant anything or ask the British Government to grant anything in response to an ultimatum. He was also, probably, not quite aware of what exactly the Indian aspirations were. He had not, and normally could not have, come into intimate personal contact with the leaders of the Congress, and Vithalbhai therefore concentrated his efforts



on bringing about that contact. Vithalbai did succeed in his attempt, but only to a limited extent; but the *amour-propre* of some of the Congress leaders was not respected, with the result that the contact never became real. Why Vithalbai made these attempts again and again of bringing Gandhiji and Irwin together was this, that he honestly believed that the differences between them were such as could be adjusted with mutual goodwill. The ultimate objective of both appeared to him, at this time, to be very nearly the same, and so it was. That was also the objective Vithalbai had, at this time, before him. We can take it as certain that, at this time, Vithalbai did believe in the ideal of Dominion Status, with certain reservations during the transition stage. He did not care, nor did any of the responsible Congress leaders, at this time, care for what was called complete Independence, which meant going out of the Commonwealth. That objective might have been on the lips of some people, but no responsible leader had ever thought of that prospect with equanimity, and even now, when we call ourselves an 'Independent Sovereign Republic', we have not cared to go out of the Commonwealth.

As the biographer of Viscount Halifax puts it, had the British Parliament reflected the magnanimity of Irwin, the misunderstandings of an era might have been swept away and a splendid future of constructive collaboration assured. But that was not to be. In the British Parliament, Irwin's announcement was taken to be an affront to the Simon Commission. It was this view of it that was really at the back of all the ill-fated eloquence in the Houses of Parliament.

It may be worth while at this stage to give briefly the views of Irwin on Dominion Status as he summarized them in the *Note* I have referred to above. Says Irwin: "To the English conception, Dominion Status now connotes, as indeed the word itself implies, an *achieved* constitutional position, of complete freedom and immunity from interference, by His Majesty's Government in London. ... The Indian seems generally to mean something different ... Whatever he may feel it necessary to say in public, the Indian is not so much concerned with the *achieved constitutional stage*, in the British sense, as he is with what he would

consider the *indefeasible assurance of such achievement*. ... To the Indian for whom the phrase 'Dominion Status' is rather the hall-mark of constitutional direction or constitutional quality, the 'Status' is not necessarily unreal, because it has not yet attained full completeness ..." In this note of his, Irwin quotes from an article of Gandhiji in *Young India*, which clenches the point. Gandhiji wrote there:

'I can wait for the Dominion Status Constitution, if I can get the real Dominion Status *in action*, if, that is to say, there is a real change of heart, a real desire on the part of the British people to see India a free and self-respecting nation, and on the part of the officials in India a true spirit of service.'

What Gandhiji asked for in this article, Irwin should certainly have liked India to get, and India might have got it if the British Parliament had not gone off the track altogether. But Gandhiji had gone further. He had said to Irwin:

'If Great Britain could once give us liberty to order our own future, she would be surprised at our diffidence in undertaking responsibilities, and in the degree to which we should ask for her help.'

Vithalbhai would never have gone to this length, and would never have endorsed this view. But it is fairly certain that he would have been completely satisfied, for the time being, with what was called, erroneously maybe, 'Dominion Status with Reservations or Safeguards', provided those safeguards or reservations did not cut at the very root of real Responsible Government. What we have now got is hardly anything more than Dominion Status *in the British sense of that term*, but perhaps even less so, inasmuch as, though, theoretically, we have now 'achieved a constitutional position of complete freedom and immunity from interference by His Majesty's Government', in practice, it is doubtful whether we have completely freed ourselves from the economic stranglehold of Great Britain.

It is worth while noticing that the immediate cause of Vithalbhai's resignation was his realisation of the fact that, whatever other concessions Britain might make to India, she would not give real fiscal autonomy to her. In fact, he saw that she would take no risks in the matter. The Government of India, at the

behests of the authorities in England, could go to the length of depriving the Assembly of their right to a 'free vote' when they feared that if they did not do so, they might not be able to carry in the Assembly their measures for Imperial preference. Their attitude on the Cotton Textiles Bill was a clear and unquestionable testimony to this fact. The one thing that Vithalbhai had picked out from the very beginning of his political career, as real evidence of British willingness to transfer power to India, was this fiscal autonomy, and when he found that in effect they denied it to India after having deceived her into the belief that under the fiscal convention that power was vested in her, he lost all faith in the British Government ever being just to India. Soon after his resignation, he witnessed the lathi-charge at Calcutta when he went there to deliberate with his colleagues on the question of the boycott of foreign cloth. Then came the Peshawar Inquiry which disclosed to him the extent of callous repression to which Government had been resorting. The sight of Dharsana victims had curdled his blood. Repression on such a wide scale, without anything like a real justification for it, was unbearable to him, and from now onwards whatever faith he had at any time harboured in his heart in the *bona fides* of the British people he lost completely and for ever and for ever.

The Lahore Congress had laid down complete Independence as the goal of India. As a practical statesman, Vithalbhai had not taken that decision seriously. With him it would have been only a bargaining point. Gandhiji, in his abstract love of mankind and consideration for others, had whittled it down to mean no more than 'Substance of Independence.' In effect, however, one might say that there was an agreement between them on this question at the time. Very soon thereafter, however, Vithalbhai changed and came to believe that the salvation of India lay in a complete separation from Great Britain. The *raison d'être* of this, however, was not so much a belief that India had more scope to thrive under this new dispensation, as the inveterate hatred that he had now developed for the British people. He would not believe, now, not even for a moment, that the British people could ever be actuated by any of the nobler motives which are the saving graces of mankind. Of course,

even before now, he could never bring himself to do anything for a Britisher if that action of his was calculated, in ever so small a measure, to come in the way of the prospect of any Indian. That is perhaps quite understandable, for that meant only this, that he would prefer an Indian to a European. The case of Mallitte, his European Secretary, was a case in point. Mallitte had served him well. His ability was not of a very high order, but his loyalty to him was certainly unquestioned. I could myself testify to it and in fact I had told him so. When, in regular course, he was due to retire, he requested Vithalbhai to recommend him for some slight extension, as that extension would have improved his pension considerably. I myself pleaded Mallitte's cause to Vithalbhai, but Vithalbhai refused to give him the required recommendation. His reason was that any extension to him meant the blocking of the way of some Indian, at least to that extent, and also adding, in however small a measure, to the drain on the Indian treasury for the increase in the pension for him. Whether Vithalbhai was justified in this view has always seemed doubtful to me, but I must admit that there was at least some reasoning behind it. The hatred of the British, which almost overpowered him during the last year or two of his life, however, did not have even this justification. During those days he simply would not believe that the British could have any good qualities whatever. In one of his latter-day speeches he said:

"I am convinced that Englishmen worship money. If they could get some money out of us, they would not mind filling and lighting our *hookkas*. If you so desire, they would wear khadi. They would be prepared to do whatever you want them to do. Englishmen have faith only in one theory — the theory of pounds, shillings and pence. They came to India to suck your blood. Their one object was to make as much money as possible and take it away to England. They traded in our petty quarrels and made us fight among ourselves. They came as traders and remained as rulers. By means, more foul than fair, they served their own interests and the interests of their country, and cared a hoot about what happened to India. When the English Nation realises that India would no longer allow British

trade to prosper in India, that moment they would see that their business had ended and their continuance here would serve no useful purpose, and then only will you and I get Swaraj."

Later on in the same speech he said:

"We propose to give no peace to the British Government, and we won't keep quiet. That does not mean that we would resort either to violence or to revolt. What I mean is this — that, so long as India is unable to secure her independence, so long as this country with a population of over 32 crores remains a slave nation, we cannot afford to sleep peacefully, and we shall not allow others to sleep peacefully. You cannot win Swaraj merely by your not sleeping peacefully. Swaraj is possible only when you do not allow others to sleep peacefully. So awake, arise, or be for ever fallen."

And so it was the hatred of the British in the closing years of his life that made Vithalbai an 'Independence-wala.' Further he was convinced that, if Independence was to be really the goal of her political activities, India must build up an altogether new strategy. Vithalbai's own methods had always something subtle in them. And here, as an illustration of what I mean, I shall give an instance of Vithalbai's peculiarly subtle ways in an altogether different field. While on his death-bed in his Swiss Clinique, when he lost all hope of meeting me personally, he thought of an ingenious device of conveying to me a strictly personal message. He could not confide in anybody around him there to convey this message to me — certainly not in Subhash Bose. Sisters Maria and Herta who nursed him, by day and by night, were a better medium. Of course they too could not be quite trusted in this closely guarded secret. What he did was to write out his message in two parts, neither of which by itself could be intelligible to anybody without the other, and gave one part to Maria without her being allowed to know that there was another part, and the other to Herta with the same safeguard. I reached the Clinique just twenty-four hours after his death. Within a very short time of my arrival there, after knowing who I was and giving me some details about Vithalbai, Maria found a convenient opportunity to take me aside and very confidentially put into my hands her part of that message. I read it and re-

read it, and could make nothing of it. Of course, I did not let Maria know that I was perplexed. An hour or so afterwards, Herta took me aside and gave me the other part in the same way. When I put the two parts together I caught the whole import of the message, which was really very confidential, and I was solemnly charged with doing something and treating it as absolutely confidential. I have done the thing and kept the confidence. Vallabhbhai, the shrewd lawyer and man of the world that he is, did divine from an inadvertent remark I made during my talk with him, that I had received some confidential message from Vithalbhair and that I was keeping it as a close secret. He put me several searching questions, and I have here to confess that I prevaricated and told him that he was wrong. Whatever moralists may think of it, I still hold that I was right, even if I am taken to have told a lie, because my duty to my Captain was any day greater than any sense of pride which I could have arrogated to myself for not having told what virtually was a lie to Vallabhbhai. To this day it has been a secret with me, and it will remain so now forever, for I have destroyed that message long since. The point that I want my readers to note is that even on his death-bed Vithalbhair's mind was so clear that he could even then invent a device of this character. The fact is that Vithalbhair's mind was very resourceful at all times, and particularly so in the closing years of his life, when he chalked out an entirely new programme for the attainment of India's goal, and it seems to me that it was our great misfortune that he did not live to give it a trial. On account of the fact that Vithalbhair put his signature to the announcement from Vienna, along with Subhash Bose, about the necessity of a new orientation of policy in our work for the political uplift of India, it has sometimes been assumed by an uncritical public that the methods advocated and practised by Subhash Bose were the same as those that Vithalbhair had in mind. Nothing, however, can be further from the truth. While Subhash Bose put his entire faith in an alliance with Mussolini or Stalin or Hitler — whoever might at the time be an enemy of England, Vithalbhair relied for the regeneration of India entirely upon the masses of India. Of the three avenues for the attainment of the political salvation of India, which he

had chalked out almost at the beginning of his political career in right earnest, one was foreign propaganda. That was given up by the Congress with the commencement of Gandhiji's Non-Co-operation Movement. At that time, in Vithalbai's scheme of foreign propaganda, England occupied a considerable space, because Vithalbai then had a considerable amount of faith in the Labour Party in England. All his expectations about the Labour Party did not come out true. But it may be remembered incidentally that though, during his life-time, Labour had come into office, it had never come into power. They had practically to run a minority administration. We may here remember also that for the Independence we have now secured, due credit must go to the British Labour Party. Before Vithalbai came on the political scene, Indian politicians, particularly the Moderates, had been hobnobbing with all the parties in England and making a fetish of not making India a Party question in the British Parliament. It was Vithalbai who was the first Indian politician to knock this doctrine on its head, and therefore if the British Labour Party is accepted to have borne a large share in our being given independence, some of that credit must inevitably go to Vithalbai. This is, however, by the way. During the closing years of Vithalbai's life, this could hardly be visualised. Vithalbai himself had then lost all faith in the British people and also in the British Labour Party. At that time, by foreign propaganda, Vithalbai meant propaganda, mainly, in the United States of America, and secondarily in the Continent of Europe. Vithalbai had immense faith in foreign propaganda. But he had immense faith in mass agitation in India also. That had been his second of the three avenues for political work that he had chalked out at the beginning of the political career. Vithalbai's new idea was to link up a gigantic mass agitation in India with a whirlwind propaganda in Europe and America. How to work up a harmonious combination of these two avenues was the problem which occupied the closing years of Vithalbai's life. For mass agitation in India the most suitable, or rather the only, organisation was the Indian National Congress. On whatever lines the Congress might have been going at this time, if mass agitation on a really large scale was a *desideratum*, it was absolutely

necessary to utilize the Congress for that purpose. Vithalbai could never think of breaking away from the Congress. So long as Gandhiji dominated it, he could not hope to get the Congress as a whole to adopt his methods as distinguished from Gandhiji's. Could he not, however, persuade Gandhiji and his orthodox followers to allow auxiliary branches of that parent organization being opened up in every village and every town charged mainly with the study of the political questions and the methods of foreign propaganda? Vithalbai thought he could, and further he thought he could get them to function independently and without undue interference or superintendence from the parent body. These branches were to be run by devoted workers, most of whom were to be paid workers, but some of whom could work in an honorary capacity. These branches were to be centres of intensive studies, and were to be furnished with suitable libraries. Members of these branches were, as circumstances permitted, and, at suitable intervals, to be sent abroad for study and for propaganda. In course of time they were expected to reach such mature judgment as to influence the Congress itself. Numerically also they were expected to be strong enough to prevent the Congress from going into wrong channels.

The plan was ambitious, and, if properly worked out, full of great potentialities. It, however, needed large finance, and it could hardly be available in India so long as Gandhiji ruled over the destinies of the Congress. Here it appears de Valera had come to his rescue. It was he who is believed to have suggested to Vithalbai that he should adopt in India the same methods as those which he had adopted in Ireland. Whether this is a fact or not, it is certain that Vithalbai had come to believe that it was definitely within the range of possibility to secure the necessary finance by the issue of 'Independence Bonds', the money promised therein being recoverable only on the attainment of Independence by India. Some such method was adopted in Ireland, and enough money had come to Ireland in this way from the United States of America. De Valera is supposed to have promised help to Vithalbai in his attempt to set up such an organisation.



The scheme was never put to the test, and we cannot therefore say whether there was any chance for it in India. Whatever be our opinion about its possible success, we can certainly recognize that here was an attempt, full of possibilities, contemplated by Vithalbhai when, for all practical purposes, he was a dying man.

This was the scheme which Vithalbhai had adumbrated just before he proceeded to the United States on his propaganda tour, and the marks of de Valera's influence on it are quite obvious. That it was not the whole of his scheme, is quite apparent, however, from the very last letter which the present writer received from him, dated 9-8-1933, in which he says: "In my opinion, the best interests of the country demand that the old Swaraj Party should be revived with such modifications in the old programme as the altered circumstances might call for." He adds in Gujarati: "હું તો ત્યાં સુધી કહું છું કે મને એક માત્રનીલમાં મેન્નેગીટી આપો અને હું બતાવી આપું કે અંગ્રેજો દિ દુસ્થાનમાં કેવી ગીને સુખેથી સુવે છે." Give me majority even in one Council, and I shall show how Englishmen can sleep undisturbed in Hindusthan.' So, along with foreign propaganda and mass agitation, Vithalbhai had all along an absolute faith in work through the Councils. Whatever may have been the modifications he contemplated from time to time in his working programme, it can be truly said of his main lines of work that they remained substantially the same throughout his life. Fight on all the fronts was his never-changing motto.

A detailed study of the life and times of Vithalbhai follows in the pages of this Book. A plough-boy rising to be the President of the Indian Legislative Assembly, Vithalbhai has left an indelible mark on the political life of India. His constitutionalism, his intransigence, his burning patriotism and his pragmatism — each one of these qualities of his has been our most cherished and abiding possessions.

Vithalbhai was a severely practical man, notwithstanding all his grandiose plans. He was not, and did not, like Mahatma Gandhi, care to be a World-Teacher, nor was he, nor cared to be, like Pandit Jawaharlal Nehru, a World-Statesman. Circumstanced as India was in those times, India could not afford those luxuries. The problems of India were so great and so compli-





cated that all the energies of all her patriot-politicians, without the slightest deduction for any irrelevant purposes, had to be placed at the disposal of India, and Vithalbai was never lured away by any ambition to be an international figure, either as a World-Teacher or a World-Statesman.

The lives of some of us are destined to remain as calm and undisturbed as the surface of a serene lake; whereas some are born to live like small purling streamlets flowing hummingly. The lives of some reflect the self-contained majesty of the ocean. But it falls to the lot of only a few to live like a vast mighty rushing waterfall, charging over precipitous ravines, plunging through valleys, and rejoicing in its stormy, torrential rush over the boulders that obstruct its path. Of these few was Vithalbai Jhaverbhai Patel.

*My Captain does not answer, his lips are pale and still:  
My father does not feel my arm, he has no pulse nor will.  
But the ship, the ship is anchored safe, its voyage closed and done.*



# BOOK ONE



## Chapter One

### LINEAGE, EARLY LIFE AND EDUCATION

VITHALBHAI was born on the 27th of September, 1873, at Nadiad. (In the accounts of Vithalbai that have appeared so far, a curious mistake has crept in about the date and the place of his birth. The year of his birth is noted quite clearly and unmistakably in his last passport, now in the possession of the present writer, and it is the 27th of September, 1873. The mistake has occurred because of the fact that in the various obituary notices that appeared in print soon after his death, the 18th of February, 1871 is mentioned as Vithalbai's birth-date. This was due to the present writer's having, in his then unsettled frame of mind, himself committed the error, and given that wrong date to the representatives of the press who tried to secure from him at that time as much information about Vithalbai as they could get. How the other error — in respect of Vithalbai's birth-place has crept in — the present writer cannot say with any certainty. Perhaps the fact that during most of his childhood Vithalbai lived at Karamsad, his ancestral house, the home of his father, has led people into that error. Anybody, however, who knows that Vithalbai's mother's parents belonged to Nadiad and knows further that among the Patidars the custom of sending the expectant mother to the home of her parents for delivery prevails almost universally would see that his birth-place must have been Nadiad and not Karamsad.)

Vithalbai was the third of a family of five brothers and one sister. Sardar Vallabhbhai Patel is his younger brother, and was born only two years after him. Their mother, Ladbai, who died in 1934, soon after the death of Vithalbai, was a simple, religious-minded and straightforward lady of a peculiarly strong character. She was intensely pious by nature and her life was a living gospel of selfless service. Devoted to her family and



helpful to her relatives, she was, at the same time, kind and considerate to everybody who came near her — neighbour and stranger alike. No wonder that she was treated with the utmost respect in the whole neighbourhood.

Of Vithalbhai's father, Jhaverbhai, some interesting anecdotes are available. The present writer cannot vouch for the accuracy of all these stories, but he can say that they fairly fit in with what is known of him with certainty. While still very young, he had disappeared from home for about three years. These three years he is supposed to have spent in the territory of Rani Laxmibai of Jhansi, taking an active part in the celebrated 1857 War of Independence. Jhaverbhai hardly ever alluded to these exploits of his, in his more sober days at Karamsad, but this reticence on his part is easily intelligible in the then political set-up of India, and we may well believe the story, though we have now very little chance of knowing with any degree of accuracy what part he actually played in that famous War of Independence. Another story about him, to which Mahadevbhai Desai gave currency in his brochure on the life of Vithalbhai, is that Malharrao Holkar, who had imprisoned Jhaverbhai and who used to keep him always in front of him, tied hand and foot, while he himself played chess, was so vastly impressed one day by his (Jhaverbhai's) amazing knowledge of the game that he instantaneously released him and treated him with extraordinary respect. This story, as told, may or may not be true, but this much is quite certain that Jhaverbhai was a past master of that game, and had something like a craze for it. And this legacy he left to Vithalbhai in abundance. Jhaverbhai may not have left any patrimony in terms of cash and landed property to his sons, but this patrimony which Vithalbhai inherited from him was far more valuable to him than any manorial heritage. It was this inheritance of his which enabled Vithalbhai to make, on the political chess-board of India, the extraordinary and clever moves he made, by which he could keep his opponents at bay and outmanoeuvre them on so many occasions.

Whatever his exploits may have been in his early life, after the age of 45, Jhaverbhai practically lived the life of a recluse,

spending most of his time in the temple, going home very rarely, except for his one meal during the day. He was reputed in the neighbourhood to have been a man of perfect rectitude in his personal conduct. Endowed with more than an ordinary share of prudence and wisdom, he was popularly known as *Motaji*, and was a man of strong common sense and undaunted spirit, but without any the least ambition in temporal life. He was known for his reserved but not proud disposition, for his regularity of habits, his simplicity and his piety and intense devotion to religion and matters religious. Of him no one in the entire village of Karamsad has ever had an ill word to say. Jhaverbhai lived to see both Vithalbhai and Vallabhbhai well settled in life, but died in 1910, before either of them carved for themselves the position they ultimately reached in the public life of the country.

Both the parents of Vithalbhai, Jhaverbhai and Ladbai, were devoted followers of the Swaminarayan sect — a semi-reformist off-shoot of the *Vaishnava Sampradaya*. This sect founded by Sahajanand Swami of Ayodhya in 1830, while retaining a historical connection with the older *Puranic* Gods, insists on the purity of personal life as the most essential factor of a life of devotion. *Vairagya* (renunciation) and *Bhakti* (devotion) are the most important parts of Swaminarayan's teachings. The Swami had preached the gospel of renunciation, but he had also toned it down with the saving grace of love and *Bhakti* in terms of service to fellowmen, compulsory for both ascetics and the common people, for both men and women — as an alternative to worldliness and its debasements. It was this religious background, which his parents had made their own, that materially influenced Vithalbhai's outlook on men and matters. The deeply religious atmosphere in which Vithalbhai was brought up was probably responsible for that subdued earnestness which he evinced in such large measure in the critical and stormy junctures of his public life. The impress of the personal life of both their parents, saturated as it was by a rare idealism, seems to have stamped itself firmly on the tender minds of Vithalbhai and his equally renowned brother, Vallabhbhai, both of whom have given convincing proofs of their firmness, fearlessness and unusual

capacity to bear the agonies and pangs of hard life and stern discipline.

Though born at Nadiad, Vithalbai, as was natural, was brought up during his childhood in his ancestral home in Karamsad. Karamsad is a village, about two or three miles away from Anand in the Kaira District. It is universally acknowledged to be a prominent centre of manifold activities, rearing a growing, dynamic and intelligent middle-class folk who have consistently taken a keen and vivid interest in all kinds of progressive nationalist agitation. The whole of the territory, popularly known as *Charotar*, is a vast tract of fertile soil between the Mahi and Vatrak rivers. It embraces the Borsad, Anand, Nadiad, Mehamdabad and Matar subdivisions of the now merged state of Baroda. It is predominantly inhabited by Patidars whose ancestral calling has been agriculture and who have all the virtues and vices of the agriculturists.

The Patidars of the district claim to be of a *Kshatriya* (warrior class) stock. According to one theory their arrival in Gujarat — from Ayodhya to Mathura, and subsequently through Marwar into Gujarat — is supposed to have taken place, some 2,000 years ago. According to the Bombay Gazetteer, they belong to the race of the great conquering white *Huna* tribe of Gujars, who, during the second half of the sixth century, passed south through the Punjab and settled in Malwa and in the Bombay Gujarat.

These people are known for their doggedness, tenacity and extraordinary virility. Some of them have risen to high posts in Government service, or made money in trade, or as money-lenders. A good many are village headmen, either as revenue headmen or Police Patels, and enjoy allowances from the State in cash or kind. But the bulk of the community are capital husbandmen, well-versed in the knowledge of the properties of every kind of soil and thoroughly acquainted with all the detailed wants of every crop. They are sober, peaceful, hardworking, hospitable, independent and thrifty (except on the occasion of marriages and similar festive ceremonials). Their respect for Brahmins and the spiritual leaders in general is an index to their intensely devotional temperament and religious outlook.



**Where Vithalbhai and Vallabbhai lived at Karamsad**



## LINEAGE, EARLY LIFE AND EDUCATION

Socially they are divided into two main classes—(1) Patidars or Shareholders, and (2) Kanbis or husbandmen. Though, originally sharply distinguished from the Patidars, the Kanbis have now been practically absorbed into the Patidar community. This has been largely due to the fact that the Patidars have been treating these tillers of the soil as their friends and social equals; and in fact the distinction between the two groups now survives only to this extent that inter-marriages between the members of the two groups are yet few and far between.

There have been in circulation numerous legends and traditions, indicative of the traits which have made them conspicuous for patriotism, for diplomacy, statesmanship and administrative ability of a very high order. The Patels of Savali, Karamsad, Sojitra, Virsad and a few other places were given large tracts of land, in appreciation of the assistance in administration which they gave him, by Mahamad Begada after he took the fort of Champaner in 1484. These people have been known through generations for their manifold acts of daring and bravery, and for their spirit of adventure. During the Moghul period, they played, on several notable occasions, a very prominent part on the battlefields of Gujarat. When the Marathas led their attacks against the nominees of Aurangzeb in Gujarat, the Patidars made common cause with the Marathas and were in the forefront for the defence of the hearths and homes of the people of the entire region. Their contribution towards the extension of Maratha influence beyond Surat and towards the maintenance of Hindu culture has been largely responsible for the political, social and economic influence of the Gujarat of today. The Marathas fully recognised the services rendered by them, and in token of their appreciation conferred on several Patidar families what are even now known as Peshwai Jagirs. Unfortunately most of these Jagirs were completely withdrawn, subsequently, by the Maratha chiefs.

According to the Baroda State Gazette, it was the Patidars who were mainly responsible for putting Pilajirao Gaikwad on the *Gadi* of Baroda. It was their aid which enabled the Marathas to drive away Husen-din-Babi who was the Moghul nominee for Gujarat. A number of popular stories go to show how

Patidars helped the Maratha invaders against the Musalman. A daughter of Dala Patel of Padra went to Baroda one day to make some purchases in the market. Her beauty was noted by the pimps of Imam Meddi, the Muslim Minister, who promptly gave an account of it to his master, Husen-Din-Babi. The Imam, presumably under the order of his master, sent a palanquin to fetch Dala's daughter to the Palace, but she proved too shrewd for the Minister's servants, tricked them away and fled to her father's house. Vaghji Patel of Virsad then married her, and her husband and her father now made a solemn pact to finish off the wicked Babi, then the virtual ruler of Baroda. The influential Sureshwar Desai of Baroda, a common friend, also joined them in the pact. Vaghji Patel was a subordinate of Rustom Alikhan, and so was Daji Patel of Vaso. Daji Patel's daughter, while, on her way to Ambaji, was dishonoured by the Musalmans. As a consequence of all these insults and outrages, the four Patels agreed to finish the Musalmans off, by calling in the Gaikwad. They managed to meet the Gaikwad secretly by pretending to go on a pilgrimage to Devaki Unai near Billimora. Jointly they fixed upon their final plan of invasion. It was thus that these Patels ultimately succeeded in rescuing the whole of Gujarat from the pernicious Muslim influence and the intolerable Muslim tyranny which had made life impossible in this fertile region, and installing the Gaikwad quite firmly on the Baroda *gadi*.

The Patidars are reputed to have taken a very prominent part in the 1857 War of Independence, as also in the subjugation by the Gaekwad of the *Kathis*.

From whatever part of India and for whatever purpose they may have entered into (and ultimately settled down in) the heart of Gujarat, the Patidars have shown, in effect, all the characteristic traits of a militant and mettlesome race, plunging forward with unlimited confidence in defence of the people of the region they ultimately occupied, goaded on to do so by their undoubted patriotism and unbounded loyalty to Gujarat. Bold, enterprising and adventurous in their personal relations and social behaviour, they have thoroughly imbibed and assimilated all the qualities of a militant agricultural community — generos-

## LINEAGE, EARLY LIFE AND EDUCATION

ity, open-mindedness, sincerity of purpose, chivalry, consideration for a fallen foe, readiness to fight a *outrance* all declared enemies, unflinching loyalty, plain-speaking and perfect fearlessness. Whether on account of tradition or temperament or by reason of their calling and occupation, they appear to have cast their lot invariably on the side of opposition to vested interests. This, on several occasions, has exposed them to gross misrepresentation and vilification by Governments and such people as have known or noticed one side and one aspect only of their life.

The pattern of the social and economic structure of the Patidar community has undergone a considerable alteration on account of the changes in the political fortunes of Gujarat, during the last two centuries. Though essentially a peasant folk, with a rich heritage of agrarian culture, a great majority of the community has been deeply influenced by recent changes in economic life and religious and social ideas. The changes that have come over their life and outlook are, in a general way, similar to those that have affected almost the whole of India.

The family looms larger than the individual in all such agrarian societies, and the duties and responsibilities of an individual are rigidly determined by his status in the family. In course of time they have to fall back, for their living, more and more on agriculture, and as a consequence of this entire dependence, their character and destiny are considerably modified by the fissiparous forces known to economics. Family pressure on the individual proves too overwhelming, and this, in its turn, entirely changes the colour and setting of their social life. On account of minute subinfeudation, the land now ceases to provide an easy subsistence, and the economic depression caused by the appalling ravages of famine, general disorder, backwardness of economic life and all the apparatus of a complex and delicate economic system regulating and controlling the social organisation pulls them down to the lowest economic level. The economic condition of the Patidars further deteriorated on account of the tyranny of social customs and practices which demanded an extravagant and luxurious mode of living, based on the original tradition of a warlike race with all its *darbari* pomp. The cumulative effect of all these forces was that the Patidars



gradually lost their interest in their crops. They could not remain even as a fairly prosperous class of small land-holders or yeoman-farmers. In fact they degenerated into serfs — if not quite serfs, certainly not much better than serfs — engrossed every moment of their lives, in the anxieties of debt-liquidation, continuously oppressed by the usurious rates of interest charged by moneylenders and involved in petty factions and village disputes. Dead ideas and lifeless old beliefs sat on them like an incubus, and they simply could not extricate themselves from that relentless stranglehold.

The cloud had, however, a silver lining. Something was conserved which elsewhere had become extinct. The very unrest and discontent created by the transformation of the social organisation into the new complex acted as a great impetus to a new spirit of adventure and enterprise. Good humour, commonsense and robust optimism, which still had remained with them on account of the vigour and virility which they had inherited from their warlike ancestral traditions now came to the rescue of the community. And many a young man looked for progress in totally different directions.

Vithalbhai was born virtually at the spring time of this new spirit of renaissance, which had already set in, and which was slowly effecting a sea-change in the traditional life the Patidars had lived for generations. People, sunk in the lowest depths of poverty, slavery and superstition, in their very despair, now opened out their shoulders and made an effort to reach out for a more tolerable mode of existence. The new-born spirit of enterprise resulted in the starting of fresh currents in the departments of trade, commerce, industry and, indeed, throughout the whole machinery of modern economic life. Schools and Colleges imparting western education attracted many a youth to their sacred precincts. The possibilities of entirely new careers fired their imagination, and subsequent activities in that direction brought forth a professional class of barristers, University professors, journalists, doctors, as also prosperous merchants and big landholders. Today Patidars are to be found in all the trades and all the professions. There are among them businessmen and ministers of State, as well as farmers and craftsman —

they have been pursuing practically all the occupations — liberal and otherwise.

The colonial problem of India has a direct bearing on the well-being of the Patidars. They were perhaps the first set of Indians who went to Africa and other places outside India. Not an island or a country in the world is there, they say, where a Patel will not be found. Several places in Charotar, such as Karamsad, Vaso, Dharmaj, Sojitra and Nadiad can easily boast of having their representatives in large numbers on the soil of Africa. Inspired by the new spirit of renaissance, fired by a resurgent enthusiasm, and stimulated by their inborn lure for adventure, they have manfully encountered all the initial difficulties, hardships and privations, incidental to settling in foreign lands and under alien governments. Their activities have enriched the places colonized by them. They have helped to exploit the natural resources of their adopted country, improved its means of communications and transport facilities, and have cultivated virgin lands. They have also shown economic enterprise of a very high order, and have earned encomiums from persons in office and power. They have brought credit and honour to India and Indians.

Most of the elements which make the history of Patidars so fascinating are represented in the life and work of Vithalbhai. Both Vithalbhai and Vallabhbhai have demonstrated vividly and in the fullest measure, all the traits and peculiarities of temperament and character, which may be summed up as the racial psychology of the Patidars, in the wider field of Indian politics.

Amidst these environments, symbolical of the renaissance atmosphere, and animated by the compelling force of the age, the future President of the Indian Legislative Assembly started life almost as a ploughboy. His father Jhaverbhai had but limited and slender means. There were hardly any resources behind him for the maintenance of his large family — except such as the ownership of a few acres of land. Whatever the resources he had, however, he husbanded them with great care and circumspection. He did not spare himself and brought up, honourably, all his six children of whom Vithalbhai was the third and Vallabhbhai the fourth.

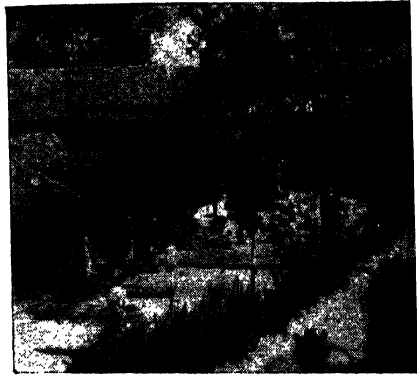
Anxious to impart education to all his sons, Jhaverbhai ignored all inconvenience or discomfort to himself in his attempt to place his sons on the road to enlightenment and culture. He took a personal interest in their education, and himself acted as a teacher to them at home and in the fields. He sent Vithalbhai to school, not because he valued the education which was then imparted in schools, but because he wished the young man to push himself into some government service — then the usual ambition for a young boy of a decent family. Little did he dream that the lad was destined to play a much higher and nobler role in life — that he would create, mould, forge and harness the force of Indian Nationalism — that he would one day attain the name he attained — a name so highly honoured and cherished throughout the length and breadth of India. The rebel in him could have hardly realised then that he was inspiring two of his sons, Vithalbhai and Vallabhbhai, to achieve that independence for the country, which he had himself failed to achieve when he participated in the 1857 War of Independence.

At the age of five, Vithalbhai enrolled his name in the village school of Karamsad. The education imparted in the schools of those days was as static, immobile and divorced from practical requirements as it has been ever since. Inertia pervaded the entire atmosphere of the primary schools of those days. They were housed in buildings that could hardly give protection against heat or cold or the all-pervading dust.

Perhaps the one redeeming feature of this depressing and lifeless system of instruction was the type of teacher, then available, who though 'untrained', 'unqualified' and scandalously underpaid, was delightfully conscientious in the discharge of his duties, and who evinced a genuinely paternal care and a real anxiety in the well-being of the little ones under his care. He was definitely less mercenary in his motives than the teacher of today — less showy, less fussy, less ambitious and definitely more conscious of his personal and social obligations to the community and society in general. It is perhaps due to this factor more than anything else that the cultural side of education imparted in those days was sounder than it has ever been, under the present system of education, which blunts ideals,



**One Teacher School  
better known as  
Pandya School, Karamsad.**



**Primary School, Karamsad where  
Vithalbhai and Vallabhbhai learnt  
their 3 R's**





nurses cynicism and kills inspiration by putting everything in standardised moulds. Precision, perspicuity, clear thinking and originality are, as every impartial observer will admit, not particularly fostered, by present-day education.

The present day organisers of conferences and associations for the vindication of the rights and privileges of teachers will, perhaps, note with interest that the school-masters of those days commanded real respect from the village community by virtue of the genuine and devoted services they rendered to them in a selfless spirit. The school-master was a tower of strength to the village, and he invariably proved to be an everlasting source of encouragement and inspiration to infant minds on whom deep and abiding impressions were left by him. The honoured name of Kahandas Patel, better known as Kahandas master, a teacher of youth, universally respected by the village folk of those days, occupies the proudest place in the history of Karamsad. They knew him well, they admired his great personality and the wonderful strength of his character; they prized the breadth and liberality of his views and almost adored him for his deep and burning sympathy for the helpless and the poor. The outward appearance and demeanour of this great soul was so simple that it produced the impression that he was far more fit to follow than to lead. One so gentle, so quiet, so amiable — how could he have the stern qualities one expects of a leader? One wondered! And yet this gentle headmaster of the village school was also a man of affairs, and had a marvellous understanding of human nature: and he knew how to deal with society as very few could. He combined in him a child-like simplicity and fascinating *bonhomie* with the firmness and strength of a real leader of men. A shrewd judge of men and matters, he possessed, as well, a good business head. He is still remembered with pride by the present generation of Karamsad, for their parents had in him a guide, philosopher and friend in all their educational, social and public activities. As an able administrator, a successful teacher and a public-spirited gentleman he was respected by all the people — the younger men being a little afraid of him on account of his strict enforcement of discipline. By dint of sheer merit, perseverance and

selfless service, he became one of the main pillars of the social life of the village, and was largely instrumental in persuading the philanthropic members of the community to start an Anglo-vernacular school in Karamsad.

Vithalbhai, who was destined to play so important a part in the history of primary education in this province, commenced his three R's under the enlightened guidance of noble teachers of the Kahandas type, in a building that would now be condemned as ridiculously unsuitable for housing a school, if judged by the standard of requirements laid down by the present day rules and regulations of the grant-in-aid code. Perhaps our educational departments and University authorities in their zeal and enthusiasm to maintain what they call efficiency in the administration of schools have yet to realise that their soulless plans and schemes of fine and stately school and college premises act only as obstacles to the diffusion of knowledge. A slowing down of the pace in order to wait for good buildings and other ideal conditions by educational doctrinaires is indeed a crime against the young people of India and her future generations. In the midst of this chaos of pomp and power and wealth, let us remind ourselves that the greatest teachers of India were forest-dwellers, who gathered their students round them in the open air and instructed them in the realities and values of human existence and its proper nature.

Vithalbhai, in his early days, was known as a very clever but an equally mischievous lad: he used to rag persons of note and high standing in the village. Mischievous and fond of fun and company as he was, he nevertheless never showed any the least trace of snobbery or meanness. He certainly loved fun, jokes and adventure, and, on occasions, was even impudent in his wit. He possessed a robust physique, but did not show much seriousness in his regular studies. He completed his primary education in the ordinary and humdrum manner, under the care and guidance of his parents to whom he was deeply attached.

Neither Karamsad nor any of the other villages nearby provided any facility for secondary education. Vithalbhai had therefore to be sent, and was sent, to his maternal uncle at

Nadiad for the prosecution of his further studies at the Government High School at Nadiad. Even during these school days of his, it was noticed that he had a sharp memory and a subtle intellect, also a receptive mind — though apparently he was completely indifferent to his routine studies. It was soon manifest that the homely exterior of this wayward boy covered a powerful understanding, a strong will, a keen eye for men, and a combination of sound judgment with commanding ambition — these sterling qualities foreshadowing the future leader of men and the mainstay of go-ahead politicians. Vithalbai — the boy — was ever anxious to assert his leadership over his class and fellow-students. Teachers could hardly control the activities of this stormy petrel, either inside or outside the school — much less could they suppress his rebellious and refractory nature. Perfunctory in his class work, he was apparently whiling away his time in an irresponsible and happy-go-lucky way. Actually his taste and fondness for books outside the prescribed course, particularly for the lives of great men, developed him into a voracious reader. Reading became something more than a mere pastime with him; and in a desultory way, aided by an excellent memory, he was collecting and unconsciously storing up in his capacious mind invaluable material for future use. Once he was accused of having copied. The headmaster had found the description of the life of Thomas Wolsey reproduced *verbatim* in his answer-script at an examination. Vithalbai resented this charge and laughed at the implied insult. It was the late Mr. Chaturbhai V. Patel, later Principal of the Elphinstone High School, then a junior Assistant Master at Nadiad, who came to the rescue of his pupil and assured the headmaster that his suspicion was not justified. For a test, Vithalbai was called upon to reproduce, after a few minutes' reading, another passage, and to the astonishment of his teachers, he successfully accomplished the feat, after reading the selected passage for about ten minutes. Impressed by this clinching testimony to his *bona fides* and his amazing memory the teachers regretted that he had not been devoting more attention to the study of the prescribed text-books, and thus been gambling away all chances of academic honours and distinctions.



Vithalbai was extremely fond of passing on to others the consequences of his mischievous acts — himself trying to appear as the most silent, the most innocent and the best-behaved boy of the class. He was, at the same time, the foremost in all kinds of boisterous sports. Among the several anecdotes current about his school days, that relating to his beating a teacher whom he subsequently accused of having beaten him is thoroughly characteristic. The anecdote is at least *ben trovato*, and foreshadows the hard hitter of later days.

Co-workers, colleagues and several of his other contemporaries have known one of his peculiar traits — that of approaching a question from the diametrically opposite angle of vision, in order to emphasise, in his own subtle and sure way the intensity, the depth and the seriousness of his views. He seems to have had this trait, in a crude form, though it be, even in his school days. Once he was asked by his teacher to describe the advantages of British rule in India. In his reply to the question he narrated all the disadvantages of that rule, leaving it to the examiner to ascertain the credit side. This apparently insouciant, playful and witty boy was in the habit of amusing his associates by making fun of others. Some of his jokes were rather cruel and cut at the expense of elderly persons. Once he wrote a postcard in his own hand, but under another name, intimating to his neighbour that his son-in-law was dead. On the receipt of these tidings the girl-wife was obliged to break her bangles forthwith, as a mark of widowhood, according to the prevailing custom of the community. On the third day when the relatives of the girl went to the son-in-law's home for the performance of the obsequies, the mourners found to their welcome surprise that some one had merely played a cruel hoax on them all. When the maternal uncle of Vithalbai heard of this melodrama, he asked the gem of his nephew if he had any hand in that matter. Without the slightest hesitation, Vithalbai admitted the truth, and added that he wished to see for himself the reactions of human beings on such occasions during their own life-time!

The personal history of the future President's youthful days is full of several such interesting anecdotes. Traces of deep

family affection and tenderness towards persons in real distress were abundantly evident, however, in the activities of this then quite unknown ploughboy, destined, in the fulness of time to be the President of the Indian Legislative Assembly.

At the age of nine, Vithalbhai was married to Diwalibai of Sojitra. The social organization and life of the Patidars of Charotar are governed, strangely enough, by rigidly orthodox, irrational and reactionary customs of a diverse nature which have always dominated the domestic institutions of the community. The *Kulin* Patidar of Charotar would never brook the idea of his son or daughter remaining unmarried beyond a certain age, and should any of them dare to follow the light of reason and enlightenment, the elderly members of the family would not permit him to escape the sufferings, the oppressions and the repressions, inseparable from such a restricted and rigid life. The customs and conventions governing their social life have acquired the status of an inviolable law which invests the elders and the community in general with powers to compel the individual to be absorbed in the affairs of his family. The progressive thinker of today may view the question differently and, in fact, the higher mind and thought of the community has seen the need for improvement in this respect, in the best interests of the social advancement and general well-being of the community. The traditional modes of thinking, however, have still preserved intact the antiquated forms of the institution of marriage, which on account of its many imperfections have caused enormous suffering, brought about by injustice and oppression — not to speak of the cramping fetters they have imposed on the individual.

Vithalbhai could not escape the tyranny of social customs and conventions, which maintained the system of early marriage with all its unlovely and ugly features. The bride and the bridegroom had of course no place in the picture, the contracting parties being invariably either the parents or the elders of the family. The determining factors of the union were certainly not compatibility of temperament, mutual liking, community of mind, or educational level, but the family grade, the social status, dowry and such other mercenary or irrelevant

considerations. Vithalbai, of course, could not be expected to have — and did not have — any voice in the choice of his life's companion, who had never attended a school and whose cultural growth was cribbed, cabined and confined behind the iron bars of the family cage. The elders of the family had sealed the fate of Vithalbai's married life — long before he could equip himself educationally or otherwise for a decent start in life — long before he could realise the duties and responsibilities of married life, on which the conservative and orthodox elements of society waxed eloquent, as they needs must, to hide their crimes against youth.

In spite of all these draw-backs in our marriage system, there have been several cases of a happy marriage. Vithalbai's however, was not quite a happy marriage. And yet it was not quite so unhappy as one might have expected. The philosophic calm and *Vairagya* (renunciation) which he had inherited from the Swaminarayan attitude to life of his parents here stood him in good stead. A major calamity was thus averted, but what Vithalbai would have been, if his marriage had proved happy, can only be conjectured, and we leave the matter at that.

## *Chapter Two*

### IN THE MAKING

VITHALBHAI passed the University School Final Examination in 1891. The year before, he had appeared for the School Final and the Matriculation Examination simultaneously and had failed in both. The result was hardly unexpected. In his school-days Vithalbai hardly gave anything like serious attention to his regular studies. But once he decided to take his studies seriously, he had no difficulty in getting through an Examination. He had to fix up his goal. And now it appears that he did decide to settle down to his studies with the definite idea of becoming a District Pleader. When the School Final Examination was out of the way, he set himself out to the study of the Law in the Gokhale Law Classes of Bombay, which coached up students for the District Pleaders' Examination. This was a definite end in view. The usual Collegiate education was not for him. There is no definite objective in it. Mere cultural instruction had no charm for him. His was at this time a strictly utilitarian point of view, and, in all probability, University education, with its emphasis on the cultural side of life might not have suited his temperament and his general mental make-up which was characteristically realistic. Besides, even if he had wished to tread the dreary road towards a University degree, the financial circumstances of his family would have compelled him before long to give up the attempt — he would have wasted a year or two, and then looked out for some practical means of earning an honourable living. All things considered, his was a wise choice.

Even when in Bombay, Vithalbai went off and on to Karamsad to see his mother. One or two traits of his, during this period of his life are worth more than a passing notice. He was hardly in affluent circumstances, and yet he not infrequently travelled by the upper classes in the railway, and

brought very costly gifts from Bombay for his Karamsad friends and relatives. Money he treated, then and ever after, as an instrument of service. Not accumulation, but expenditure, of money, whenever it was available, was his motto throughout life. Again, as in his Nadiad days, even now he had his quota of practical jokes. Coming to Karamsad, after a comparatively long absence, he often made himself unrecognizable by the younger folk of the place, and roamed about the village asking every passer-by where exactly Jhaverbhai Patel's house was and the joke continued long enough until somebody who knew him intimately saw through the game and he was discovered. Innate sense of humour and utter indifference to money were two of the most prominent traits of his character, and they stood him in good stead throughout his stormy life.

Vithalbhai passed the District Pleaders' Examination in 1895. Immediately thereafter, he started practice at Godhra. He did not take very long to establish a lucrative practice. Indeed, considering his standing, he was an immense success. Gifted with a keen perception, as swift as it was extraordinary, he could take in at a glance all the salient points, or rather the entire substance of very complicated legal cases. His striking success and superiority to several of his seniors was due as much to this astonishing grasp of vital issues as to his colossal industry. It was his mastery of details which enabled him to shatter his opponent's evidence with a withering analysis. Within a short time he was a force to reckon with in the legal circles. His sharp and subtle legal acumen, his infinite capacity for taking pains and his fearless character made a deep impression on the Magistrates as well as the litigant public. His ever present sense of humour was another distinct advantage to him. This young criminal lawyer — needless to say — was always in demand by the public of Godhra both within and outside the Court. Several anecdotes reminiscent of his wayward humour still continue to be narrated by his contemporaries with admiration and delight. A teacher of an English School — One Mr. J — was a neighbour of his. This young graduate had been feeling that he did not get his due from the unappreciative world. Vithalbhai had noticed this, and had made fun of him on several occa-

sions. Young J invariably asked Vithalbhai about the whereabouts of persons who called on him, and Vithalbhai, in his own turn, invariably passed them off, whoever they actually were, as persons of rank and distinction. On one such occasion, young J was told that the new visitor was the Dewan of a certain Central India state, and that Vithalbhai had recommended him (J) for a high post in that State. Vithalbhai's personal relations with prominent people of the town were cordial and his influence with the Police was immense. Through them young J was made the recipient of a faked telegram intimating to him that he was appointed to the post referred to, and asking him to start immediately. Elated by this piece of good news, young J advertised his according-to-him-well-deserved appointment all over the little town, and made all the necessary and more-than-necessary preparations for leaving the place. Farewell parties were arranged in his honour, and the hero actually left his home for the station, where another telegram was placed in his hands, intimating postponement, for the time being, of the prize job which had been offered to him. It was a long time after the event that young J came to know that the whole thing was a big hoax. It may be noticed here, in passing, that young J never forgot this injury done to him. He himself became a lawyer in due course, and as such, he did not lose a single opportunity to harass Vallabhbai (Vithalbhai had then left Godhra for Borsad and Vallabhbai had begun his practice at Godhra). Needless to say that no real harm could be done to Vallabhbai who soon outshone him.

In 1898 Vithalbhai shifted to Borsad — nearer home — for his headquarters. Vithalbhai's practice at Godhra was very good, but Borsad was nearer home, a more central place for the whole of the Charotar region and a much larger field for the legal acumen and indefatigable industry of this rising young lawyer who had already made a name for himself. By his superb exposition and by his almost unique skill in cross-examinations, he soon established himself as one of the most brilliant pleaders of Borsad, and in fact in the whole region roundabout. His acute reasoning, his cogent presentation, his deft marshalling of evidence, illuminated by flashes of wit, humour

and irony, and, above all, his searching cross-examination baffled the opposing counsel and compelled the attention of the Judges.

In the meantime, his brother Vallabhbhai too had passed the District Pleaders' examination. He too had, like his elder brother, started practice at Godhra. Vithalbhai's hands were always full at Borsad. His work had increased beyond a single man's physical capacity. He needed assistance and relief. Vallabhbhai was, therefore, persuaded to go over to Borsad to help him. Be it noted here that the bonds of affection between the brothers were the warmest possible, and continued to be so, without a break, *almost* up to the end of Vithalbhai's life, in spite of many a storm and whirlpool in their public and political careers. Throughout, there was a rare harmony in their relations, which secured an almost complete identification of interests and purpose. The success of these brothers in the profession was literally unique. They were in demand in almost every important case of the district. The redoubtable pair was frequently engaged by the opposing parties. It was on such occasions that the public obtained a glimpse of the exceptional intellectual abilities of the distinguished brothers who were destined in the fullness of time, to dominate the political stage of India on different, and in a sense diametrically opposite platforms, as exponents of divergent national creeds. This training in law, in their early life and close association with the litigant public sharpened their keen insight into human nature, and certainly proved a great asset in their public and political life.

Borsad is a small town, and had then a population of about ten thousand souls. Though recognised as a trading centre by the surrounding villages, its real importance lay in its being the seat of the Taluka Courts. Shapeless streets and widely scattered houses gave it the appearance of a rambling village. The houses were hardly distinguishable from ordinary peasant dwellings.

Life in Borsad was bound to be monotonous, if not positively depressing. There was practically nothing there to enlighten the mind — not even the modicum of such social life as



**Borsad Residence of  
Vithalbai**



**Civil Court, Borsad**



**Criminal Court, Borsad**





is associated with modern civilization. Agriculture and house-building were the principal industries that sustained a large section of its inhabitants. The entire social structure was based on a low level of economic development. Above the basic peasant masses, rose a stratum of gentry, who, for the most part, were neither rich nor cultured. High above, was the district officialdom, representing the British might, universally and deservedly hated by the populace. With these puny officials the land-owners and petty tradesmen were always in league. In between, came a small number of scattered intellectuals — most of them lawyers — who played a prominent part in such public functions as sometimes enlivened the town. The main business of the lawyers was to help the petty men around them to escape the oppression of the Police regime.

Such was the scene of life when Vithalbhai started his practice at Borsad. If there was nothing like social or public life there, neither were there any places of amusement which could entertain the mind or sharpen the intellect. Practically locked, day in and day out, within the four corners of his house and the courts, stifled by the dull and drab atmosphere of the place, Vithalbhai had hardly any scope for the display of his youthful energy or for the enjoyment of youthful pleasures. The events that broke the monotony of those despondent and sullen hours were indeed few and far between.

During these early days, Vithalbhai studied hard, always reading, discussing and trying to understand everything connected with the Law and the intricacies involved in the cases that came to him. His imposing personality, his large forehead and his weasel eyes must have roused immense interest, but apart from his practice in the courts, he took very little part in the public life of Borsad. Perhaps it will be more correct to say that there was no public life in Borsad in those days. It was therefore that he worked away feverishly at his law books in the seclusion of his house.

Whatever social and cultural life Vithalbhai had in Borsad was centred in the company of a few friends. In a way, Vithalbhai and Vallabhbai were a club in themselves, but occasionally Laxmidas Patel, Tulsidas Gadbaddas, Chotalal Bapubhai,

Joitaram Bhat, Fulabhai and N. D. Mehta joined them. N. D. Mehta, in particular, was one of their very intimate associates in this Club. Even later on, when their field of activities underwent a substantial change, N. D. Mehta had the good fortune of being associated with them. For a time he was in the Ahmedabad Municipality, when Vallabhbai was the President. Later on, when Vithalbhai entered the Bombay Municipal Corporation, he was, at the instance of Vithalbhai, brought to Bombay as an experienced administrator to advise the Bombay Corporation on retrenchment and allied matters. In the end he rose to the position of the Dy. Municipal Commissioner of the Bombay Municipality.

Vithalbhai's life at Borsad combined recreation with practical work for the immediate tasks before him. Playing cards was the chief amusement. Cigarettes were less in evidence in those days than now, and the Patidar's *hukka* strongly held the field. The wit, humour and sarcasm of Vithalbhai lent a peculiar charm to the otherwise dull atmosphere of the place, and the jovial and pleasure-loving company that assembled there enjoyed themselves to their hearts' content in all imaginable ways.

Vithalbhai loved Karamsad in his boyhood, but, in his youthful days it was Borsad which had a peculiar fascination for him. In fact, he looked upon Borsad as his native place, and actually said so, on the occasion — a rare occasion this — of an annual prize distribution ceremony, at his hands, of the local Jain Girls' School. He said to the large gathering, there assembled that he belonged to Borsad, and that, for all practical purposes, Borsad was his native place.

There was hardly anything in the life which Vithalbhai led at this time to indicate the kind of public life which was his during the major part of his career, but it appears that he did take more than a mere passing interest in education, particularly in the educational development of Borsad. The Borsad High School owes a debt of gratitude to him. He helped in the collection of funds for the building of that school, and himself subscribed rupees one thousand towards that fund.

Several anecdotes about Vithalbhai's fondness for practical

jokes are still current in Borsad. A friend of his, a Barrister from Charotar and a co-student of his in London, who had gone to Borsad in connection with some important case and was his guest at the time, was locked up by him in the lavatory, and released, only after Vithalbhai and the friends gathered at his house had a hearty laugh at his expense. Somehow this trick of his was one of his favourite practical jokes. Sardar Vallabh-bhai himself was once so locked up by him — that was much later, and — at the Bardoli Ashram; 1921 was the year. Several Congress workers who were eye witnesses of this facetious scene laughed heartily to find the Sardar in this predicament. Vallabh-bhai was then known as the *Suba* of Gujarat among his friends, and so when they asked Vithalbhai to open the door, he observed that if Vallabh-bhai was the genuine *Suba*, the door must open without anybody's help; as it was, he added, it was he (i.e., Vithalbhai) who was invariably obliged to extricate him (Vallabh-bhai) from the precarious situations in which he often found himself.

Once somebody came to him on horseback, and shouted for him from below. He asked him to go up — to the first floor. And when he was told by the visitor that he had his horse with him, Vithalbhai quietly asked him to take up his horse also with him. Whether he remembered *Shakar* of the *Mritchhkatika* at the time, we cannot say.

With his ever-increasing activities at Borsad, Vithalbhai had now lost almost all interest in his family affairs at Karamsad. True, Karamsad was only about ten to twelve miles away from Borsad. But there was no rail connection between Karamsad and Borsad, nor was there any motor transport in those days. The road journey was far from comfortable, and nobody would undertake it unless there was some specific purpose which required it. Vithalbhai's visits to Karamsad, in consequence, became less and less frequent as days went by. This, in its turn, brought about an apparent diminution in his attachment to his people at home. Both the brothers had now set up their own homes at Borsad, and neither of them felt the need of keeping up a contact with their people at Karamsad. This aspect of the question could hardly appeal to their father.

## VITHALBHAI PATEL

Jhaverbhai was a man of few words. He saw that Vithalbhai was doing very well in his profession. Considering his own means, he had spent more than he could easily afford on Vithalbhai's education. He now called upon Vithalbhai to pay his share of the family expenses. He would not step into Vithalbhai's house at Borsad until and unless Vithalbhai discharged his obligations to the family. Vithalbhai gave due respect to his father's wishes, and did what he could for the family during these early days of his life.

The brothers — Vithalbhai and Vallabhbhai — soon made their mark in the profession, and were acknowledged on all hands to be the leading criminal lawyers of the district. They handled between them almost all the important cases of robberies, dacoities and murders. While at Borsad, Vithalbhai does not appear to have had many occasions for wrestling with legal difficulties demanding exceptional legal acumen or profound knowledge of the law. The stormy and rebellious character of the district, however, provided ample scope for criminal cases demanding a thorough understanding of complicated human motives, and extraordinary skill in cross-examination. In fact, criminal practice has always been very lucrative in this part of the world.

Vithalbhai came into real prominence in the district as a whole, in connection with what is known as the Shukla Case. Serious charges — of bribery and corruption among others — were levelled against Mr. Shukla, the then sub-judge of Borsad. Anonymous complaints were lodged against him, and some people addressed letters to higher authorities, more or less openly drawing their attention to the tyrannical and corrupt administration of justice in the district; and yet the authorities concerned took no notice whatever of all this outburst. People were afraid further to incur the wrath of that ogre of injustice, and all hope of relief was almost being given up. It was at this stage that Vithalbhai took up the cudgels, on behalf of the people, against this judicial tyrant of the district. He moved the authorities concerned to take active and immediate steps to end the unbearable and vicious atmosphere. He succeeded in persuading the High Court of Bombay to hold a public inquiry into the

doings of, and allegations against, the sub-judge. The public inquiry was conducted at Surat and lasted for about ten months. Vithalbhai took great pains to prepare the necessary material and contributed substantially to the proving of the charges and bringing the offender to book. Mr. Shukla was found guilty, and was given the option of tendering his resignation immediately or of facing an ignominious dismissal.

The success of Vithalbhai and Vallabhbhai at Borsad was such as might have excited the jealousy of anybody. Whatever the nature of the case he handled and whatever its complications, it was accepted almost as an axiomatic truth that Vithalbhai would win it if anybody ever could. Government officers felt that the uniform successes attained by these Patel brothers could not be due to merit alone. Some of them thought that the police were unduly influenced by them, and it was a general belief that under changed conditions the results of several of the cases in which they were briefed would have been different. It was this view that led to the removal, for some time, of the court of the Resident Magistrate to Anand. The experiment did not prove a success. The Patel brothers remained as popular as ever, and enjoyed the complete confidence of the litigant public, and the court came back to Borsad after a period of about a year and a half.

The brothers were well on the way to prosperity and attained within a short time a height of fame and fortune such as was not within the reach of any of their colleagues. They were, however, not quite satisfied. They had higher ambitions. They were — each of them, without the knowledge of the other — entertaining dreams of proceeding to England for further legal studies. Vallabhbhai, however, was the first, definitely, to formulate his plans. He made all the necessary preparations for his voyage to England. It was by the sheerest of accidents that Vithalbhai came across some correspondence carried on by Vallabhbhai with a Steamship Company and found a Passport in the name of V. J. Patel and not Vallabhbhai Patel. That was an opportunity for him. He now upset all the plans of Vallabhbhai. He pointed out to his brother that as the elder of the two, he should get a priority in such an adventure. Of course

Vallabhbhai would have his turn in due course; in fact, he could go immediately after Vithalbhai returned. In view of the excellent personal relations between the brothers and the regard each had for the other, as was to be expected, Vallabhbhai gave his most willing consent, and Vithalbhai was given a fortnight's time to make up his mind finally. Vithalbhai brisked up his plans and made all the arrangements for the voyage, but neither friends nor relatives knew anything about his quiet resolve. Vithalbhai's main difficulty was to get the consent of his wife to his project. His wife was a problem for him. She was hardly accommodating. She was rather overbearing. Her outlook was not broad and she was not quite well-disposed to the rest of the family. Perhaps she was too self-centred. She would not tolerate the cordial relationship that existed between the brothers, and Vithalbhai had often to meet his brother out of the house. Unlettered and uncultured, without tact, without practical knowledge, it was not to be expected that she would make a really happy home for Vithalbhai. Vithalbhai, on his part, tried his best to make his domestic life as easy and endurable as it could be in the circumstances. He allowed himself to be dominated by her in domestic matters, and took every care to avoid occasions of friction and conflict. His own broad outlook on life, his generally tolerant temperament, and above all his subtle wit and grim humour always came to his rescue. Among the several odds and ends he had to arrange before his voyage, here was an item of some moment to him — how to break the news of his departure to this wife of his. One day, in a light-hearted conversation with her, he assumed the tone of teasing her and said "Look here, if you do not accept this suggestion of mine, I shall run away to England." Poor Diwalibai! she thought her husband could not be in earnest and was simply teasing her by a joke, and replied: "Well, if you want to go, do go; who is putting any obstacle in your way". Conversation of this type became a daily routine for some time, and when the day of actual departure came, he told his wife that he was going on some important legal business to Bombay, placed some substantial cash in her hands which was supposed to have come from some client, and bade her *au revoir*.

Vithalbhai sailed for England in 1905, and was admitted to the Lincoln's Inn. He lived quite a simple life there and spent most of his time in the study of the law. He finished his course in two and a half years instead of the usual three. In the final examination he stood in the first class, obtaining the first rank and a prize of £50 in addition to six months' concession. It is reported that Mr. S. G. Velinkar, who was his co-student at the Inn, dropped a year as he thought he would have no chance of winning the first place, as Vithalbhai's securing it was almost a certainty. It may be noted here — in passing — that Vallabhbhai who followed Vithalbhai two years later obtained similar distinctions. Among Vithalbhai's co-students were Mr. Khandalawala, the well-known Chief Presidency Magistrate, Mr. Kurva, sometime Judge of the Small Causes Court, Bombay, and Mr. Dhirajlal Thakore.

Going to Europe at a mature age has several advantages denied to those who go there in their teens. With practical experience in this country one knows exactly what one has to learn from the more advanced countries. Comparison and contrast are the means by which one can pick up what is desirable. The developed mind can more easily assimilate the virtues of a free country like England, than the immature mind which more often than not loses balance in the entirely new atmosphere. Vithalbhai had all these advantages, and though he hardly ever diverted his main attention from his legal studies, he brought back with him a mind wide awake to all the activities going on in the social and political life of India. Vithalbhai's first lesson in politics was received from Dadabhai Nowroji, during his residence in London. It was from him that he learned that the key of political success is 'agitation, agitation and still more agitation.' Many students going to Europe for their studies do an amount of sight-seeing. Vithalbhai had neither the means nor the will to do so. He went to England for a specific purpose, and as soon as he achieved it he returned. He would not stay there a day longer than necessary. He was keen on starting the next phase of his life — so full of hope and ambitions.

Vithalbhai had obtained some letters of recommendation from England — among others from his Director of Legal



Studies, and Straham a well-known counsel. One of these was addressed to Mr. Inverarity, a name to conjure with in those days and the recognised doyen of the Bombay Bar by virtue of his exceptional legal acumen and outstanding ability. Vithalbhai worked in his chamber for a year.

Vithalbhai was known as a competent and clever lawyer in several parts of Gujarat, and mofussil practice came to him easily. The people of Borsad, Anand, Godhra and other districts who had known him intimately and who had first-hand knowledge of his abilities, naturally entrusted to him their appeals in criminal cases. Barrister Vithalbhai, as he was then popularly called in Kaira, was in demand in all these districts. A prominent place at the Bar could therefore naturally be predicted for him, in due course.

An episode of some importance in Vithalbhai's career may be narrated here, as it throws some light on a facet of his life. Immediately after his return from England, but before he settled down in Bombay for his practice, he was involved in what is known as the Nadiad Anath Ashram case. Sometime after Vithalbhai had sailed for England, a Deccani teacher of the Nadiad Mission School reported to Sjt. Fulchandbhai and other prominent public workers of Nadiad that the local missionaries were attempting to convert some school boys to Christianity. Public opinion was roused to a high pitch, and successful attempts were made by the public leaders to withdraw those students from the Mission School. A few of them were given shelter in the town, two were sent to Lahore, and three to the Ajmer Arya Samaj Ashram. One "Park Saheb," the leader of the local Mission, was enraged and he launched prosecutions against the students. None of the local pleaders could give them any help. Vithalbhai's help was sought and obtained on his return from England, as all the people in the Kaira District, suspected to have been involved in the plot, were brought under warrant. The case was conducted before the *Mamlatdar*.

## *Chapter Three*

### TURNING POINT

VITHALBHAI was called to the Bar on the 1st of July, 1908. Almost immediately thereafter he returned to India, and soon after set up his practice in Bombay — for one year working in the chambers of Mr. Inverarity. His prospects at the Bar were quite bright, and though he had, while in England, received his first lesson in politics from Dadabhai Nowrojee, whether he would have devoted himself whole-heartedly to politics, as he eventually did, was extremely doubtful at this stage. It is almost certain that he had no such idea when he went to England to qualify himself for the Bar, and the way in which he plunged himself into all sorts of legal work for a couple of years after his return from England is a fairly strong testimony to our belief that his goal at the time was real eminence in law, if not a merely lucrative practice. Two events, however, that took place in 1910 proved a turning point in his career. The first of them — and the more important — was the untimely death of his wife. She developed an incurable illness, was operated upon and had to be removed to Borsad for a change. In order that she should be carefully looked after at Borsad, Vallabhbhai postponed, for some time, his own departure to England. In spite of all possible care and medical attention, however, she succumbed to her illness, leaving Vithalbhai without anybody to care for. True, Diwalibai was not, and could not, with her temperament and culture, or want of culture, be quite an ideal helpmate to Vithalbhai; but, by alternate cajoling and reproof, and sometimes by abject surrender to her whimsical will, Vithalbhai had managed to make his married life more than merely tolerable, and now, this carefully guarded and skilfully nurtured companionship of over twenty-eight years' standing snapped asunder, leaving an almost unbearable void in his life. Diwalibai left no issue behind her, and Vithalbhai had

thus nobody in particular to care for. Vithalbai was only thirty-seven at this time, and could have married again. His parents, relatives and friends tried their utmost to persuade him to do so, but Vithalbai flatly refused to entertain the idea of a second marriage. Was this due to his loyalty to his wife? Perhaps. Because though he may not have had feelings of what men usually call love for his wife, he certainly had the utmost compassion for her, and it was this sense in him which melted his heart and well nigh paralysed him with unbearable grief at her death. This by itself, however, could not wholly account for his irrevocable decision not to marry a second time. The kind of marriage his friends and relatives would have forced on him would have been no better than a marriage of convenience. It was, we may hazard the statement, as much a case of once bitten twice shy as of loyalty to a departed memory. A second marriage in the circumstances and the environments of the society in which his destiny was cast could not possibly improve his lot and make him happy. The idea of a married life, as he saw it in retrospect, must have brought on him a mood, such as came to Narasinh Mehta, who on the occasion of his wife's death heaved a sigh of relief at his release from embarrassment, past and present, and declared his re-energised faith and hope in the way of life based on service and sacrifice.

Whatever views Vithalbai may have had of married life as such, it is undoubtedly true that his wife's death made him a Sanyasi in the real sense of the term. He lost all incentive to earn money, his personal life became disorderly and his entire outlook on life underwent a revolutionary change.

The second event which proved a turning point in his career was his own illness at this time, of which by the way he was cured by Dr. Mumford of Anand, and his consequent stay at Nadiad and Anand without any ostensible occupation. During these days he came into very intimate contact with the peasant folk of the district; he came to know their real difficulties, understood their petty problems and felt that his real work lay with the agriculturists. He was always tender and compassionate towards the weak, the poor, the suppressed and the oppressed; and now, he had the vision before him of philan-

thropic work for the masses, to be carried out selflessly. Thus it was that his dream of a lucrative practice at the Bar gave place to the splendid vision of selfless service of the country, and particularly of the poorer and the more oppressed part of the country.

In those days the practice of giving presents or making offerings to the official gods of the District, of vegetables, ghee and such other provisions, was in full swing. Poor agriculturists had to go on foot over long distances for the purpose of offering their oblations to the *Satrap* of the place. One such *Satrap* — the local *Mamlatdar* — was at the time a next-door neighbour of Vithalbhair. Vithalbhair used to spend most of his mornings and evenings in the open yard in front of his house. He had been an eye-witness of this practice on more than one occasion. One day he took upon himself the task of collecting all the articles brought by the farmers as offerings to the *Mamlatdar*. When the *Mamlatdar* returned home in the evening, Vithalbhair asked him, sarcastically, what the size and weight should be of the stuff he was expected to consume. Vithalbhair further asked him if he actually needed and could consume in one day all the stuff left for him by the farmers. The implications of these queries were obvious, and they upset the *Mamlatdar*; but they had the desired effect, because the *Mamlatdar* promised never to encourage such practices thereafter, and begged Vithalbhair to forgive him for all his past sins of this type.

Here may be narrated an episode in Vithalbhair's legal practice which throws light on the peculiar ironical humour he so often indulged in. It was in 1911 that a case was filed in a Baroda court against Narsinhabhai Ishwarbhair Patel, the author of some books, including one, ostensibly, on "Herbal Remedies" but, in fact, on the political situation of the day. He had interested himself all along in nationalistic and progressive political activities. Narsinhabhai Patel hailed from Sojitra and was intimately known to Vithalbhair. From his early days he had interested himself in political and revolutionary activities. Particularly after the Partition of Bengal, he came under the influence of Aurobindo Ghosh, who had inspired some per-

sons in Gujarat to interest themselves in the struggle for freedom. Among those whose imagination was fired by that magnetic personality were Keshavrao Deshpande, Suba of Navasari, Lele (Guru of Aurobindo himself), Mohanlal Pandya and Narsinhabhai. At one time or the other, they had all been the victims of British wrath. Narsinhabhai was a talented and powerful writer. His books were proscribed and he would have been ruined completely by the British Government but for the secret financial help that the Maharaja Sayajirao himself was universally believed to have been giving to such patriots. In fact, Sayajirao is believed to have saved Narsinhabhai's life by helping him to get away to German East Africa.

Narsinhabhai was being tried for sedition. The British Government was represented in the person of the late Khan Bahadur Kavasji Petigara, then an Inspector of Police. Vithalbhai was the defence counsel. Instead of going to the witness box to place his (i.e. The British Government's) views before the court, Petigara started speaking from a chair outside the witness box. Vithalbhai drew the attention of the court to this objectionable procedure in his characteristically humorous manner. Caressing his flowing beard, as was his wont, he blurted out that the gentleman sitting in the chair, presumably some learned lawyer, was interrupting the proceedings of the court in a way that should not have been tolerated. The court roared with laughter at this caustic humour, and Petigara was made to realise the presumption of his action, and forced to walk straight into the witness box. Vithalbhai, it may be added, won this case, as under the Baroda Law, the publisher and not the author of a book was liable to punishment, if any.

By this time, Vithalbhai had decided to ignore legal practice and to take up public work in right earnest. How to do it, and what species of work he should choose as his main occupation were problems he had now to tackle seriously. The *modus operandi* was at least as important as the *idee fixe* he had now arrived at. The ventilating of the grievances of the poor and the down-trodden — particularly of the agriculturists, bringing about the amelioration of their lot, and incidentally helping in the regeneration of the country as a whole, which had

fallen from grace mainly on account of the despotic rule of an alien bureaucracy, were objects worthy of the best brains the country could boast of; and Vithalbai fixed upon these as his goal in life. When one has fixed upon what one has to do, one has to look about for the manner in which one can proceed to it. The lesson he had learnt from Dadabhai Nowrojee, of all-round agitation he now thought of putting to the proof. Speaking on the public platform, writing to the Press and working in the Legislatures have been three of the well-known and time-worn methods of agitation. Vithalbai ultimately used all these methods; but at the time, Vithalbai started his public career only with work in the Legislature. For, with all the opprobrium cast on the Legislature, working in the Legislature, if one could get a chance to do so, was the most effective of these three methods — in fact the other two methods often followed suit. Vithalbai therefore resolved to find a place for himself in the 'Legislative Council of the Governor of Bombay.' This Council was the product of the Morley-Minto conception of the Constitution of India — the conception which, in the words of the Montagu-Chelmsford Report, made the Government of India a benevolent despotism — tempered by a remote but vigilant democracy — which might, as it saw fit for purposes of enlightenment, consult the wishes of the people. The Montagu-Chelmsford Report goes on to say of the Morley-Minto Reforms of 1909: "They admitted the need of increased representation, while reiterating the impossibility of basing it on a direct or general franchise. They admitted the desirability of generally securing non-official approval to the Government Legislation, though they relied, in an emergency, on the support of nominated members and on the division of interests between different classes of elected members. Frankly abandoning the old conception of the Councils as mere legislative committees of the Government, they did much to make them serve the purpose of an inquest into the doings of Government, by conceding the very important rights of discussing administrative matters and of cross-examining Government on its replies to questions." They were certainly an advance upon the Reforms of 1892, though an advance which seemed to terminate in the blind alley of criticism

divorced from responsibility and power. It must be admitted that the popular element in the Councils had no responsibility — no real power. It is a moot point, however, whether this sense of responsibility, which in effect leads those who are invested with it to shape their tactics on the hypothesis that soon enough they may be in power, is always more useful than the freedom to criticise Government measures without the restraint which is bound to make itself felt with the knowledge that the responsibilities of Government will have to be shouldered, if the party in power succumbed to the attack. Popular criticism in such circumstances could undoubtedly be much stronger than in the regime of responsible Government. The functions of the Councils were widened by the Morley-Minto constitution. Their power to discuss the Budget was extended. Members could propose resolutions on matters of public importance, as well as suggest amendments to Government measures and divide the Councils on them. They could ventilate public grievances and elicit information from Government on almost every matter of importance because of the prerogative they had of asking questions and supplementary questions. As Lord Sydenham, who presided over the first enlarged Council under the Morley-Minto constitution, on the 6th January, 1913, said: "A few years ago, a Council composed as is our Council today, would have seemed beyond expectation; but the appetite may grow with eating, and already I note new demands of a radical character." Those demands came, had to be honoured, in however halting a manner, and now India has become a fully self-governing country, perhaps, quite an Independent Sovereign Republic. (We say 'perhaps' because we are still in the British Commonwealth of Nations, and the King of Great Britain is the symbolic head of the Commonwealth. In these circumstances, it is at least doubtful whether we have really attained full sovereignty.) In these days we are apt to forget the conditions that obtained in those days. Whatever shortcomings the Morley-Minto Constitution had, men like Vithalbai could see that under it there were opportunities for a public-spirited man to do his bit for the country, and Vithalbai was quite fascinated by the idea of having a seat in the Bombay Council. In the Imperial Council of the

Governor-General of India, provision was made for an official majority; but the composition of the Provincial Councils which were enlarged up to a maximum limit of 50 'additional' members in the larger provinces and 30 in the smaller, was so arranged that non-officials, including the nominated members had a clear majority over the officials. Care was taken, however, to see that the combined strength of officials and nominated non-officials clearly exceeded the strength of the elected element. The total number of members of the Bombay Council was 48: officials, 8; ex-officios 5; non-officials, 35. The number of elected members in this Council was 21, so that the combined strength of the officials, ex-officios and nominated non-officials exceeded the strength of elected members by 6. It should be remembered, however, that every nominated non-official did not always vote with the Government, and if the policy followed by Lord Sydenham and enunciated by him in his opening speech of the 6th January 1913, viz. "Re-nominations should be exceptional", had in fact and seriously been followed, there should have been no real danger of nominated non-officials always voting with the Government. For men like Vithalbhai, therefore, there was enough scope for defeating the Government on such issues as could attract public attention in an abundant measure. The fly in the ointment was that the final power in all legislative enactments vested not with the Provincial Councils, but with the Central Government and there, provision was duly made for an official majority.

On the whole, therefore, the question before Vithalbhai was not whether he should enter such a Council and whether there was enough scope for him there; on that question he had made up his mind — he had come to the conclusion that he could do some service to the country by entering the Council. The question of questions before him was how to get into it. The Councils of those days were virtually a close preserve of the propertied classes or persons with vested interests. Vithalbhai could not hope to be nominated. He had neither the status nor the temperament necessary for winning the condescending look of a high official, so indispensable to nomination. As for election — the franchise was extremely restricted, and most of the elect-



orates were such as Vithalbai could hardly think of as being favourable to him. There was one electorate, however, which Vithalbai thought he could try. The District Local Boards of the Northern Division of the Presidency could send one representative to the Council, and Vithalbai made up his mind to capture that seat by hook or crook. Yes, by hook or crook, because it was an uphill task. Before he could stand for the Council, he had to be a member of the District Local Board of Kaira, and even before that, of the Taluka Local Board of Borsad. For this purpose he had to have convincing proofs of his being an inhabitant of Borsad with enough property vested in him. One Tulshibhai Gadbaddas Patel, a close personal friend, volunteered to transfer such property to him as could secure for him the right to vote and therefore to contest the election. It is this property that stood him in good stead when he had to fight an election petition later on. He could then say that he had bought in 1910 three houses and a piece of agricultural land in Borsad. Perhaps this was a *binami* transaction, but in law nothing could be said against him as long as his friend Tulshibhai was prepared to relinquish his rights in that property. Anyway this was the first hurdle, and he crossed it successfully. He had planned it well, because, let us remember that at the time of his election to the Borsad Taluka Local Board, no body had raised this question. It came later when he stood for the Council from the District Local Boards.

For Vithalbai, to get elected to the Borsad Taluka Board was an easy affair, but Vithalbai stood for the Taluka Board with the distinct idea of getting on to the Kaira District Board and thence to the Council. Now for getting on to the District Board, he had to have a clear majority for him in the Taluka Board. How he achieved this is shrouded in a small mystery, but it is a fact that the vast majority of the members elected this time to the Borsad Taluka Board were friends of Vithalbai and of his persuasion. The story quite current in that region, even today, is that several of the voters from the villages round about, who came, as usual, on horseback to the polling booth found themselves in a difficulty. Those of them who were unfavourable to Vithalbai and not likely to vote for his friends

found that somebody had set their horses free. Instead of going to the polling booth and exercising their franchise, they had to, and did, go in search of their horses wandering all over the place — leaving in the polling booth only those who were favourable to Vithalbai and his friends. The Taluka Board election took place in the month of September 1911, and the District Board election in the month of November during the same year. Vithalbai's election to the District Board was, as expected, a foregone conclusion.

At the Council election Girdhardas Mangaldas Desai, *alias* Tata Saheb of Nadiad was the rival candidate. Tata Saheb was an influential person, holding an important position in the Patidar community, and having influential relations all over the district. The result here also, however, was a foregone conclusion. Actually Vithalbai secured 28 of the 40 votes polled. Girdhardas filed an election petition asking for the election of Vithalbai being declared null and void. On that petition Government held an inquiry. Some petty officials were punished, but it did not materially affect the validity of the procedure adopted by Vithalbai, as he was found to have taken the route entirely within the four corners of the Law. One Rev. Wilson, a Borsad friend of Vithalbai, evinced great interest in his election, and gave considerable assistance to Vithalbai in the Government Inquiry.

Vithalbai's success at the election disturbed the equanimity and placid conservatism of the propertied classes, as also of the rich and prosperous business men who were fast losing their ground on the political stage of the country. Their conception of political progress hardly went beyond a demand, at some distant date, of some form of Parliamentary Government. The debut of this ploughboy in politics was looked upon by them as sacrilegious. The precincts of the Council Hall were sacrosanct, and should not have, they thought, been soiled by the unceremonious entry therein of this crude peasant — they were reserved and ought to have continued to be reserved for the display of their pomp and glory, their wealth and their own individual and special talent.

The emergence at this time, however, of the professional class of barristers, university professors, Europe-trained doc-

tors and journalists on the political stage had already created a political ferment which gathered up the slowly awakening forces of nationalism. Educated in England and in the European way, in touch with European circles, widely travelled, and in possession of a fair amount of wealth and economic power, they were naturally inclined towards European political ideas and were keen on playing the role of the professional Politician-cum-Agitator. They were proud of being Indians in blood and colour, but English in tastes and opinions. They asked for the widening of the franchise and the broadening and strengthening of the legislatures. They appealed for greater trust in the people and for the repeal of all coercive measures, and they advocated liberty for the people to carry arms. In short, they asked for a replica of the British political system.

These men, in course of time, gathered round them another set of men — men who had never visited England or any other European country, but who had received Western education in the Indian universities, among whom were so many of the so-called 'Discontented B.A.'s. It is worth while noting that one of the hardy annuals among the resolutions of the Indian National Congress, almost from its very inception, was a demand for simultaneous examinations (for the Higher Indian or Imperial services). It was all along felt that the British Steel Frame of the Services was a greater obstruction to the healthy growth of India than the Government, as such, whether in the Provinces or at the Centre. The 'Educated Classes' of India were on the whole well represented in the Indian National Congress. The Congress till 1904 was more or less a mere petitioning body putting forth its so-called demands of 'direct representation to the House of Commons' and 'a further expansion of the Councils in the country, with the right to divide the House on financial matters, the right of veto to the Head of Government being, of course, conceded.' It was in 1905, under the Presidentship of Gopal Krishna Gokhale that the Congress began to speak the language of protests. It was then that the Congress recorded "its earnest and emphatic protest against the repressive measures which have been adopted in Bengal." There can be no doubt that the progress of the Congress from its in-

ception in 1885 to 1905 was one even march based on the firm faith in constitutional agitation and in the unflinching regard for justice attributed to the Englishman. Anand Mohun Bose, who presided over the Congress of 1898, expressed in his presidential speech what the educated classes had been feeling till 1905, when he said: "The Educated Classes are the friends and not the foes of England — her natural and necessary allies in the great work that lies before her". It was the partition of Bengal that changed all this. The anti-partition movement developed into what was popularly known as the National Movement. The 18th of October was the actual day of the partition of Bengal, and it used to be observed for years as a day of mourning. That year, i.e., 1905, Gokhale was the President of the Congress. In his presidential address, he gave wide publicity to the confidential document in which Lytton had written: "I do not hesitate to say that both the Governments of England and India appear to me up to the present moment unable to answer satisfactorily the charge of having taken every means in their power of *breaking to the heart the words of promise they had uttered to the ear.*" And it was in this address that Gokhale justified boycott "as a political weapon to be used only at the last extremity and with strong popular feeling behind it." It was Dadabhai Nowrojee who, in 1906, added the new slogan of 'Swaraj' to the old ones of Swadeshi, Boycott and National Education; but it may be noted, in passing, that the four lines of progress to Self-Government which were embodied in the cardinal Resolution of 1906 were clearly marked out in 1905 by Gokhale. One might say that the 1905 Congress commenced an era of serious protests, as distinguished from the earlier period of petitions, but the 1906 Congress, under Dadabhai Nowrojee, with its demand for Swaraj, proved to be a climax and a turning point; for in the very next year, i.e., in 1907, there was a split in the Congress and the comparatively advanced group, then known as extremists, under the banner of Lokamanya Tilak, went out of the Congress, and the Congress remained a Moderate Congress. There was not much real difference between two groups, because, as Tilak himself said, in his case against Valentine Chirol, he himself was only an

'animated moderate.' And yet the fact remains that the Congress under Gokhale and Pherozeshah Mehta and Wacha could carry on their policy of Co-operation-cum-Opposition, because it had now no obstruction from the extremists of those days whose policy appears to have been of Opposition-cum-Co-operation. It is generally believed that the Morley-Minto reforms were shaped in a large measure by Gokhale himself, and the fact that, on the whole, they were well received by the Congress was perhaps due to this participation of Gokhale in them. This would have been almost impossible if the extremists had continued with the Congress. Of course, Gokhale's job was not an enviable job. He played the role of an intermediary between the people and the Government. Neither party gave him the credit he deserved. The people disparaged his so-called moderation and the Government deprecated what they called his extremism. Gokhale interpreted popular aspirations to the Viceroy (Lord Minto), and the Government's difficulties to the people. Minto said of Gokhale on one occasion in 1907: "I believe he is honest at heart, but the part he has played of late disgusted me." On another occasion, he said of him "One cannot rely upon his absolute good faith." On the other hand the Tilak School of politicians vilified him and ran him down as an ultra-moderate.

If in 1907 the extremists went out of the Congress, in 1908 Tilak himself went to gaol (later transferred to Mandalay). Between 1908 and 1914 (when Tilak was released) there was hardly anybody in the Bombay Presidency equal to challenging the Moderates, though political discontent was growing, by leaps and bounds, throughout the length and breadth of the country. It found expression in acts of violence. In 1908 Kudiram Bose killed the Kennedys at Muzaffarpore, and in 1909 Madan Lal Dhingra murdered Sir Curzon Wylie in London. Soon after came the murder of Jackson, the Collector of Nasik. In fact the cult of violence was openly preached in *Yugantar* and other extremist papers. Gokhale warned Government in the debate on the Seditious Meetings Bill that the younger men were getting out of hand and they, the elders, could not be blamed if they could not control the youth — the Government themselves or rather their repressive measures were responsible for what

was happening. The agitation against the partition of Bengal was ultimately crowned with unqualified success in 1911 in the Royal Proclamation annulling the Partition.

The Morley-Minto constitution actually began to function in 1913, and by this time the general atmosphere in the country had, comparatively speaking, cooled down, and might have become quite normal but for an attempt on the life of Lord Hardinge in 1912, which led to a very rigid and obnoxious control of the press and the consequent demand for the repeal of the Press Act. The moderate Congress was flourishing, and it influenced the Provincial Councils as well as the Imperial Council of the day. In the Imperial Council Gokhale was the outstanding representative of the "starving, shrunken, shrivelled-up ryot, toiling and moiling from dawn to dark to earn his scanty meal, patient, resigned, forbearing beyond measure, entirely voiceless in the parliament of his rulers and meekly prepared to bear whatever burdens God and man might be pleased to impose upon his back." In the Bombay Council it was Pherozeshah Mehta, in one sense the *Guru* of Gokhale, who dominated. For a number of years a real power behind the Congress, Pherozeshah was literally the doyen of the Bombay Council. He never claimed to be a representative of the masses. He was a compatriot — an educated compatriot of the masses, and he held that it was his duty, as such a compatriot, as it was the duty of the Congress too — as he conceived it — to interpret the grievances of the masses and offer suggestions for their redress. Vithalbhai joined the Congress in 1915. It was then the Moderate Congress, though it was soon to be transformed into the United Congress. Though never a *chela* of anybody, in the Council he acknowledged the leadership of Pherozeshah Mehta; and Gokuldas Kahandas Parekh and R. P. Paranjpye were his closest associates. He believed in the type of work which the Moderates had faith in. He slaved at his desk from morn to noon and from noon to night. In the beginning of his career in the Council he occupied the library of the Bombay Presidency Association for six to eight hours a day, studying there the problems which he intended to tackle in the Council. Pherozeshah Mehta had started this Association, and among its mem-

bers there were several eminent public men. The Association maintained an excellent library and provided a restaurant for the use of its members. The rooms of the Association, then situated in the Asquith and Lords Building, opposite the University, were an ideal place for Vithalbhai. He could meet eminent public men there, and in consultation with them, study the problems he had taken up, with a thoroughness which was difficult elsewhere. Later on Vithalbhai shifted to the Secretariat Library where Lord Willingdon made suitable provision for such students of public affairs as Vithalbhai — dissuading him from moving the resolution in this regard which he had tabled. A thorough study of every problem that he tackled in the Council was his forte. It was this trait of his that attracted Pherozeshah to him, and Pherozeshah trusted him, as he would trust nobody else, in the matter of exact and detailed information about every topic of real importance.

To work the Morley-Minto Constitution was a much more difficult proposition than to work the Montford Reforms of a later date. We must remember that the elected element under this constitution was in a minority. The Council was dominated by the officials. Not only were they an unbreakable block, but they could often work on the principle of 'divide and rule', and manage a fair number of non-officials, including even the elected members of the Council. The number of the non-officials was not large and they were disorganised and very often indifferent. Vithalbhai realised that unless steps were taken to organise the non-officials, it was well nigh impossible for him or any other non-official to create any impression on the Government. He, therefore, set about persuading the non-officials to form an Association of Non-officials for the purpose of considering the questions that appeared on the agenda with a view to adopting, if possible, some uniform policy in the interests of the public. Vithalbhai's efforts were crowned with success. The Association was formed. Membership fee was fixed at Rs. 75. Mr. A. V. Thakkar was persuaded to act as the Secretary, and Mr. Bhende, then a college student and Secretary of the Bombay Presidency Association, was saddled with the duties of the Assistant Secretary. In fact, Mr. Bhende acted more or less as per-

sonal Secretary to Vithalbai, and proved a tower of strength to him in personal as well as public affairs. So useful proved the work of this Association that some of the nominated members also began to vote with the elected members. Carmichael, a member of the Governor's Executive Council, told them that if they persisted in voting with the elected members, they would not be renominated. The threat was of no avail. It was thus found that there was always a chance even under the Morley-Minto Constitution for a success of the popular side.

Vithalbai is thus seen starting his political career as a constructive statesman who would make the best of the circumstances whatever they may be. His training as a lawyer certainly stood him in good stead.. The law has always dominated the British system of Government, and it was only to be expected that the lawyer in Vithalbai would find ample scope in his new role. Another and a more important thing about Vithalbai that we have to emphasise here is that he had made politics a whole time job; and in this respect he has to be sharply distinguished from many of his then associates in the Moderate Camp with whom politics was only a second love and who can be truly described as arm-chair politicians.

The period between 1905 and 1915 was a period of acute unrest outside the Councils and outside the Congress. The cleavage between the Moderates and the Extremists since the fiasco of 1907 was almost complete. Lal-Bal-Pal, i.e., Lala Lajpatrai, Bal Gangadhar Tilak and Bepin Chandra Pal were the idols of the populace. They had no place either in the Councils or in the Congress. They were branded as extremists and persecuted by the Government. We may add one more name to this celebrated trio — that of Babu Aurobindo Ghosh. Aurobindo's genius, however, shot up only like a meteor. He was on the high skies only for a time. Those were the men the masses adored and the Government persecuted. In the first phase of his political career, Vithalbai was not with them. He distinctly belonged to the other camp, the Camp of Pherozeshah and Gokhale — the camp rejected by the masses as ultra-moderate, but plodding their weary way in the strictly constitutional manner towards the attainment of a reasonable modicum of self-govern-



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ment. Vithalbai continued to be a moderate during almost the whole of his membership of the Bombay Council.





**The Hon'ble Mr. V. J. Patel**

## *Chapter Four*

### THE HON'BLE MR. V. J. PATEL

ON the 6th of January, 1913, Vithalbai 'made' the prescribed oath of allegiance to His Majesty the King Emperor and took his seat in the 'Legislative Council of the Governor of Bombay, assembled under the provisions of the Indian Councils Acts, 1861 to 1909'. This was the first meeting of the new enlarged Bombay Council under the Morley and Minto Scheme of 1909, and among Vithalbai's colleagues were such stalwarts as Pherozechah Mehta, Gokuldas Kahandas Parekh, Ibrahim Rahimtulla, Lallubhai Samaldas, Chimanlal Setalvad and R. P. Paranjpye. Pherozechah was the unquestioned leader of the popular party and the Father of the Council by virtue of the length and distinction of his association with it. Prabhashankar Pattani was the only Indian member of the Executive Council. Vithalbai's entry into the Provincial Legislative Council was undoubtedly an important event in his life and it marks the beginning of his political career. 'Barrister Vithalbai', as he was then known among his friends and admirers, must have experienced a thrill of satisfaction in his being designated the Hon'ble Mr. V. J. Patel at a time when the number of 'Hon'bles' was so limited.

Vithalbai did not start quite so well in his Council career as one might have expected he would, from the success he had achieved as a lawyer. He took no part whatever in the debates of his first session, held on the 6th and the 7th of January, and he voted with the Government, against the adjournment of the first reading of the Land Revenue Code Amendment Bill. In the second session of 1913, which began on the 13th of March, he voted against the Government, and in favour of the adjournment of the second reading of the same Bill, but did not take any part in the debate on the adjournment. When the adjournment failed and the second reading was taken up, he made a

short speech, pointed out certain defects of the Bill in his observations, but supported the second reading. And when the second reading was carried and the Bill began to be considered clause by clause, his was the first considerable amendment — that about the road-side trees. Vithalbai virtually carried his point here — the compromise suggested by the Vice-President being accepted by Vithalbai — the principle accepted being that in whatever authority the road vested, in that same authority the trees should vest. He then spoke on Parekh's amendments to one of the clauses of the Bill, but as he had his own amendments also to that clause, it could not be clear whether he was speaking to his own amendments to the clause or to Parekh's, and he was told by the Vice-President to restrict himself to Parekh's amendments, if he cared to speak to his own amendments later on. This was on the 13th of March. On the 14th, after Parekh's amendments were lost, Vithalbai could move his own amendments if he would. The Governor-President asked him whether in spite of the discussion he had heard on Parekh's amendments he still wished to persist in pressing his amendments. Vithalbai was certainly a little confused at this time. He said that in view of the fate of Parekh's amendments he would withdraw the second of his amendments, and he began to read that amendment. At this stage, Sir Richard Lamb blurted out:—"If the Hon'ble member will raise his head when he is speaking, it will enable us to hear him better." Vithalbai was inaudible, he was confused, he was reading from the papers he had in his hand, and it was clear that he was not yet acclimatised to the atmosphere of the Council. The fact is that, though Vithalbai had won his laurels in the courts of law, he had not yet attained any eminence as a platform speaker. It may be worth while to refer here to an occasion when Vithalbai was called upon to speak on the public platform. In this same year — i.e., 1913, there were a number of public meetings in Bombay on the South African question. Gandhi-Smuts agreement was then in the air. A huge meeting was held in the Town Hall. The meeting commenced with the Maharaja Sayajirao Gaikwad in the chair. After his inaugural speech the Maharaja left the hall, and the

meeting was presided over by Pherozeshah Mehta. There was a large number of speakers and it was getting late. Pherozeshah was asking the speakers whose names were on the agenda to come one after another, and to hold forth. Vithalbhair was one of the speakers, and when Pherozeshah called on him in his stentorian voice, and said V. J. Patel, Vithalbhair took quite five minutes at least to thread his way through the large gathering on the dais to come to the President's table. At last he was there and he had quite a large bundle of papers with him. Vithalbhair appeared to be looking into his papers, when Pherozeshah shouted: 'I take it that Mr. Patel has read his speech,' and called on the next speaker. Vithalbhair, without a single word spoken by him, went back to his place. It appears Pherozeshah knew Vithalbhair's ways. He had seen him speaking in the Council, and particularly when he saw that Vithalbhair had in his hands a large bundle of papers, he saw that they were now in for a lengthy — if not quite a tiresome — speech, which the then impatient audience might not tolerate. Of course Pherozeshah alone could take such liberty with Vithalbhair. Vithalbhair was almost his protégé at this time, and they understood each other. As a matter of fact, Pherozeshah was an autocrat and the uncrowned King of Bombay. (The next speaker on this occasion was N. C. Kelkar, and it was a sight to see Kelkar coming to the President's table. He came and with his walking-stick behind him to support his waist, said "I have only one word — rather one sentence to say" and the sentence he uttered was "Lord Ampthill was the one beacon-light in the ocean of British ignorance; he was the only oasis in the desert of British ignorance", and with that he resumed his seat. He was visibly trembling when he uttered this sentence.) The fact appears to be that Pherozeshah knew his man — knew that Vithalbhair was a painstaking and industrious worker and very useful in the study and understanding of political problems, but that on the public platform he would not be quite a success just then. He was a good committee man, a skilful debater. Contemporaries tell us how he won admiration from everybody by his indomitable energy, his strict punctuality, his precision in facts and figures, his insight into finance and his general affability. Extraordi-

narily active, attentive to everything about him, with a thorough understanding of the men he had to deal with, and staunch to the principles and the causes he had made his own, he succeeded by dint of hard and unremitting work and by his studious habits, in winning over to him, within a very short time, the hearts not only of his colleagues, but also of the whole intelligentsia of the Presidency. The Secretariat Library was his favourite resort, after he moved there from the Bombay Presidency Association's Rooms, and his habit of absorbing himself completely and for hours together in the study of Blue Books had become almost a legend. Pherozechah had marked him out as a force to reckon with, and spoke very highly of him, while pressing an unwilling Government to accept his name on the Select Committee of the Gujarat Talukdars Bill.

There were three methods by which the additional members of the Council could influence the Government of those days. They could ask questions and supplementary questions; they could discuss, and propose amendments to, Government Bills; and they could move Resolutions or introduce Private Bills on matters of general public interest. Vithalbhai adopted all the three methods open to him. But he excelled in the art of asking questions. He made quite a fine art of this method. Questions were asked for the purpose of ventilating grievances, exposing abuses, eliciting information, invoking remedial measures, and calling for the declaration of policy or the classification of principles. Vithalbhai accomplished very important results through the instrumentality of this power of asking questions, judicious and careful use of which paved the way for his resolutions on matters of public interest, and his most important legislative achievement, viz., the Act to provide for the extension of Primary Education, owes its success primarily to the application of this technique. The questions put down by Vithalbhai ranged over the whole field of Provincial administration — embracing law and justice, revenue, education, excise, medicine, local Government and several other matters of public interest — not one public grievance of any importance and not one case of gross injustice escaped the eagle-eyed attention of Vithalbhai. He kept an observant eye on all cases of differentiation in favour

of Europeans, whether they were practising barristers or Government officials or doctors or private individuals. One of his questions was about the cases of assault on two respectable Indians by Englishmen — one of whom was one Captain Jones — and he asked what steps were contemplated by Government in order to mark their disapproval of such conduct on the part of Europeans towards Indians. The Government was humbled, but was shameless, and the reply was: "such cases were reprehended by all communities, but they were very rare, and no general orders were called for." The alleged pressure brought upon the Talukdars of Gujarat by officers of Government, with a view to forcing them to sign a representation in favour of the Talukdars Bill, brought in by the Government and stoutly opposed by the non-officials, was the subject of one of those questions which exposed the extravagant claims of officialdom. But the question of questions was which asked Government whether the principle of nomination for one term only, enunciated by Lord Sydenham — the then Governor-President — while inaugurating the new enlarged Council on the 6th of January 1913 — was to be applied to the Bombay Corporation and the University Senate. Government had not nominated for the second time such of the non-official members as had not shown a disposition to toe the line with the Government. Lord Sydenham had justified his action by the enunciation of the principle that re-nominations should be as widely distributed as possible.

During the year 1913, there were only four sessions of the Council, the first occupying two days, the 6th and the 7th of January, the second, occupying four days, the 13th, 14th, 15th and 17th of March — both these sessions with Lord Sydenham as the President, the third, occupying three days, the 28th, 29th and 30th of July, and the fourth, occupying three days, the 16th, 17th and 18th of December — both these latter with Lord Willingdon as the President — the total number of days during which the Council sat coming up to twelve only. A very large amount of Government business was transacted in those days — Government trying all along to go with break-neck speed and impatient of delay. Anybody who has kept himself abreast of the Bombay Legislatures of today will realise that this state of



things obtains wherever the Government is confident of a thumping majority for them. The Executive feels that they have given all the attention that the business which they bring before the Legislatures deserves, and they are impatient of any criticism from the other side — they are tempted to look upon all criticism as so much meaningless obstruction. The Governments of both Lord Sydenham and Lord Willingdon were hasty, but at this distance of time and with the experience we have of Balasaheb Kher's and Morarji Desai's Councils, we have to admit that the Executive of those days was no more hasty than the Executive of today — if anything they were less hasty than our Executive of today and more patient!

The most controversial of the Government Bills of 1913 were (1) the Bombay Land Revenue Code Amendment Bill and (2) the Gujarat Talukdars Act Amendment Bill; and Vithalbhai played a very important role in the debates on both these Bills. He made a number of speeches and proposed a number of Amendments. It is worth noticing that he did not speak on any other Government Bill of the year. The fact is he never meddled with subjects which he had not mastered. The two Bills, on which he spoke, he had studied with meticulous care, and he pounced on every little flaw he found in them — suggesting amendments and accepting compromises wherever he virtually gained his point.

In regard to the Bombay Land Revenue Code Amendment Bill, we find that a battle royal was fought — not so much on the contents of the Bill — not that there was no battle fought on the contents — only, that battle was a comparatively small affair — the main battle was fought on the move of the non-officials to secure a postponement of the consideration of that Bill. The first reading was opposed tooth and nail — Vithalbhai took no part in the discussion and voted for the first reading, with the Government, and helped the Government to pass the first reading. When the Bill came up for the second reading, with the report of the Select Committee on it, the popular side once more fought their best against it. This time also Vithalbhai took no part in the discussion, but he silently voted against the Government, and with the popular side —

of course the popular side could not succeed, and the Bill was read a second time. Why the popular side wanted postponement of the consideration of the Bill, one can easily see. They did not like the Bill — it was going to add to the revenue of the Government and to that extent getting more money from the people whom they befriended. They had no hopes of throwing out the Bill, and they thought that the more time they got the stronger and stiffer would the opposition be, with public pressure against the increase in the revenue which the Government contemplated. The High Court having interpreted the word 'appropriate' as indicating diversion for *permanent* and not *temporary* use had helped the public in preventing Government from getting the additional revenue they contemplated and which they had been getting in actual practice. The Government now wanted to substitute the word 'use' for the word 'appropriate' and thus virtually validate what they had been doing. When the popular side fought for the postponement, they did not labour this point so much — that came when the Bill came up for consideration, clause by clause, after the second reading. The Bill was a bulky affair — it was a comprehensive Bill, containing 94 clauses, and the popular side contended that they must have enough time to consider it, and the public outside too must have time to consider it. The contention of the Government was that there was hardly anything new in the Bill, that they were only putting into the code what had actually been obtaining, and though the High Court had ruled that 'appropriation' could not mean 'use,' the original framers of the Act had not intended to distinguish 'appropriation' from 'use'. What the Government did not see, and where the popular side was quite right was this — that in a comprehensive legislation like this, which consolidated several Acts it was necessary to weigh every word, to consider every definition with scrupulous care — questions of definitions, of terms like 'occupants, superior holders, inferior holders and tenants' bristle with all sorts of difficulties, and that it was no use saying that the revenue officers had done their job and considered everything quite critically — that it was really the job of the members of the Council to examine and to consider these questions for themselves

before pronouncing their judgment on them, and for that they must have sufficient time. The first reading was sought to be postponed on another and a technical ground viz.: that the requirement of 18 days' notice prior to the motion for the first reading had not been complied with, for though the Bill was published in the Gazette and despatched to members of the Council more than 18 days prior to the motion for the first reading of the Bill, it had not reached every member of the Council 18 days before the meeting — in fact some members of the new Council were nominated as late as the 29th of December and they could not have received it 18 days before the meeting. The Government, however, were within the four corners of the law, as their responsibility ended with the despatch of the notice, 18 clear days before the meeting to those that were members of the Council at that time. It was not their business to see whether it reached every member. Vithalbhais vote in favour of the Government at that time was probably due, in part at least, to the fact that he felt that Government were within the four corners of the law. He revelled in such ticklish situations. However that be, it does sound queer that the man who hardly ever, in the whole of his career, went into the Government lobby, cast his first vote in favour of the Government, and against Pherozechah Mehta, Gokuldas Kahandas Parekh, R. P. Paranjpye and Chimanlal Setalvad.

In the clause-by-clause consideration of the Bill, after it had gone through the second reading, Vithalbhais won his point in one or two small matters. We have already seen how the compromise suggested by Government in respect of the roadside trees was a virtual success for him.. In respect of his amendment that interest should not be charged on suspended revenue he was told that suspended revenue was not arrears and therefore would not be charged interest. On the main issue, however, neither Vithalbhais nor any of his colleagues had any chance of success. Government was not prepared to forego the additional revenue they had contemplated. They stoutly refused to accept any compromise on the question of their power to increase the non-agricultural assessment from time to time according to the 'use' to which the land was put, They

were not prepared to accept the situation to which they were driven by the High Court. Carmichael argued that though the High Court had ruled that 'appropriated' meant permanently allocated, and that an additional tax on land which remained permanently allocated to agricultural purposes, but used temporarily for non-agricultural purposes was unlawful, it did not follow that it was unjust or inequitable. Curtis contended that the State as supreme landlord was entitled to a definite percentage of the profit accruing from land, if the land brought additional profit to the occupant of the land. The wording of the Bill in this respect was very vague and it was possible to construe it in such a way that even a strictly temporary and only a slight diversion of the land for the other uses could make the occupant of the land liable to additional assessment. The Governor-President gave an oral assurance that such an abuse of the Act would not occur. Vithalbai then tried another method. He contended that when an occupant of the land has paid a fine under Act I of 1865 for appropriating any agricultural land for non-agricultural purposes, he must be deemed to have entered into a contract with the Government, and it was not equitable for the Government to break that contract. The Act of 1865 did not differentiate between one kind of agricultural use and another. The occupant of the land was entitled to change the use of the land from, say, brick-making to building — and it was not open to Government to demand altered assessment — the occupant of the land was within the four corners of the contract. The Government could hardly swallow this. The unearned increment in this case was much too large for the Government to forego, and the Governor-President gave vent to his feelings when he said that the persons for whom Patel and Parekh had pleaded were much more likely to excite envy than to arouse pity.

Another amendment of Vithalbai — which on the face of it seems very reasonable — was also thrown out, unceremoniously, without any substantial argument against it. The amendment asked for a proviso being added to paragraph 2 of Section 65 of the Act. This was the proviso:—"Provided that once the Collector's permission has been obtained for a non-

agricultural use *other than building*, no further permission shall be needed for any variation thereof." Sir Richard Lamb considered the amendment 'to be entirely *superfluous*' and therefore did not recommend it for acceptance. Curtis said that "the ordinary ryot does not put his land to different uses three or four times a year," and added: "the ordinary ryot does not part his land to non-agricultural purposes at all", and the Governor-President observed: "If I thought that this amendment would prevent a grievance, I should support it", but added at the end "I really do not think, as the Hon'ble Mr. Curtis has pointed out, that any hardship is involved in getting the permission of the Collector." What colossal ignorance this! What pathetic faith in official discretion and official reasonableness! And these were the men who claimed to be the custodians of the interests of the masses!

The other controversial Bill of 1913 — one in which Vithalbhai, along with Parekh, took a very keen interest was the Bill to amend and consolidate the Law relating to the Talukdars of Gujarat. It was a measure of local application and parochial importance, but on account of the value attached in society to the class of persons affected, it aroused a lively interest and gave rise to a keen debate on the floor of the Council. Along with Parekh, on account of his intimate and inside knowledge of the conditions of the Talukdars and of the practical working of the Gujarat Talukdars Act then in force, Vithalbhai took a leading part in the organising of an opposition to the official Bill in the Council and outside the Council. So effective did the opposition prove that the Bill ultimately fizzled out — an exceptional instance in the Morly-Minto Council of a strongly supported official Bill coming to naught before the onslaught of popular and non-official opinion.

In moving the first reading of the Bill on the 7th of January, Sir Richard Lamb, the member in charge, took for granted that the Talukdars formed 'a body of landholders who held on a peculiar tenure and whom it is desirable in the public interests to preserve from falling into decay; and that for the purposes of dealing with the peculiar status and tenure and of saving the estates from disintegration special provisions are

necessary.' "Let us take", he added, "the children (of these Talukdars) and teach and train them, so that they may be able themselves to preserve the estates which their forefathers won and kept under conditions widely different from those that now obtain, and which their immediate progenitors have not the skill to retain unaided in this age of peace and law." The broad principles of the Bill were (1) that special provisions for dealing with Talukdars were necessary, and (2) that the Act containing these provisions needed re-examination and a consolidation with other Acts on the same subject. The main aim of the Government was to increase the powers of the Talukdari Settlement Officer — in effect, to make him a benevolent autocrat, working under the Commissioner, but almost independently of the civil courts, with powers to save the Talukdars against themselves — giving their children compulsory education out of their own funds, preventing them from engaging themselves in complicated litigation, and in general attempting to save them from exploiters and from financial ruin. The objects themselves look laudable on the surface, but whether it was safer for the Talukdars to go entirely into the hands of an autocrat, who may occasionally prove benevolent, than to put more trust in the ordinary law of the land and to accept the decisions of the Law Courts was a question that admitted a wide difference of opinion. The opposition that came to the Bill from certain Talukdars was looked upon by Government as engineered, and on the other hand, the people were not sure that Government was altogether above suspicion in this affair. The story told by Sir Richard Lamb of how he himself dealt with the Talukdars who desired to be received in deputation, though accepted as true by the Council out of politeness, shows how callous he himself was in this affair. By some misfortune, the envelope containing the date and the time on which he undertook to meet them went out, he said, with only the name of the person to whom it was intended to be delivered, but without any address. That letter was returned from the Dead Letter Office. Another date was fixed, as a consequence. But he forgot to put it down on his list of engagements, with the result that the deputation arrived at the Secretariat and there was no one to receive

them. The deputation had to wait one or two days more in Bombay until a second appointment could be made with them. When they waited on him next, on the newly appointed day, Sir Richard discovered that none of the deputationists knew English and they had not brought an interpreter with them. Instead of asking some member of the Secretariat acquainted with Gujarati to act as an interpreter Sir Richard thought it better to ask them to go back and come again another time with their own interpreter. Now, who will believe, with all this concatenation before him, that Sir Richard had any sympathy for the Talukdars and that he looked upon that class as a class deserving any special privileges? If Sir Richard himself gave them this treatment, what treatment could the Talukdars expect at the hands of the Talukdari Settlement Officer? The main *casus belli* between Vithalbhair Patel and Gokuldas Parekh on one side and the Government on the other was the extent of the powers to be given to the Talukdari Settlement Officer.

As with the Land Revenue Bill, here also there was a complaint that the Bill was being rushed through. On this occasion the Government yielded to non-official pressure and postponed the first reading of the Bill to the next, i.e., the March session 'on the distinct understanding that the first reading will then be carried and that the Select Committee will be appointed and will get to work at once and get out its report by the 1st of May.' At the conclusion of his opening speech, Sir Richard Lamb, the member in charge of the Bill had announced the personnel of the Select Committee, and Vithalbhair's name was among them. One wonders whether Vithalbhair had earned this distinction by virtue of his first vote being cast with the Government, because when in the next, i.e., the March Session the Bill was read for the first time and the personnel of the Select Committee was again announced, Vithalbhair's place was taken up by Barrow. Nobody had asked Sir Richard why he dropped Vithalbhair, but he thought he had to give an explanation. And what was that explanation? "On the occasion of my moving the first reading of this Bill, I mentioned *some* names of the Committee (he had given the full list, though) to whom I then contemplated that the Bill should

be referred, but that of course referred to the then existing condition *which was that the Bill should be read at that meeting for the first time and should be taken up by the Select Committee before this meeting.* I am not therefore bound to the exact list of names which I then gave." Was this any explanation at all? It is worth noticing that Vithalbhai had prefaced his speech on this Bill with this remark: "Since my name was mentioned by the Hon'ble Mover of this Bill on the Select Committee, I have been studying the Talukdars' question very carefully." So Sir Richard should have realised that he had put Vithalbhai to some additional trouble by including his name on the Select Committee,— also that in Vithalbhai he had a man who had studied the question. The reason why he was dropped is quite obvious. Government wanted to push the Bill through — they did not care to make it flawless.

Vithalbhai's speech on this Bill was lengthy, but not more lengthy than Parekh's and Government was showing impatience at both these speeches. The Governor-President asked Parekh to 'resume his seat' and Vithalbhai to 'retain his seat' before either of them had finished. Vithalbhai had come to the Council on the 15th of March thoroughly prepared, and he had 'about 40 objections to the various clauses of this Bill'— each involving a new principle. He had studied Colonel Walker's report, Mountstuart Elphinstone's minute written in 1824, Sir J. B. Peile's report and Mr. Robertson's report. He had compared Act VI of 1862 and Act VI of 1888 with the provisions of this Bill, and had also seen Acts 71, 77 and 81 relating to Talukdars of Kaira and Broach. He had gone through the provisions of this Bill 'word by word and read them through and through, not once, twice or thrice, but several times', and he came to the conclusion that the Bill, as proposed, instead of doing any good to those for whom it was intended, was likely to bring about the most disastrous consequences. Vithalbhai then went on setting forth one by one his objections to the Bill. He contended that it was unwholesome in law and against the interests of the Talukdars themselves to make the withdrawal of suits between Talukdars, in the matter of partition and succession from the jurisdiction of the civil courts, and subject them to



the adjudication of an executive officer like the Talukdari Settlement Officer, even for the purpose of saving the Talukdars from ruinous litigation. Where the stakes involved were great and the legal issues complicated, an executive officer 'not always of a judicial frame of mind nor always acquainted with law' was not a person fit to be entrusted with the power of final disposal. He objected to the tremendous powers proposed to be handed over to the Talukdari Settlement Officer under the various clauses of the Bill. "He is already the Civil Court. Then again he is made the Court of Wards. It is he who is to decide what is a suitable provision for education for the Talukdars." For the Talukdari Settlement Officer to be invested with the powers which the Talukdar himself did not possess was, Vithal-bhai submitted, fraught with grievous consequences. To give powers to the Talukdari Settlement Officer to take possession of minors, whether males or females, if the Talukdar did not make sufficient provision for their education, and to send them away from their homes according to his own sweet will, was going too far. The gravamen of the objections against the Bill was that it made the Talukdar a dummy in the hands of the Talukdari Settlement Officer and that, because the public, including the Talukdars, had undoubtedly more trust in the Judiciary than in the Executive, it was not right to remove the control of the Judiciary and make the Executive too powerful. When Vithalbai had worked down to his twelfth objection, the patience of Government was exhausted and Mr. Barrow, who later replaced Vithalbai on the Select Committee, raised a point of order. "Is the Hon'ble Member in order in taking this Council through this Bill clause by clause at this stage?" he asked, and the Governor-President asked Vithalbai 'to bring his speech to a rapid conclusion and not to go on criticising the Bill clause by clause'. It is interesting to note that Sir Richard Lamb, the member in charge, in his opening speech on the first reading had said, "It may be convenient if I take the clauses of the Bill in their serial order and indicate briefly the changes that are introduced." Vithalbai was doing nothing more than criticising what he thought was a new principle introduced in clause after clause. We may also notice that Barrow, who rais-

ed this point of order, himself intended, when his turn came, to go into some details; but as he had raised this point of order, apart from his accepting the advice and explanation given by the Governor-President about 'what is and what is not in order in a debate on the first reading', he 'cut down some few of the remarks which I (he) had proposed to offer.' After the President's direction to bring his speech to a rapid conclusion', Vithalbai left off the remaining of his 40 objections, and passed on to what he thought were 'general observations'. In the course of these observations he spoke about the local officers having tried, from time to time, to increase the *Jama*. Mr. Barrow stood up again and said, "May I again rise to a point of order? The question as to whether the *Jama* is to be increased or decreased is not before the Council." And the President asked Vithalbai 'to retain his seat.'

Different people have different conceptions of what are general principles and what are details. But it is difficult to understand how principles can be discussed without any reference to the clauses in which they are embedded. The mover of the first reading of the Bill himself, as we have seen, referred to the clauses *seriatim*. As the Council sessions of those days were very short — we may remember, the total number of days on which the Council sat in 1913 came up to 12 only — the Governor-President was never weary of enjoining economy of speech. According to the established parliamentary practice, one of the functions of the Chair is to afford protection to the members against administrative tyranny, but administrative heads occupying the chair could hardly be expected to rise to the requisite level of detachment and self-effacement — with the result that crimes against the very spirit of democracy have been committed in the name of parliamentary procedure by vested interests and prestige-ridden officialdom occupying the chair which ought to be considered the very sacred throne of democracy.

In spite of the violent opposition of Vithalbai and Parekh the Bill went through the first reading, and the Select Committee was announced. As we have seen, Vithalbai's name was dropped to make room for Barrow.

Time, however, had its sweet revenge! The monsoon session opened at Poona on the 28th of July. The Gujarat Talukdar's Bill figured on the agenda, but not for the second reading. Sir Richard rose to move the postponement of the second reading. The Bill as revised by the Select Committee was forwarded to the Government of India, and their approval was being awaited. It was necessary for the Government of India to pass a Validating Act, in order to sanction the curtailment of the jurisdiction of the High Court as contemplated in the Bill. Sir Richard, therefore, proposed that the second reading be postponed and the Bill be recommended to the Select Committee for the consideration of the amendments, if any, consequent upon the instructions of the Government of India and also of the large number of amendments of which notice had been given by several of the non-official members. And it was then that Pheroze-shah suggested that the Select Committee 'might be somewhat strengthened.' He said that it was a general feeling (and many members had expressed it) that it was desirable to have one or two additions. He suggested the names of Setalvad and Vithalbhai. The suggestion was supported by Paranjpye and Upasani. Upasani was the most explicit of them all. What he said was this: "I think the Hon'ble Mr. Patel's name was first proposed to be included in the Select Committee, and then it was kept back when he opposed the first reading of the Bill. This was hardly fair and as he has studied the Bill thoroughly I should prefer that his name should be on the Committee." Sir Richard Lamb said that he did not think that it would be fit on his part to oppose a strongly expressed opinion on the part of the members of the Council and accepted the names of Vithalbhai and Setalvad, but, as if to make up for the weight of addition to the non-official element, he digested his aversion to large committees and included Carmichael also into the Committee, thus bringing the number to 12.

The Bill followed a very chequered and zigzag course. It was initially pressed by Government as a very necessary and beneficial measure and every attempt was made to rush it through the Council. But this is the last we hear of this Bill, since, for occult reasons it appears to have been quietly dropped.

Maybe, the Government of India, influenced by the sound reasoning of the non-official opposition, rammed in the last nail on the coffin of the Bill by refusing to authorise the Bombay Government to override the jurisdiction of the High Court — a point so ably emphasised by Vithalbhai during the debate.

So far we have seen Vithalbhai utilizing two of the three methods by which the members of the Council could influence the Government under the Morley-Minto Constitution. We have now to see how he employed the third method also. During 1913 he did not introduce any private Bill, but he gave notice of two Resolutions and took part in the debate on one Resolution introduced by another member. He participated in Diwan Bahadur Godbole's Resolution on Reduction of interest on *Tagan* loans, but his part in that debate was confined to supporting Parekh's amendment to it asking for the appointment of a Committee to investigate that question. Nothing came out of it, as Parekh himself withdrew his amendment. Of the two Resolutions of which he had given notice — that on the 'appointment of a Committee to enquire and report on Bank failures' he withdrew before any discussion could take place on it. The other — that on the 'introduction of Legislative measures in the Council prior to the announcement in the Bombay Government Gazette' he moved on the 17th of December. The Resolution he moved was:

"That this Council recommends to His Excellency the Governor in Council that, except under special and extraordinary circumstances, no important legislative measure be introduced in the Council, unless the same is announced in the Government Gazette three months prior to its introduction."

In moving the resolution Vithalbhai was indirectly criticising the attitude of the Executive in getting legislation passed with breakneck speed and, in particular, this facet of their attitude in respect of the two Bills in the debates on which he had taken such a prominent part. As he was animadverting on the executive's attitude in respect of these bills, his old friend, Barrow, who, by raising his points of order, had prevented Vithalbhai from expressing himself fully on the Gujarat Talukdars Act Amendment Bill, in the times of Lord Sydenham, rose on a

point of order, and asked whether Vithalbai was in order in entering in detail into the whole legislation of that year. Lord Willingdon, who was the Governor-President now gave a proper snub to Barrow and said: "I do not think the Hon'ble Member is out of order." Sir Richard Lamb, when his turn came, put up a proper defence of the actions of Government in the past when he said that a motion for the postponement of the consideration of a Bill, when that Bill is of sufficient importance and complexity, is sometimes accepted by the member in charge of the Bill — as he did in respect of the Bombay Abkari Act Amendment Bill — and when he does not do it himself, it is open to the Council as a whole to accept it, in spite of the opinion of the Member-in-charge — the nominated members being free to vote against the Government. It appears from the debate however that the consensus of opinion in the House was that Vithalbai's complaint was fully justified, but that the method suggested by him would not serve the purpose he had in view. Pherozeshah laid his finger on the weak point in Vithalbai's Resolution when he pointed out that 'except under special and extraordinary circumstances' was capable of a variety of interpretations, and left a loophole which, from his experience in the Bombay Municipality, he would say, might nullify the whole object of that Resolution. He said he 'was somewhat amused at the ingenuity (did he mean ingenuousness?) which Vithalbai had displayed in the wording of that Resolution.' He went on to say that Vithalbai had misconceived the remedy for the evils about which he had complained. He suggested that the course which was followed in regard to the Town-Planning Bill, 'namely that the speech on the first reading should be made and the debate postponed' was a very good one. He asked Vithalbai to withdraw his Resolution and 'leave it to the free spirit which has animated His Excellency (Lord Willingdon) and the members of this Council to follow the course which they have now set, on all proper occasions as the proper course to be followed'. Sir Richard, in effect, accepted the suggestion of Pherozeshah on behalf of the Government and said: "There shall be given to Honourable Members, in the case of all important legislation, sufficient time to consider the provisions of

the Bills that are laid before the Council." Of course he could not avoid the temptation of saving the prestige of the Government and therefore said that this procedure, as Pherozeshah claimed, was not quite new, and he referred to that procedure having been adopted by him when he introduced the Bombay Abkari Amendment Bill. Vithalbhai had won his points. The actual Resolution had not much value. He wanted to taunt Government with having gone with break-neck speed in the past, and to see that in future they gave sufficient time to members for the consideration of Government Bills. He won on both these points, for while Government now promised to give to the members the time they required, Sir Richard's defence of the past actions of the Government and attempt to save their prestige fell quite flat. The insinuation of Pherozeshah that with the departure of Lord Sydenham things had changed in the Council made a more stable impression on the minds of the honourable Members.

## *Chapter Five*

### 'MUNICIPAL' AND 'TOWN-PLANNING' BILLS

THE two most controversial Bills of the 1914 sessions of the Bombay Council in which Vithalbhai took a very prominent part were 'The Bombay District Municipal Act Amendment Bill' and 'The Town Planning Bill'. Of these 'The Town Planning Bill' — or to give its fuller title: 'A Bill to provide for the making and execution of Town Planning Schemes' was first 'introduced' in December 1913, but 'out of deference to suggestions received', the motion of the first reading of it was postponed to the March session of 1914. It was actually moved on the 14th of March. The Bombay District Municipal Act Amendment Bill was moved on the 17th of March, read a first time on the 18th (the Select Committee being appointed the same day) and read a second and third time between the 28th and the 30th of July. The Town Planning Bill was read a first time on the 14th of March (the Select Committee being appointed the same day), read a second time on the 8th of December and a third time on the 9th of December. The other Bills of the year in which Vithalbhai took some interest were: (i) 'The Bombay Land Revenue Code Amendment Bill' (this is not the Bill we have dealt with in the preceding chapter; this was a short Bill containing only three clauses; and Vithalbhai's part in it was confined to the strong support he gave to Belvi's motion for the postponement of the consideration of that Bill in view of the fact that the vernacular translations of the Bill had not been published till only two days before its introduction in the House); (ii) 'The Bombay Port Trust Amendment Bill' (where Vithalbhai's part was confined to his lending support to the amendments of Manmohandas Ramji and Ibrahim Rahimtulla. Manmohandas Ramji's amendment was for converting three nominations on the Port Trust into three elections and including 'the Indian Merchants' Chamber' among the bodies of Indian Mer-

## 'MUNICIPAL' & 'TOWN-PLANNING' BILLS

chants from which these members were selected. In speaking in support of this amendment Vithalbhai had suggested that the Bill ought to be referred to a Select Committee. Government had contended that it was a simple and non-contentious Bill and its reference to a Select Committee was unnecessary. Later on in the debate, after the second reading of the Bill was carried, Ibrahim Rahimtulla moved that the Bill be referred to a Select Committee and Vithalbhai, as expected, promptly supported the motion. Vithalbhai did not play any more part in respect of this Bill. It is needless to say that both these motions failed and the Bill went through all the three stages at one sitting); and (iii) 'The Karachi Port Trust Amendment Bill.' (In this Bill too Vithalbhai's part was confined to supporting the amendment to refer the Bill to a Select Committee). In their haste to finish the business, the then Government often tried to avoid as many stages as possible left to the members for a detailed consideration of the business before them and Vithalbhai and other members of his persuasion always attempted to remind Government of their duty to give every opportunity to the people to discuss the business in as much detail as possible. That they did not often succeed was not their fault — it was inherent in the constitution of the Council.

One resolution of 'general public interest', which Vithalbhai moved this year, and in respect of which he was virtually successful, deserves at least a passing notice in this chapter. He moved for the 'substitution of election for nomination in the constitution of the Taluka and District Boards of the Panch Mahals District of the Northern Division', and Pattani, on behalf of the Government virtually accepted the resolution by suggesting the modification in Vithalbhai's resolution,— which Vithalbhai accepted — that the resolution should say that 'the time has now arrived' to consider that suggestion.

The most controversial of the Bills of 1914 was undoubtedly the Bill No. 1 of 1914 — 'A Bill further to amend the District Municipal Act, 1901.' As put by Pattani, who was the Member in charge of the Bill, the amendments to the Act of 1901, proposed by the Government, could roughly be divided into two classes: (i) those that were proposed for the assimilation of the



municipal administration of the more important cities in the Presidency 'more closely to that of the city of Bombay' and (ii) those that treated the defects which had been brought to light in the practical working of that Act. By far the most important of these amendments were in respect of the appointment of Municipal Commissioners 'for cities with a population of 150,000 and above'—that meant Ahmedabad only at the time. After the Select Committee considered the Bill, the limit came down to 100,000 and thus included along with Ahmedabad both Poona and Karachi, and perhaps Surat. Among other amendments which provoked a good deal of controversy were those which related to residential qualifications and to corrupt practices. On the first reading of the Bill, Vithalbhai did not enter into the controversy about the appointment of the Municipal Commissioner. He confined himself then to objecting to the power to vote, and to come in as candidates for election in a Municipal District, given to people who had no interest or stake in that particular district (persons living within two miles of the District, with personal qualifications only), and refusing that power to those who had a stake in that district but who did not reside in that district. He had also a pertinent remark to make in respect of the clauses introduced 'into the Act about corrupt practices. He pointed out that the word 'gratification' which was now being introduced into the Act was deliberately negated in the Select Committee of 1901. He submitted that the definition of 'corrupt practices' should be so framed 'as to leave no room for doubt as to its meaning for civil petitions as well as for criminal complaints'. Vithalbhai was a member of the Select Committee, and he submitted a strong minute of dissent, but when he first participated in the debate on the second reading, he started with supporting Upasani's motion for adjournment. Upasani's speech was a little vague on this point and Belvi rose to a point of order, asking whether Vithalbhai was speaking to the principles of the Bill or to a motion of adjournment, and when it was decided that Upasani's motion was a motion for adjournment, Vithalbhai retorted: 'So I understand, my Lord, that we are discussing the motion of my Hon'ble friend Mr. Upasani for adjournment of the second reading of this Bill, and I hope my Hon'ble friend Mr.

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Belvi will now follow the debate on that'. The point of the adjournment was that no time was given to the Municipalities concerned to send their opinions on the bill, and that if the Municipalities like the Municipalities of Hubli and Karachi had not yet sent their opinions on the Bill, it was wrong on the part of Government to assume that their silence, as assumed by the Member in charge, was tacit consent, for they were not given the necessary time to form their opinion. Vithalbhai's point of view was that the Bill proposed 'to deprive the municipalities of their right to manage their own affairs', and that such a legislation should not be hurried through. Needless to say that Upasani's motion failed, but it may be worth noticing that the result of the voting on it was 3 for, and 41 against. The three Ayes were, Belvi, Vithalbhai and Upasani. When this move for adjournment failed ignominiously, Vithalbhai made his frontal attack on the Bill. This speech of his is one of his masterpieces and it gave the Council furiously to think. Though long, we believe it will bear quotation in full. Says Vithalbhai:

"Your Excellency, I am afraid I cannot see my way to support the second reading of this Bill. I believe, and I sincerely believe, that any legislation for the appointment of Municipal Commissioner (s?) will be a step so retrograde in character that it is not wise *for this Council to lend its aid to that step*. But the ground on which I should like to put my case is this, there is absolutely no reason or justification for undertaking the legislation which the amending Bill proposes. My point is that under the existing law there are ample provisions which would enable us to appoint executive officers in the mofussil municipalities who would efficiently carry on the administration of those municipalities. The sole object of this Bill appears to be to have for the executive functions of a municipal body one paid officer to be called a Municipal Commissioner, and I say that, under section 182 of the present Act, you have got already a provision authorising the municipalities to appoint an executive officer...I therefore repeat there is already a provision in the existing Act to appoint an executive officer to do the executive functions of a municipal body. It may, however, be contended that the municipalities may not appoint Chief Officers, because the Section gives

only a discretion to municipalities to appoint them. I say that most of the City Municipalities in the Presidency have appointed Chief Officers; not only have they appointed Chief Officers, but they have taken as their Chief Officers men from the Government Service. However, if it is contended that the law must provide against the contingency of a municipality failing to appoint an executive officer, I submit that under Section 177 the Governor in Council has got the power to require any municipality, which perversely fails to appoint an executive officer to appoint one. Under Section 177 (1) the Governor in Council has got that power...I therefore put it to this House whether we have not got in the existing Act sufficient provisions for the appointment of an executive officer to do the executive work of a municipality..... even if we have got those provisions, it is open to argument that the powers given by the existing Act under Section 183 are very few, they are limited, and the executive officers would not have all the powers that are necessary to carry on the efficient administration of a municipality. I say with regard to this argument that under Section 37 of the District Municipal Act the municipality has got the power to delegate all its functions to its executive officer.... So I say that even though the municipality fails to appoint an executive officer, the Governor in Council could require that municipality to appoint such officer under Section 177, and after such appointment the municipality has under Section 37, the power to delegate all its duties and functions to that officer.

“Then again it may very properly be argued that the municipality might refuse to delegate all its powers to their executive officer, even though one is appointed. To that I say that under Section 177 (3), the Governor in Council has got the power to require any municipality to delegate all its powers to its executive officer after his appointment..So besides the powers which are vested in a Chief Officer by statute, the Governor in Council could compel any Municipality at any time to delegate all its powers to its executive officer. Under these provisions, if availed of, we could have in the mofussil municipalities executive officers who would have, if need be, all the powers of the municipalities, independently of the wishes of that municipality.

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"The only point that could be made on behalf of the advocates of Municipal Commissioners is this, that the municipalities would not appoint strong executive officers. They would appoint *Mamlatdars*, or Deputy Collectors or men who have not got sufficient administrative experience, and the Governor in Council would like to have municipalities managed by people who have had considerable experience of administrative work. That is the only point which could be with some force advanced by those Honourable members who support the institution of a Municipal Commissioner. I say to that, that the Governor in Council has a right to dictate to the municipality and say "You shall not pay Rs. 200 to your Executive Officer, but you shall pay Rs. 500 or Rs. 1,000 or Rs. 2,000 per month." The Governor in Council has got that right, and therefore they can at any time have an executive officer appointed by the municipality of a grade and efficiency which the Governor in Council considers necessary. On a reference to Section 46, Honourable members will find that the Municipality is bound to frame certain rules... Then coming to paragraph 2, on page 40, which requires the municipality to frame rules for determining the staff of officers to be employed, it says (Reads the section). This imposes a duty on the municipality to lay down rules for determining these things, and these rules are not to come into force unless and until they are approved by the Governor in Council, and that is provided at the end of the Section at page 41... So no rules made by the municipality with regard to the staff to be employed, the *salary* to be paid to its officers, the *duties* to be performed by them, will have any effect unless they are approved by the Governor in Council, and, at the time of approval, the Governor in Council could very well say, "Oh, you could afford to appoint an executive officer, paying Rs. 1,000 or Rs. 2,000 per month," and necessarily the municipality will have to do that. I therefore submit that the existing provisions are so clear and distinct that it is absolutely unnecessary to go further and take away the power which the municipalities now enjoy of *selecting their own executive officer*. The only power left to the municipality at present under the existing law is the power to select an officer, and this power,

too, is not quite absolute, for even after selecting an officer, the Governor in Council has a right to approve or disapprove such appointment. What I want to point out to this Council is that, if under the existing law, an executive officer with sufficient administrative experience could be appointed, and if there are provisions in the existing law which would require the municipality to delegate all its powers to that executive officer, I submit that no case has been made out for any change in the existing law.

“The point that has been urged by some is that the present institution with regard to the Chief Officer has proved a failure in respect of these municipalities. But may I ask ‘how the Chief Officers are appointed, whether they have been appointed by municipalities of their own will or at the requisition made by the Governor in Council under Section 177, whether the municipalities have delegated some or all of their powers to their executive officers and if so, whether such delegation is of their own will, or at the requisition made by Government under section 177 (iii)?’ *All these things require to be determined before we can say that the present institution of a Chief Officer has failed.* I say that Government is not in possession of this information at all. *I put one question* in Council this time (it is question No. 5), and from the reply given it would appear that Government are not in a position to determine really whether the institution of a Chief Officer has been a failure or a success. If the institution of a Chief Officer has proved a failure in the mofussil, and I do not admit for a moment that it is so, I say that the Government have not exercised their powers under Sections 46 and 177 of the Act. I do not know what reason there was for the higher executive officers not to exercise their controlling powers under those Sections. If they had, I am sure, the legislation which we now are considering would not have been before us.

“It has been told repeatedly and times without number that they have got a Municipal Commissioner in Bombay for the Bombay Corporation, and that experiment has proved a success there for years, and (it is better that) the mofussil Municipalities must take (up) a leaf from that book and go on the same

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lines. Well, I ask then 'what is it that you want us to do? If you want us to have a Municipal Commissioner for the mofussil municipalities, by all means, have one and call him a Municipal Commissioner instead of a Chief Officer, if you want all the powers of a municipality to be given over to him, I say, here is the power vested in the Governor in Council to require any municipality to delegate all the powers to him.' I say that once the Municipal Commissioner is appointed under the Bill when it passes into law, *he will be clothed with very wide powers by statute and the discretion vested in the Governor in Council* at present to determine whether a particular municipality should retain with it certain powers or not *will altogether disappear*. My point is that the example of Bombay cannot be held out as a model for the mofussil municipalities to copy. You can very well legislate in one Act for one place giving thereby certain powers to the Municipal Commissioner and others to the municipality, but when you are legislating for a number of municipalities in the Presidency you cannot very well say that all the executive officers that are appointed for these municipalities must have all those powers which are proposed to be vested in them by the amending Bill. Discretion should be vested somewhere with regard to the differential treatment of different municipalities in this matter, and under the existing law it is vested in the Governor in Council, and the Governor in Council could very well consider the circumstances of each municipality and say 'well here is a municipality where we do not find a good President, where the managing committee is not working well, and therefore we shall require the municipality to delegate such and such powers to its executive officer.' So there is that discretion with regard to the delegation of the powers in the Governor in Council and the amending Bill proposes to destroy it.

"I say that we have been legislating for a number of municipalities and the circumstances of the municipalities differ considerably, and it is very difficult in one Act to make provision for all the municipalities of different magnitude. I say that the present Act, if my interpretation of the law is correct, authorises the Governor in Council in a proper case to do what

is intended to be done by the amending Bill. Under these circumstances, I do not understand why we should have this legislation at all.

“One thing that I should like to say in this connection is this, that the present Act, under Section 24, vests in the Presidents of District Municipalities certain powers: “It shall be the duty of a municipality . (b) to *watch over the financial and executive administration over which he presides*”. This is the only Section that I can lay my hand on, for the time being, which gives the power of supervision to the President, and by the amending Bill it is proposed to take those powers away from him and centre them in the Municipal Commissioner. Under the existing law, although there is an executive officer, called a Chief Officer, to be appointed by the municipality, powers under Section 24 vested in the President of general supervision and control remain as they are. It is now proposed to deprive him of those powers and I believe that is *the only point of difference* between the present Act and the amending Bill. By the amending Bill you will have a *figure-head President and a Municipal Commissioner with powers unlimited*. By the existing law you have an executive officer or a Chief Officer with the President to exercise control or supervision when it is considered necessary. That is the only other point of difference that I can find between the amending Bill and the existing law. In the Bill as it was brought before this Council for the first reading, *it was not proposed to deprive the President of his powers*, but in the Select Committee, which consisted of several Hon’ble Members, it was thought proper also to deprive the President of his powers and to vest them in the Municipal Commissioner. My point is that it was not the intention of the framers of the original Bill to deprive the President of all his powers, but in the Select Committee this sweeping change was suggested and ultimately accepted by the Committee.

“The second point that I would like to say (urge) in this connection is that the municipalities in the mofussil are comparatively so poor that it is not worth their while to appoint Municipal Commissioners on very high salaries. We have before us, with regard to Ahmedabad Municipality, the speech of the

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Hon'ble Sir Chinubhai at the first reading. (We may note here that Chinubhai had now changed his view altogether). He distinctly told us that unless Government pays a substantial part of the salary, unless Government pays pension and leave contributions, his Municipality cannot afford to have a highly paid officer as the Municipal Commissioner is bound to be. He also referred to certain letters by the two Commissioners of the Northern Division, the Hon'ble Mr. Barrow and Mr. Sladen, and he also referred to one letter by Mr. Painter, the Collector of Ahmedabad, which pointed out (to show) that the existing financial condition of the Ahmedabad Municipality is such that a highly paid officer could not be retained by it unless Government came to its assistance in the matter of leave and pension contributions and various other concessions. The condition of Poona and Surat Municipalities is comparatively much poorer than Ahmedabad, and certainly they could not afford to retain a highly paid officer. I do not know which of the municipalities is intended to be affected by the Bill beyond these three. I do not talk about Karachi at all, and I leave this question to my Hon'ble friend Mr. Harchandrai, the representative from Karachi, open for discussion. All I say is that the financial condition of the mofussil municipalities is such at present that it would not be right for us to inflict Municipal Commissioners on them against their will.

"It was said at the time of the first reading by some members of this Council that unless you appoint men of the grade of Collector, the institution of a Municipal Commissioner is bound to be a worse failure than the measure which we now seek to condemn in regard to mofussil municipalities. I do not for a moment mean to suggest that under the present system municipalities have become a failure, but at the same time I do think that if the view of this Council is that the Municipal Commissioners must be men of great ability and experience and that they must be of the Collector's grade, then I say that it is absolutely unnecessary for this Council to waste time over this legislation at all. *No Municipality in the mofussil could afford to retain a Municipal Commissioner of the grade of Collector.*



"I would further say that the Act of 1901, which for the first time authorised the Municipalities to appoint executive officers, has not been sufficiently tried, and it would not be proper to condemn the provisions thereof unless and until a fair and full trial is given to them. Mofussil municipalities have appointed Chief Officers only recently, and the Governor in Council has not yet had the opportunity of making use of the controlling sections which are embodied in the Act. It would be really too early for us to pass any decision or criticism adverse to the legislation which was so carefully brought about in 1901. If we were to pass the present Bill into law, it would mean that we do not approve of the provisions with regard to the Chief Officers as contained in the Act of 1901. What I say is, make use, and allow the municipalities to make use, of those provisions, for a reasonable time, and see whether the institution of a Chief Officer could be more successful for the efficient working of those bodies.

"The last point that I would like to refer to is that when the Act of 1884 was passed, all that the legislature intended was that the people of this Presidency should be encouraged to learn something in the way of managing their own affairs themselves. That was the intention of the framers of the Act of 1884. It was a policy laid down by Lord Ripon's Government, and I am afraid day after day, by such legislation, *we are going back* on it. In 1884 the legislature left the entire management of the Municipal administration in the mofussil in the hands of Committees. By the Act of 1901, they gave them power to appoint Chief Officers to do executive work. So far it was all right. But the Act went further, and it empowered the Governor in Council *to require a Municipality to appoint* a Chief Officer, and delegate to him all or any of its powers, and this I say is *a retrograde step*. This Act (Bill?) goes still further and deprives (a) the Municipality of *its right to select* its own executive officer, (b) the President of his powers of *general supervision and control* and (c) vests most of the powers of the municipality in the executive officer to be called the Municipal Commissioner — powers which in a proper case could have been delegated to him by the municipality of *its own*

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*accord or under requisition* by the Governor in Council. I do not see how, under these circumstances, I can hold with others that this legislation is in the nature of *further instalment of self-government* and not a retrograde step. Under these circumstances, I strongly oppose the second reading of this Bill, and I do think and hope that my Hon'ble friends in this House will carefully consider the existing provisions which I have pointed out to them before they make up their minds to vote for or against the second reading of this Bill."

We have quoted this speech of Vithalbai *in extenso*, not only because it clearly and emphatically places before us his main position about the Bill, but also because of the fact that it is a fair specimen of his method, at this stage in his career, of attacking a problem and his manner of exposition. The speech, as could be expected, provoked several members, fascinated by the idea of the institution of a Municipal Commissioner as in Bombay, to violent opposition — among them Chimanlal Setalvad and B. S. Kamat. Setalvad contended that under the Bill the Municipality did have the real control that they ought to have in municipal affairs, and all that was proposed was to vest the executive power in the hands of the Commissioner — that the Municipality had the real control that is needed — viz., the financial control, and further that the Municipal Council would have the general power of supervision and criticism even over the acts of the Municipal Commissioner even in matters that were by law vested in him. How empty this defence was can be seen by what he meant by that power. He said in effect, that though the municipality could not upset what the Commissioner had done or could not direct him to do a particular thing, it was 'always open to them to express as to what, in their opinion, should be done in a particular matter'. Kamat said he would yield to none in his desire to see local self-government prosper, but "Is the Municipality going to be a Kindergarten school for certain Municipal Committees?" he asked. Paranjpye warmly congratulated Vithalbai on his speech, and pointed out how so many members had tried to answer him and had failed. Paranjpye's hit against Setalvad, asking him whether, with all his love for efficiency, he would have a University Regis-

trar nominated by Government, might be appreciated even to-day.

In the clause-by-clause consideration of the Bill, Vithalbai fought for the removal of the residential qualification, along with Sathe, Upasani, Paranjpye and Setalvad — Setalvad provoking the Government most. The voting was 12 for, and 34 against. The next important point for which he fought was to get it clearly understood that the Municipal Committees had 'an absolute right to criticise the conduct or action of any authority' who exercised the powers given to him under the Act to the prejudice of the Municipality. When that move failed he supported Upasani in his unsuccessful fight to keep with the President the power of general supervision over the Commissioner. Vithalbai then tried to see if he could take away the absolute right that the Commissioner was being given by the Bill to be present at every meeting of the Municipality. He could see that he might get some additional support for his view if he accepted Sathe's amendment which asked for the presence of the Commissioner at the meeting 'unless his presence is not required by a resolution arrived at by two-thirds of the members for the time being present at the meeting.' Sathe thought that his amendment was accepted by the Government, but he proved to be in the wrong. Nothing could be carried in the Council which did not accord with what obtained in the Bombay Municipal Corporation. Some minor amendments like those of fixing up of road lines proposed by Vithalbai and his friends were accepted in a modified form by Government. Others Vithalbai withdrew, but on all the important amendments about the appointment and removal of the Commissioner Vithalbai failed. With him, however, failure did not count for much. He kept up the struggle till the end. In regard to the salary of the Commissioner, Government did not accept his proposal that Government should contribute towards his salary, but Government put Vithalbai's and Sathe's amendments together and accepted their proposal that the Commissioner's salary shall be such as would be fixed by the municipality, but with the proviso — 'subject to the approval of the Governor in Council' — which proviso was accepted by both Vithalbai and

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Sathe. In regard to pensions and leave allowances of the Commissioner there was an amicable settlement — the Government sympathising with Vithalbai's amendment, but having some constitutional difficulties in the matter. On the whole, though Vithalbai could hardly be credited with any success on any material point, his persistence in the fight and his indomitable energy in pursuing the path he had deliberately chosen against tremendous odds marked him out as the redoubtable champion of the cause of popular local self-government.

In respect of the Town Planning Bill, as the Governor-President said, when its first reading was put to the vote and carried, 'the only critic — and I do not think he was a severe critic, and I hope he will become an approver in time — was my Hon'ble friend Mr. Patel, who seemed rather anxious about certain details on which I hope (he) will be reassured'. The fact is that on what are called the general principles of the Bill in the abstract, there could hardly be any opposition to the Bill, but as soon as the question of its application to any specified areas cropped up there was a hornets' nest raised. As Vithalbai put it in his speech on the first reading of the Bill, the Hon'ble Sir Pherozeshah Mehta and the Hon'ble Sir Jamsetjee on behalf of the Bombay Corporation said that they did not want the Bill for the Bombay Corporation; those gentlemen who came from mofussil towns said that the Bill was not suited to them; and Salsette being so near, every Hon'ble Member's eyes fell on it readily and it was proposed that 'an experiment should be tried on poor Salsette.' Vithalbai was then a resident of Salsette — he lived in Bandra — and it fell to him to say how it was not quite suited for Salsette. Town Planning, if it was worth anything at all, meant-increased rates, and the poor agriculturists of Salsette could hardly afford them, and it was hardly right to force them — because, in effect, it came to that — to bear this additional burden. Town Planning was a luxury. England herself could not afford it until recently. Was it fair to impose it on poverty-stricken India? Vithalbai's opposition on the first reading, as could be expected, proved a cry in the wilderness. The Select Committee on this Bill consisted of 17 members — Chimanlal Setalvad being added later on to

make up 17. Vithalbhai was not on the Select Committee. The Bill was not to apply to the Bombay Corporation without their consent and it was to apply to Salsette and several municipal bodies in the mofussil without their consent, and Vithalbhai pertinently asked how, even though the Select Committee was very large, it could be called 'representative' when none of those who represented those interests was included in the Committee. He further asked why a copy of that Bill, before its second reading was supplied to the Bombay Corporation, which was hardly connected with it, while it was not supplied to the mofussil municipalities which were directly affected by it. Government's answers to these questions were completely evasive. He scanned the representation of the people of Salsette against the application of the Bill to Salsette and showed how it deserved careful consideration, but the point on which he taxed the intelligence of the Government most was whether the Council could arrogate to itself the authority 'to invest the Executive Government of this Presidency with the power to suspend any Act or regulation made by any authority either in India or England'. The Bill proposed to do so by a sub-clause which gave 'power to the local authority to make provision in a town-planning scheme for the suspension of any rule having the force of law, bye-law, Act or other provision under whatever authority made, which is in force in the area included in the scheme'. Ramanbhai Nilkanth pointed out that that provision was taken bodily out of 'Section 55 (2) of the English Housing, Town-Planning etc., Act, 1909.' Pherozechah Mehta looked upon it as if it were 'a joke.' Claude Hill, the member in charge of the Bill, contented himself with saying that it had 'passed through the scathing ordeal of examination by the Legislative Department of the Government of India', and he therefore assumed that it was 'not illegal'. The second reading was passed without a division. In the clause-by-clause consideration of the Bill, Vithalbhai moved several amendments — all more or less directed towards getting an assurance that the Act would not be applied recklessly or carelessly to any local areas by the authorities charged with the execution of the Act. Almost all of them met with the usual fate, but it is interesting to note that one of

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those which referred to 'the desirability of District Local Boards being consulted' was withdrawn by Vithalbai with the remark: 'As I do not wish to trouble the Council.' And though that amendment was withdrawn, Claude Hill, the Member in charge of the Bill observed at the time: "although my Hon'ble friend does not wish to trouble the Council with his amendment, we shall make a special note of the desirability of District Local Boards being consulted."

Vithalbai's fight in respect of both these Bills was an uphill fight, because here he had, ranged against him, not only the Government members but also such stalwarts as Pheroze-shah, Rahimtulla and Setalvad — all of them fascinated by the Bombay model and all of them putting the interests of the town of Bombay above those of the mofussil. He had to content himself with such support as he could get from the indefatigable Upasani, the realistic Sathe and the academic Paranjpye, but though his actual achievement did not come to much, by his unremitting labour and his eagle-eyed observance of every little flaw in the Government armoury he proved himself to be a sturdy champion of rural democracy as against those who were dazzled by the glories of Bombay and who did not mind putting the interests of the town of Bombay higher than those of the rest of the Presidency.

## Chapter Six

### CO-OPERATION IN EXCELSIS

THE year 1915 opened with the death of Gopal Krishna Gokhale, and before the year was out death took away Pherozechah Mehta also. Gokhale died on the 19th of February and Pherozechah in November. Tilak came back from Mandalay in June 1914, but as yet he had no place in the Congress. Since 1907 the Congress had become a purely Moderate institution. Mrs. Beasant had tried to bring the two wings of the original Congress together, but she had failed. Along with the General Secretary of the Congress — N. Subba Rao Puntulu, she had gone to Poona in the first week of December 1914 to confer with Tilak, Gokhale and their friends, and had almost succeeded in bringing about a *rapprochement* between Tilak and Gokhale, but when Pherozechah discountenanced the move, Gokhale revised his earlier decision and Mrs. Beasant's mission proved a failure. The Congress of 1915 under S. P. Sinha, however, which proved a tremendous success with a larger number of delegates (2,259) than at any time before in the history of the Congress, paved the way for the entry of the Tilak group in the Congress next year, and thus what Mrs. Beasant could not achieve was actually accomplished by S. P. Sinha's Congress. In the meantime, the Muslim League also had begun to co-operate with the Congress. The practice of holding the sessions of the Congress and the Muslim League in the same city and at the same time started in the year 1915. Lord Hardinge's courageous action in packing off the Indian army to Flanders and marching it from Marseilles without a day's rest to the firing line, and that army's having definitely saved the Allies from a certain disaster in the first World War had raised the stock of India in England. Thus there was an atmosphere of general amity and co-operation all round — England and India, Hindu and Muslim, the Moderate and the Extremist — all join-

ed hands to do the best they could for the country.

The atmosphere of general goodwill and mutual give-and-take was thoroughly reflected in the proceedings of that year's Bombay Council. The proceedings of the year began (on the 13th of March) with the motion to mourn the death of Gokhale and the Council was adjourned as a mark of respect to his memory. Now such a thing had never happened before in the history of the Bombay Council. Other Councils in India did not adjourn when there was a resolution moved with regard to the death of a distinguished member, and in the House of Commons the custom is ordinarily to make no reference to the death of a member. Only in the case of the death of the most distinguished members of the House of Commons, the Leader of the House and the Leader of the Opposition make a reference to the subject, but even then, once that reference is made, the House does not adjourn, but goes on with the business of the day. This was, therefore, a great departure from the understood practice of such bodies, and when on the 7th of December in the same year, the Council mourned the death of Pherozeshah, they followed this precedent and adjourned once more out of respect to the memory of the departed leader. The spontaneity of the adjournment for Gokhale and the deliberate disregard of the practice of other bodies, then pointed out, for the adjournment for Pherozeshah were signs of the times and perhaps go to prove that the year 1915 was a year of peace and goodwill to men.

Vithalbai was, during this year, concerned with one Bill only — 'The Bombay Medical Act Amendment Bill (Bill No. III of 1915).' Of course he asked a series of questions and he also moved several Resolutions of general public interest. The Medical Act Amendment Bill of this year must not be confused with the Medical Act Amendment Bill of 1917, which he himself then moved and which proved so controversial. But the point that provoked a violent discussion then did show itself in an embryonic form on the debate of this Bill also. It had no direct relevance here and Government could not be, with any justice, accused of ignoring public opinion if they treated it as irrelevant here. The Bill, as now brought up, aimed at removing



some obvious defects of the Act of 1912. The Bill proposed (i) to restrict the right of election to the Medical Council to Registered Medical Practitioners only; (ii) to bring on to the Register, without any fee those who, though not registered under the Bombay Medical Act, were registered under the Medical Acts elsewhere — i.e. in England or other parts of the Empire; (iii) to ask for power to register such deserving medical practitioners as were debarred from registration on the ground that the institutions from which they obtained their diplomas were not mentioned in the Schedule to the Act, and (iv) to ask for power to deal with persons subject to Military Law. These were specific amendments to specific clauses of the Act. Several members of the Council wanted to bring in the question of the recognition of the indigenous system of Ayurveda. Belvi wished that the amending Bill 'had travelled as far as Section 11 of the Medical Registration Act of 1912', and though the Bill had not proposed any amendment to that clause, Belvi thought it was open to them, in that amending Bill, to amend all that needed to be amended. The Governor-President ruled that 'members should confine their attention to the *particular clauses* to be amended and not to the Act as a whole.' Upasani took advantage of the wording of the President's ruling, and referred to sub-clause 3 of the *amending* Bill and raised the same point as Belvi's. That section gave the Governor in Council the power to permit the registration of any person who was actually practising medicine. Though perhaps that was never intended, the operation of the Act was being extended so as to affect practitioners of indigenous system of medicine, as was evidenced by the fact that the Collector of Poona had called upon the Municipality of Poona to close the Ayurvedic dispensary which the Poona Municipality had been maintaining for over 22 years, because the gentleman in charge of it knew only the indigenous system of Ayurveda and was not qualified for being registered under the Act. In the circumstances Belvi prayed that if it was not intended that the Act should affect the indigenous practitioners, that intention should be clearly and expressly indicated in the amending Bill, or some provision should be made therein for the registration of those who practised according to the Ayur-

vedic system. Vithalbai contented himself, on this point, with saying that he was quite sure the valuable suggestions of his Hon'ble friend Mr. Upasani would be considered in the Select Committee (Vithalbai did become a member of the Select Committee, it may be noted), but the suggestions he himself made on sub-clause 3 and sub-clause 2 show us what he was himself more interested in. Sub-clause 3 gave the Governor in Council power to put on the register the name of any person who was actually practising medicine in the Bombay Presidency when the Registration Act of 1912 came into force. "My Lord", he said, "I do not know how far it is wise to give such wide powers to the Governor in Council in the matter. It appears to me, looking to the Statement of Objects and Reasons, that this power is proposed to be given to the Governor in Council, only in reference to persons who possess qualifications of foreign Universities of good repute. Now, if that is the only object, I do not know why we sitting here as legislators should not make sure as to what (which) are those foreign Universities of repute which we ought to recognize and insert their names in the schedule to the Act." In regard to sub-clause 2 he wanted the Council to consider whether it was not desirable to provide that those men who were registered elsewhere, but not registered here so far, should pay the registration fee of Rs.15 when they came on this register. He said that he had several other suggestions to make, but as the Bill was going to be referred to a Select Committee he would reserve his observations. Dr. D'Monte and the Surgeon-General (Lyons) tried to answer the points raised by Vithalbai; and Kamat, Paranjpye and Rodda in their own different ways raised the question of the practitioners of indigenous medicine. Kamat, in particular, objected to the Medical Council having virtually the determining voice in the matter of the new registrations, as they were likely to have a bias against practitioners of indigenous systems. He wanted that the discretion of Government should not be fettered by their having to consult the Medical Council. Col. Jackson made a debating point of it by referring to the opinion of Pherozeshah in 1912 who had then said that 'the stealthy hand of Government was behind, ready to grasp everything and that the object of the

Bill (1912 Act) was to bring the whole medical profession under the control of Government.' When the Medical Council was proposed, Col. Jackson said, it was represented that it would be a body without any mind of its own, and he added: "So rapid has the change been that the Hon'ble Mr. Kamat now fears that the virile Medical Council will run the Bombay Government".

The first reading of the Bill was passed on the 13th of July. Vithalbai was on the Select Committee. The meeting of the Select Committee was deferred until September, giving the members every opportunity of considering whether any amendments were desirable in that Bill. The Select Committee did not suggest any modifications in the amendments proposed in the Bill, nor did they add any amendment themselves. The report was unanimous. Obviously the policy of mutual give-and-take must have prevailed in the Select Committee. Vithalbai seems to have been thoroughly satisfied with the result, as the Government agreed to find a solution to the difficulty of the Poona Ayurvedic dispensary which had been raised by so many members at the first reading of the Bill. At the second reading of the Bill, on the 8th of September, Sheppard, who was the Member in charge of the Bill, announced that Government had received a representation from the citizens of Poona and they were anxious that the penalties imposed by this Bill on local bodies which supported local institutions on the Ayurvedic system should be removed. That could not be done in the Bill as it stood, but he added: "We have considered that question in the Select Committee, and Government have considered it also, and I am able to inform the Council that we have drafted an amendment to Section II which will permit of the continuance, according to law, of the Ayurvedic Dispensary in Poona." True to their promise, we may add here, Government did bring their 'Bill further to amend the Medical Act, 1912' on the 14th of March, 1916 (Bill No. 1 of 1916), to remove the disabilities from which the Poona Municipal Dispensary was suffering. Sheppard took particular care, however, to inform the Council that the Government did not propose 'to extend the Ayurvedic System as a system to which Government should contribute in any other

dispensaries in this Presidency.' This addition of Sheppard provoked Upasani to ask for more latitude, and he was rightly told by the President that if he cared to move an amendment he should have put it on paper. This did not silence Upasani altogether, for he had an opportunity, he thought, at the time of the second reading, and when Sheppard proposed that the second and the third reading also should be passed at the same sitting, Upasani pressed for the appointment of a Select Committee (which Government did not propose to appoint). And then Sheppard told the House that the Select Committee on the preceding Bill had fully considered the question and that 'the Committee which included the Hon'ble Mr. Belvi and the Hon'ble Mr. Patel was unanimous in its report' and that it was no use starting that discussion afresh.

Vithalbai's questions of this year covered a pretty limited range. Most of them aimed at convincing the Government that everything was not quite all right in the kingdom of Denmark. A pretty large number dealt with the Talukdari Settlement Officer and his management. He showed by a question that wherever necessary, Government could get a Chief Officer appointed by a Municipality and therefore the imposition of a Municipal Commissioner on the municipalities was not such a crying need. He showed his vigilance by a question in the matter of making the President elective in several municipalities. He showed his interest in the assistant teachers by asking how their promotions were manipulated. He evinced his personal interest in Bandra's water supply and the Salsette Notified Areas by persistent questions in these matters. He compelled the Government almost to eat their words by asking what the Government of India had to say in respect of Section 3 (j) of the Town-Planning Bill, which had to be referred to them, Vithalbai's remarks on which had been treated as a joke by Pherozeshah and which the Bombay Government members had assumed to have been accepted by the Government of India. The prestige-ridden Government of Bombay would not lay the letter of the Government of India in the matter on the table as Vithalbai asked them to do, but they had to admit that the Government of India had drawn their attention to the fact

'that the sub-section was too wide'. He exposed the scandal of the unimaginably heavy emoluments of the Official Assignee, whose monthly income proved to be twice as much as that of the Chief Justice and a little higher than the Governor's own salary. He asked whether Government officers could attend the Congress either as delegates or as visitors. Another question in which we may take a little more than usual interest was:—“(a) Will Government be pleased to say whether it is permissible to officers of Government to influence votes for election to the Legislative Council? (b) Will Government be pleased to lay on the Council table any standing rules or orders that may now be in force on the subject of interference by Government officers in election” and the supplementary question (because the orders were laid on the table): “Will Government be pleased to say whether the orders laid on the table permit an ex-officio member of the Senate to write letters to other members of the Senate recommending a particular candidate for their acceptance in the Council election?”

The original orders as passed on the 16th of July 1902 (to which attention was drawn by a circular on the 14th February, 1910) were:—

“His Excellency the Governor in Council is pleased to direct that no *officer of Government of any department or grade* in the service shall *interfere directly or indirectly* with the free choice of candidates *by elective bodies* or attempt to influence or direct the action of those bodies in any way and that no indication be given by any official of the manner in which he himself personally intends to vote.”

It seems some ex-officio member of the Senate had written letters to other members of the Senate in regard to the Council election. Vithalbai pounced upon this, and wanted to bring that ex-officio member to book if he could.

But the Governor-President's reply was as evasive as one might have expected in the circumstances of the day. The reply was: “That, I should gather, is a matter for the University to decide.”

Vithalbai moved during this year more resolutions than he had ever moved before. The total was eight.

Of these, one he himself got postponed — the one on the question of creating a civil court for the town and island of Bombay, as he expected to get some information from his friends in Bengal, where a similar measure had then been passed, and he did not want to move it before he had that information in his possession. Another he withdrew on a favourable assurance from the Governor, and the other six were accepted by the Government, either as they were or in a slightly modified form — the modification being accepted by Vithalbai. This was the height of success Vithalbai reached in his career as a member of the Bombay Council, so far. The first of these was in regard to the emoluments of the Official Assignee and allied matters, on which, by his questions, he had gathered all the relevant material. The wording of the Resolution was:—

“That this Council recommends to His Excellency the Governor in Council to consider the desirability of —

(a) putting the Official Assignee, Bombay, on a suitable fixed salary and crediting to Government the fees at present charged by him; and

(b) Creating the office of Official Receiver on a suitable fixed salary, such officer to be thenceforth the Official Receiver-in-suits and the Official Liquidator of joint stock companies instead of the Official Assignee as at present.”

In 1886, the Finance Committee had actually made the proposal that the Official Assignee should be put on a fixed salary, but that recommendation had remained a dead letter till 1894, when Setalvad pressed Government to take action on that recommendation. Setalvad had shown that the Official Assignee's emoluments worked out at about Rs. 3,000 a month and that it was too much for the work he did. Basil Lang and Birdwood had argued that Setalvad had referred to some exceptional years and that, if an average of 12 years was taken, the commission would work out at Rs. 1,500 or Rs. 1,600 a month and that that was not excessive. Vithalbai now gave the figures for the quinquennium ending with 1913, which gave the Official Assignee an average income of Rs. 10,117 per month. One of the arguments urged in favour of the preference given to the commission over the salary basis was ‘that an officer who is paid by

results is certain to use far more zeal in collecting outstandings than one who is paid by salary.' Vithalbai's slashing answer to that argument was: "Can anything be more damaging to the sense of duty of our high salaried officers than the assumption involved in this argument that the measure of their zeal in discharging their official duty is the resulting addition to the length of their purse? I refuse to accept it, My Lord." Vithalbai showed another flagrant defect in the arrangements that obtained. The Official Assignee accepted 'receiverships and liquidatorships *ad infinitum*, just as they come.' Naturally, for they added substantially to his commission. "Is it possible for any man", Vithalbai added, "to devote such close attention to so many estates at the same time?" This it was that led him to propose the creating of a separate office of the Official Receiver and Liquidator. In supporting Vithalbai, Setalvad said: "And I may tell Your Excellency, without any breach of confidence, that some of us who have to work hard in the High Court, day after day, to earn our livelihood have very often said that it would be very good indeed if the learned Chief Justice could be induced to give the post of Official Assignee by rotation to half a dozen senior members of the bar, as it would be very good indeed for them to have a *year's holiday* getting Rs. 10,000 a month."

With a view to curtailing discussion, Pattani, on behalf of the Government, rose immediately after Setalvad had finished his speech, and told the Council that Government was disposed to accept the Resolution. He, however, stressed the fact that the Resolution, as it was, only conveyed a recommendation to Government 'to consider the desirability of the measures'. Fellows of the Bombay University will perhaps recall to their minds, on reading this, the time-worn phrase of recent days which has received a slight accretion and developed there as 'to consider the desirability and feasibility of'. In fact this phrase looms large in the consideration of the Resolutions of 1915. Rumours were current at the time that Lady Willingdon was very much annoyed by the knowledge that the Official Assignee had a larger income than her husband's. Whether there was any truth in these rumours or no, it is clear that Lord Willing-

don did give expression to his annoyance, because the closing sentence of his speech that day was: "I frankly own that, as President of this Council, I am seriously influenced in my opinion by the terrible suggestion that my Hon'ble friend Mr. Patel made, that this individual who has been up before us this afternoon, gets a higher salary than His Excellency the Governor."

Of the five remaining Resolutions which Vithalbhai moved this year, three referred to Local Boards, one to Notified Areas, and one to Municipalities. We may notice here, in passing, that Vithalbhai was at bottom a serious student, that he would pursue his studies in the subjects he handled to the minutest detail and that he would never fritter away his energies by engaging himself, while he was occupied in these studies, by interesting himself in any other question. He represented in the Council the District Local Boards of the Northern Division, he lived in Salsette and he was a member of the Borsad Municipality, and, later, a nominated member of the Bandra Municipality also. He therefore knew the ailings of these bodies from inside and he had, at this time, made them almost the only objects of his penetrating studies, and he could speak on matters respecting these bodies with a knowledge which nobody could challenge. The first Resolution on the Local Boards which he moved was:—

"This Council recommends that the Governor in Council may be pleased to direct that the number of elective members on those Taluka and District Boards in the Presidency which have been in existence for 25 years or upwards, shall be not less than two-thirds of the whole Board."

In his speech on this Resolution, Vithalbhai started with an attempt to remove the misconception which some people have always been labouring under: namely, that, before the advent of the British rule, there did not exist any machinery by which the rural population of this Presidency could manage its local affairs. He maintained that Local Self-Government in India was as old as the Himalayas. The old village republics were destroyed by the East India Company, and the British Government, by establishing Rural Boards did nothing more than reviving the institution of Local Self-Government, albeit in



a new form. The Local Funds Act of 1869 did not start what could be called Local Self-Government. In 1882, during the Viceroyalty of Lord Ripon, the Government of India tried to give a great impetus to Local Self-Government in rural areas, by issuing a Resolution on the subject. This memorable Resolution, Vithalbai pointed out, laid great stress, among other things, on the importance 'of having a large preponderance of non-official members chosen by a system of election on the rural boards.' The Bombay Local Boards Bill of 1884, which was a consequence of that Resolution, did not satisfy adequately *either* the requirements of the Resolution of the Government of India in substance or in spirit, or the legitimate aspirations of the people. The clause dealing with the Constitution of the Local Boards was hotly opposed, then, by Badruddin Tyabji, Macaulay and Mandlik. Badruddin Tyabji had said, among other things: 'unless a decisive majority is given to the elected members, I fear that the Bill will be practically worse than useless. It will be mischievous. The real power will still continue to belong to the local authorities and the present measure will merely continue and practically perpetuate the present system under the high sounding name of Local Self-Government. It seems to me that the people will have gained little more than *a bare responsibility* for the administration of funds and affairs, *over which they will have no real control.*' It was only on a solemn assurance given by the then Government that Tyabji and Macaulay withdrew their opposition (Mandlik did not). Thirty and more years had gone by after this assurance, and the position in this matter was exactly what it was then. Again the Rural Commission on Decentralization had recently given its opinion in favour of the extension of true Self-Government. Said they: "We consider that the nominated element in a sub-district board should not exceed the strength sufficient to secure the due representation of minorities and of official experience, and that the District Board also should contain an elective majority." Vithalbai gathered, he said, that, when the Government of India sought the views of the Bombay Government on this point, 'of all the Provincial Governments of India it stood alone in thinking that the time was not still ripe to give effect in this

Presidency to the wish of the Government of India'. Vithalbhai finely twitted the Government on this opinion of theirs. This could not be, he said, the public opinion of this Presidency. None of the non-official members of the Council had any information as to when and on what materials the Bombay Government submitted such an opinion. It expressed, at best, the opinion of some of the officials who had the ear of Government. Did the Government 'consult any of the many recognised public institutions such as the Bombay Presidency Association, the Deccan Sabha, the Sarvajanic Sabha or any other? Were the non-official members of the Local Boards or even the non-official members of the Council ever invited to express their opinion? And what a sad confession this, on the part of the Government to whom in the Providence of God, the welfare of the people of this Presidency has been entrusted by the British nation that its enlightened rule for 30 years should not have been able to evoke such modicum of public spirit in its subjects as to make it possible for such small extension of the elective franchise?'

Vithalbhai was supported by Hidayatulla, the Thakor of Kerwada, Sathe and Harchandrai Vishindas. On behalf of the Government, Pattani said, that Government had no hesitation in accepting the resolution, if the mover could modify it a little. The modification, agreed to by Vithalbhai after some slight hesitation, and after being coaxed by His Excellency to accept it, changed the resolution to read as follows:—

"That this Council recommends that the Governor in Council may be pleased to consider whether the number of elective members on such of the Taluka and District Local Boards in the Presidency as the Governor in Council may think fit shall be not less than two-thirds of the whole Board."

It is interesting to note here that, on the floor of the House, the Governor referred to 'some private conversation' he had with Vithalbhai on this matter and now he publicly asked him not to embarrass Government. This is another piece of clear evidence that the policy of give-and-take was being followed on a large scale at this time. Vithalbhai responded generously to His Excellency's suggestion and said: "I have not the slightest intention of embarrassing Government in the matter

and I accept the suggestion made by the Hon'ble Sir Prabha-shankar Pattani."

Vithalbhai's next Resolution bearing upon the Local Boards asked for the extension of the elective principle to the Presidentships of the Boards, and Pattani said that if Vithalbhai was 'prepared to accept a modification similar to the previous one', Government would accept that resolution also. Vithalbhai readily accepted the modification and moved: "This Council recommends that the Governor in Council may be pleased to consider the desirability of directing that the Presidents of such of the Taluka and District Local Boards in the Presidency as the Governor in Council may think fit be elected by such Boards." In moving this resolution, Vithalbhai did not fail to add that he hoped that the Government would be pleased to consider the question *at an early date*, and that it would not share the fate of the pious aspirations engendered in the minds of the public thirty years ago.

The Resolution which Vithalbhai moved next, also, bore upon the Local Boards. It reads as follows:—

"This Council recommends that the Governor in Council may be pleased to appoint a Committee of officials and non-officials to inquire and report on the ways and means of increasing the resources of Local Boards."

In moving this Resolution, Vithalbhai recognized that while everybody admitted that it was desirable to improve the finances of the Boards, opinion was much divided on how to do it. He had noticed several of the suggestions that were made from time to time, on none of which was there a real unanimity. He particularly favoured 'the one anna cess on Abkari revenue' which used to be levied for this purpose in the seventies and eighties of the last century, but which was dropped later on. If this could be restored, 'it would increase very materially the revenues of some of these Boards'. Of course he would not commit himself to any particular source of revenue — what he wanted was a Committee to go into the question. "There is no wrong", he said, "without a remedy, and the existence of a wrong being admitted, let a strong committee make inquiries and suggest a proper remedy for its cure." Harchandrai Vish-

indas, Parekh and Rodda supported Vithalbhai, but Pattani was adamant this time. He thought that no purpose would be served by the appointment of a Committee for this question, because the Decentralization Commission had only recently come to the conclusion, that, though they recognized the need for increasing the resources of the Boards, it was not possible for them to suggest any ways and means by which to do it. Pattani went through the suggestions enumerated by Vithalbhai, dismissed them one after another as not feasible, appeared for a moment to consider the 'Abkari grant' suggestion as worthy of some thought being given to it, but brushed it aside with the remark that 'opinion has been expressed on other occasions that it was not possible for Government to accept that suggestion.' Then he ridiculed or almost ridiculed the suggestion of a duty on export and import with the aid of a description of what happened at Viramgaum. In short Pattani's attitude was very unsympathetic. He urged Vithalbhai to withdraw the Resolution and, if he did not, asked the Council to oppose it. Vithalbhai would not accept Pattani's position and refused to withdraw it. And now His Excellency the President intervened. Said he: "I want the Hon'ble Member to believe in the good faith of Government and to understand that we are seriously considering what are the best steps to take to inquire into the whole position of District Local Boards, and in that enquiry must of necessity arise the question of the general finances of the Boards; and, therefore I would suggest to my honourable friend to withdraw this Resolution, having regard to the fact that *Government intends to enquire into the matter it takes.*" This was a far different attitude than Pattani's, and Vithalbhai's own response was quite generous. He said: "I am very glad Your Excellency's Government is going into the matter and I am perfectly satisfied. And I have the fullest confidence in the good faith of Your Excellency's Government, and I therefore beg to withdraw this Resolution."

Vithalbhai's next Resolution was:—

"This Council recommends to the Governor in Council to constitute Municipal Districts out of such adjacent Notified Areas in the Salsette Taluka as the Governor in Council thinks fit or,

in the alternative, to appoint a substantial proportion of a Notified Area Committee in the Salsette Taluka on the recommendation of electorates to be constituted in such Notified Areas."

Pattani came out with his hackneyed suggestion of substitution of the words "consider the desirability of constituting" for the word "constitute". Vithalbai was visibly annoyed at this apparently meaningless modification. As he said: "If Government accept the necessity of doing a thing, it must be done." Nevertheless he did accept the modification and moved the modified Resolution which was put to the vote and carried.

The last of the Resolution moved by Vithalbai during this year was:—

"This Council recommends that the Governor in Council may under sub-section (2) (e) of Section 23 of the Bombay District Municipal Act, 1901, be pleased to direct that every President of a City Municipality in the Presidency shall be elected by such Municipality."

Pattani, as before, said that Government was willing to accept that resolution, but with the same kind of alteration as had been effected in the previous resolution. And he hastened to add: "I want to assure the Council that when I say that Government are in sympathy, they really are in sympathy." Vithalbai did not respond. He said he had decided to move the resolution as it stood on the agenda. He made his speech on his resolution as it was, but ultimately accepted the amended form. The dialogue that brought about this result, we believe, deserves to be recorded here.

"*His Excellency*:...I would therefore urge my honourable friend to accept the resolution in the amended form that we propose, and if in the future he considers the action we have taken, unsatisfactory, he has full power to raise the question at a future meeting of this Council.

"*The Hon'ble Mr. Patel*: Your Excellency on a previous occasion told me not to rely too much on Government.

"*His Excellency*: I hope the Hon'ble Member is not referring to any private conversation.

"*The Hon'ble Mr. Patel*: No; I refer to what Your Excellency told me in this Council. (This was in connection with

## C O - O P E R A T I O N I N E X C E L S I S

Vithalbhai's resolution about the elective principle being extended to Panch Mahals, when he accepted a similar modification of Pattani's with the remark 'and on the assurance that my friend has given (I) have nothing more to add but to accept it'. And the Governor-President had then remarked: "I will only say that the Hon'ble Member must not take too much on trust'. *I am asked to rely upon Government* to accept the resolution in the amended form and I do accept the Resolution in the amended form.

*"His Excellency: The Hon'ble Member has put a great responsibility on me and I hope he will find his confidence justified.*

## *Chapter Seven*

### ANNUS MIRABILIS (1916)

WITH the death of Gokhale and Pherozeshah Mehta and the change in the constitution of the Congress enabling the extremists to enter the Congress, Moderate politics received almost its death-blow — in fact henceforward it ceased to count as a factor of any real importance in Indian Politics. Tilak, who had to wait for his regular entry into the Congress till about the end of the year, brought all his energy to bear upon the reorganisation of his party, and with that end in view started the Home Rule League on the 23rd of April, 1916. Mrs. Beasant, who had joined the Congress in 1914, and had been playing with the idea of a tremendous agitation for Home Rule, founded her Home Rule League (later called the All-India Home Rule League), on the 1st of September, 1916. Mahatma Gandhi, who has completely moulded the Congress of today, changing the whole course of Indian politics almost out of recognition, had just arrived in India, but had not yet started his public life on any well-defined lines. He was, at this time, if not actually a Moderate, an earnest disciple of Gokhale and would have been in fact a member of the Servants of India Society had he not been asked by Gokhale not to be precipitate in his action, but to study the conditions of the country and to arrive at his final decision only after mature deliberation. His work in South Africa had undoubtedly secured for him a place of eminence in Indian politics, but the Extremists of Bombay were so perverse that but for the machiavellian tactics of Tilak he might not have got a place even on the Subjects Committee of the 1916 Congress. There, as the Congress Historian has told us, 'when a Nationalist (meaning extremist) name was pitted against Gandhi, the latter was voted down, but Tilak (who was in the chair) declared that Gandhi was elected'. Gandhi's association with Moderates was enough to condemn

him — so low had the stock of moderates fallen. And yet to all outward appearances, the 1916 Congress had brought about a re-union of its two wings, and Tilak and Khaparde could be seen sitting side by side with Rash Behari Ghose and Surendra Nath Bannerjea.

1916 was a year of wonders, however, not so much because it brought about this reunion between the two wings of the Congress, not because it reintroduced Tilak into the turmoil of Indian politics, not because in that year Mrs. Beasant found enough scope for her dynamic energy in a constitutional agitation for India, not even because it was in this year that Mahatma Gandhi began to give his serious attention to the study of Indian conditions — though each one of these occurrences is an epoch-making event by itself — but because of the fraternization of the Hindus and the Muslims and the consequent united demand of Self-Government. As directed by their respective sessions of 1915, the Muslim League and Congress Executives met this year at Allahabad, in April, and, at Calcutta, in November, and fixed upon the details of their agreement, to which they gave their finishing touch at Lucknow, in December. A complete agreement on communal representation led to a complete agreement in respect of the National Demand. The Congress-League scheme, whatever its drawbacks might be, was the first united demand of India in respect of Self-Government or Swaraj. Never before had the country been so united — never before had it spoken with one voice.

Against this background let us now see what Vithalbai did in the Bombay Council. He had enrolled himself as a delegate in the 1915 session of the Congress. His interest in the Congress is evinced by the question he asked in the Council, on the 4th December, about whether the organizers of the 16th Provincial Conference at Ahmedabad had asked Government if they had any objection to Government servants attending the Conference as visitors, and whether Government had informed the Heads of Departments that they had no such objection. In reply Government placed the correspondence on the table and replied that there was no necessity to communicate any orders to Heads of Departments on the subject. The correspondence



showed that the Secretary of the Conference had presumed that Government servants had the permission, but he wanted to make assurance doubly sure. The Government reply was that the attendance of Government servants at Provincial Conference was governed by orders *re* attendance at political meetings. Vithalbhai did not allow the matter to rest there. On the 9th of December, he moved, in the Bombay Council, the following Resolution:—

“This Council recommends that His Excellency in Council may be pleased to announce or issue general instructions to Heads of Departments within the Presidency that Government have no objection to Government servants attending as visitors the meetings of the Indian National Congress and the Provincial Conference.”

In his speech on this resolution Vithalbhai traced the whole history of this question. He pointed out that ‘the origin of the Indian National Congress lies in a suggestion of Lord Dufferin and that the first Congress was attended by several Government servants, some of them actually taking part in its deliberations. In 1890 there was a hitch—the Bengal Government of that time issued a circular prohibiting Government officials from attending the meetings of the Congress, even as visitors. As a result, however, of the correspondence between Pherozeshah Mehta and Hume on behalf of the Congress and the Viceroy, the matter was set right—the prohibition being held to apply ‘only to the participation of Government officials in the proceedings of a political meeting.’ In Bombay the interpretation put upon this relevant Rule (Rule 21) of the Government Servants Conduct Rules (in Bombay) went beyond the intention of the Government as understood in 1890, as the Bombay Government appeared to insist on the previous permission of the Head of the Department being obtained by the officer intending to attend the meetings even as a visitor. On the motion of Wacha, the Bombay Government had issued orders in 1915 to the Heads of Departments intimating to them that Government had no objection to Government servants attending that Session of the Congress. But those orders appeared to have been restricted to that session only of the Congress. Government ser-

vants could not attend the meetings of the Provincial Conference at Ahmedabad in 1916. Vithalbhai wanted this situation to be remedied once for all. He went on to say: "The Indian National Congress is, to put it in the words of the Government of India, 'regarded as representing in India what in Europe would be called the more advanced Liberal party as distinguished from the great body of Conservative opinion which exists side by side with it.' " He also pointed out that His Excellency himself had attended the Poona Provincial Conference in 1915, as Lord Pentland had attended the Madras Session of the Congress in 1914.

His Excellency in reply quoted the relevant rule, and laid down distinctly his position in these words: "That Government has no objection to Government servants attending political gatherings, but that each individual must, in the first place, exercise his own discretion as to the desirability of attending a particular gathering, and if he is not sure in his own mind he must go, as laid down in the rule, to the head of his department and must find out whether it is desirable for him to attend or not." Beyond that His Excellency said he could not go, because that would be overstepping the Government of India rules. Vithalbhai was satisfied. He said: "Let Government servants interpret the rule as best they can" and withdrew the Resolution.

During this year Vithalbhai moved quite a large number of resolutions on matters of general public interest, and, for the first time, moved three resolutions on the revised financial statement of the year. He moved a Resolution for the creation of a Civil Court for the Town and Island of Bombay, three Resolutions in respect of the appointments of Resident Magistrates, two in connection with the Bombay District Municipal Act, one asking for the appointment of a committee to inquire into the question of public expenditure of the Presidency and another asking for the removal of restrictions (he was assured that there would be no such restrictions in the future) which debarred Indians from the Principalship and Professorships in the Sydenham College. But the most important of the resolutions he moved was on the question of making Elementary Education

free and compulsory. Here was a new departure for Vithalbhai. Till now he had grappled successfully with the questions bearing on Municipalities, Local Boards, Courts and Magistrates, but here was a question that went out of his normal orbit, and it is necessary for us to dwell at some length on this new activity of Vithalbhai.

On the 6th of December, 1916, Vithalbhai moved the following Resolution:—

“That this Council recommends that an early beginning should be made in the direction of making Elementary Education free and compulsory throughout the Presidency by introducing it, in the first instance, within the limits of its Municipal Districts and that a mixed committee of officials and non-officials be appointed to frame and submit definite proposals in that behalf.”

Here also we might note, however, that Vithalbhai's interest in Elementary Education was directly connected with his interest in Municipalities. There was some difficulty at the very outset about whether this resolution could be allowed to be moved at all in the Council, and therefore, when he was allowed to move it, Vithalbhai started with an expression of 'profound gratitude' to His Excellency (his Government appeared to have been against this permission being granted) for the permission he obtained. He went on to say: "Ever since the late Hon'ble Mr. Gokhale, whose name shall ever remain associated with the question, moved in the Imperial Legislative Council in 1910, his resolution on the subject of free and compulsory primary education, and later on introduced in the same Council his Elementary Education Bill (be it noted that Vithalbhai followed almost the same procedure in the Bombay Council), the question how to promote the diffusion of Primary Education among the masses has received more and more attention from the leaders of public opinion and has in fact become one of the most important and pressing questions of the day." Vithalbhai then quoted the inspiring words of His Majesty in reply to the address of the Calcutta University in 1912, and quoted also some extracts from several of the speeches of Lord Willingdon himself bearing on the point, and said that it was this sympa-

thetic spirit that had emboldened him to move the Resolution. He explained how his resolution was very limited in scope. What he wanted was 'a permissive statutory provision for the introduction of free and compulsory education in municipal areas', and he was prepared, in the first instance, to have it confined to boys only. Government's obstruction began with the very start. Curtis insinuated that if the Municipalities desired to give free education they were free to do so and the Act required no amendment. Vithalbai said he wanted not only Free Education, but Compulsory Education and that was not provided for in the Act; besides he wanted Government to encourage Free Education. The other day the Rander Municipality wanted to introduce Free Education within its limits, but the authorities would not allow it. He then read the table, he had placed before the Council, showing the percentage of children at Primary Schools to children of the school-going age in 1914-15, and showed that the municipal towns, at any rate, had become quite ripe for the introduction of Compulsory Primary Education. He then proceeded to show how the arguments usually advanced against Compulsory Education did not apply to his resolution. It would not cause hardship to the agricultural population for the simple reason that the agricultural population did not exist in municipal towns. Such percentage of children as should attend schools under the voluntary system, before compulsion is introduced, was already there. England had not a higher percentage when compulsion was introduced there. Government would not have to face any unpopularity on this account. The masses were not at all likely to oppose a measure demanded so persistently by their natural leaders, and, any way, the odium for such compulsion, if any, will not fall on Government in this case; it might fall on the municipal boards and the boards would not go in for compulsion if they thought that it would be an unpopular measure in their area. Then he told the Council how compulsion had proved quite beneficial and even popular in Baroda. The financial implications of the arrangements he proposed would not land the Bombay Government into a disaster. They would not have to spend more than Rs. 14,34,000, perhaps much less.

Further he made it clear that he did not want Government to incur any expenditure on this account till the war was over.

The Baroda example could not obviously go down the throat of Government supporters without a pang. Col. Jackson promptly asked what the average number of convictions was in Baroda on this account, and how many *Truant Schools* were established there. When Vithalbhair talked of compulsion, Col. Jackson hoped that he *meant* compulsion, and if that was so, it must be admitted that compulsion proper would bring "in its train a fresh addition to what has been called law-made crime." The Police would have to come in, and there would be a considerable addition to expenditure in that department. Paranjpye strongly supported Vithalbhair, practically brushing aside what were called practical difficulties and maintaining that 'economy in the matter of education is a short-sighted economy.' Garud thought that Vithalbhair's proposal did not go far enough. He actually proposed an amendment, and suggested the deletion of the clause limiting the scheme to municipal districts, but on second thoughts, and seeing that by his amendment he was jeopardising the resolution he withdrew his amendment. Sharp argued that the statistics supplied by Vithalbhair were deceptive, but his main argument was 'that the expenditure involved in a proposal of this nature is such that it does not seem very reasonable to put it forward precisely at this moment.' With the exception of Col. Jackson, and perhaps Sharp, almost every body spoke strongly in favour of the resolution — including Muslim members like Ebrahim Haroon Jaffar and Ghulam Hussein Hidaytulla. Even Pir Buksh Walad Mian Mahamud, who was not sure about whether compulsion would be right, but who was very keen on free education, was in favour of the appointment of a committee. Chunilal Mehta and Phiroze Sethna had given their strong support to the resolution. After such a chorus of approval, Vithalbhair thought that the resolution was being accepted by the Government, and when called upon to reply merely said: "I do not think, after all that has fallen from all the non-official members of this Council, it is right for me to add any word of mine. I need not say anything in reply." And now the tables turned. When Vithalbhair

sat down, Chaubal rose to reply. Vithalbhai was not prepared for this, and asked: "Is Government going to reply on the debate after me?" and Chaubal said: "Yes, under rule 18 of the Resolution Rules." And the Governor-President followed: "Would the Hon'ble members like me to read out the rules? Rule 18 reads thus:—

"When, in the opinion of the President, a Resolution and any amendment thereto have been sufficiently discussed, he may close the discussion by calling upon the mover to reply, *and the member in charge to submit any final observations* which he may wish to make.

"Provided that the President may in all cases address the Council before putting the question to vote."

Though this procedure was thus perfectly constitutional, and though perhaps Government had some justification in following it as they did not want the Bombay Council to have any chance of criticising the Government of India, as they might have done if this procedure had not been adopted, it certainly has all the appearance of a dirty trick on the non-officials of the Bombay Council, as they were deprived of their legitimate right of knowing what the Government had to say before the discussion was closed to them. But in this *annus mirabilis* such a thing did happen, and a Resolution strongly supported by almost all the non-officials — including the Muslims and several nominated members was turned down by what looked like a *deus ex machina*. We may notice here, in passing, that during this very year, resolutions had passed in the Bombay Council in spite of official opposition — notably one moved by Rafiuddin Ahmad, on the 16th of March, raising the percentage of free studentships in Government High Schools from 10 to 15 per cent. The Governor-President in his closing speech had then exhorted the Council to support the Government against that resolution and actually when the resolution was put to vote, it was declared to be lost. Rafiuddin Ahmed asked for a division, and it resulted in 18 for, and 17 against, the resolution, and thus it had to be declared as carried.

This was, however, not to be, here. Chaubal carried the day. "I will state frankly" said Chaubal, "that I am not only

going to resist this proposal, but hope to satisfy this Council that there is no other position open to this Government as regards the resolution which has been moved, because the relations of this Government with the Government of India are such that even if this resolution is passed by the whole Council this Government, as Government, will not be able to accept it." He referred to the constitution of the Imperial Department of Education and the definite policy laid down by the Government of India in 1913. He read from a pamphlet entitled "Indian Education Policy" paragraph 10 of the relevant resolution. The heading of the paragraph was "Primary Education. Compulsory and Free Education not practicable", and the body of the resolution was: "The propositions, that illiteracy must be broken down and that primary education has, in the present circumstances of India, a predominant claim upon the public funds, represent accepted policy, no longer open to discussion. For financial and administrative reasons of decisive weight the Government of India have refused to recognise the principle of compulsory education, but they desire the widest possible extension of primary education on a voluntary basis. As regards Free Elementary Education the time has not yet arrived when it is practicable to dispense wholly with fees without injustice to many villages, which are waiting for the provision of schools. The fees derived from those pupils who can pay them are now devoted to the maintenance and expansion of Primary Education, and a total remission of fees would involve to a certain extent a more prolonged postponement of the provision of schools in villages with them... Local Governments have been requested to extend the application of the principle of Free Elementary Education amongst the poor and more backward sections of the population. Further than this it is not possible at present to go." If Chaubal had stopped with this and had contented himself with saying what the Governor-President said in his closing remarks, namely: "The Educational Department being an Imperial Department it is constitutionally *improper* for a Local Government to oppose any definite policy which the Imperial Government has laid down", he might have been justified in making his speech after the mover of the resolution had

lost his chance of reply. But Chaubal did not stop there. He made a fighting speech on 'the Resolution itself on its merits', after he made this pronouncement. The speech, in itself, is full of fallacies, and most unsympathetic. If he had made that speech before Vithalbhai had his chance of reply, he would certainly have got it in the neck. Vithalbhai was not prepared to accept even the position, held by Chaubal and the Governor-President, of the relations between the Bombay Government and the Government of India. As he said, those relations had nothing to do with his Resolution. The Governor-President did not seem to have approved of Chaubal's speech, because in his closing speech he confined himself to what he considered was a *constitutional impropriety*, if not anything worse than that, and went out of his way, almost to say that with the general principles underlying the resolution 'we are *most of us* in complete sympathy'. Twenty members voted for the resolution and twenty-five against. It is interesting to notice that among those who voted for were Shariff Devji Canji, Syed Ali El Edroos, Ghulam Hussain, Ebrahim Haroon Jaffer and Ibrahim Khan Pathan. It is also worth noticing that among those who voted against were several who had spoken in support of the Resolution — for instance Phiroze Sethna and Sathe who had wholeheartedly supported it and Pir Baksh who could not be said to have been much against it. If these three had voted in favour of the resolution, its fate would have been just the opposite of what it was. But that was not to be; the Government whip had functioned. The only good result of this debate was the promise Government made, to give every assistance and information to the Committee that the members themselves, on their own initiative, may form to consider this question. In fact, Chaubal himself said: "They (this Committee) may make their enquiries and bring forward definitely formulated proposals for acceptance by Government."

Of the other Resolutions of general interest which Vithalbhai moved, that on the establishment of a civil court in Bombay was accepted by the Government in a modified — not to say in a very much attenuated — form. Nearly ~~the~~ same fate overtook his proposal for the creation of 'an increasing number of posts



of Resident Magistrates,' and also his resolutions bearing on the District Municipal Act. The other two resolutions *re* Resident Magistrates he withdrew. One resolution — that on the constitution of Village Panchayats — he himself got postponed, and also another — on an inquiry into public expenditure — the Governor-President having allowed these postponements on Phiroze Sethna's drawing the attention of the Chair to the rule under which 'a resolution once moved and withdrawn cannot be brought forward for another year.' In the absence of that rule these resolutions would have been dropped. Of Vithalbhai's resolutions on the Revised Financial Estimates of the year, we have a different tale to unfold. Here he himself moved three resolutions, and supported one moved by Upasani. All the Resolutions were lost. By his first resolution he wanted the provision under the heading 'Police Re-organisation' to be deferred. Only five voted for — thirty-four voting against. Among the Ayes were only his usual supporters through thick and thin — Parekh, Paranjpye, Upasani and Manmohandas Ramji. His next resolution recommended that the grant of personal allowances to certain officers of the I.E.S. be dropped. Here the Ayes increased to 11 and the Noes were reduced to 25. Then he supported Upasani in his plea for a slight revision of gymnasts' pay in Government Schools and Colleges. The D.P.I. had supported that slight revision and the Government had given the proposal a lip-sympathy, but when it came to voting for the resolution, they turned their face resolutely against it, and Upasani's motion was ignominiously lost. Vithalbhai's next proposal was for the omission of the provision made for the increase of the pay of 'the two Under Secretaries in the P.W.D.' Here the Government which, on account of financial stringency, was not prepared for the paltry addition to the Budget of Rs. 4,180 for the pay of several semi-starved gymnastic teachers whose salary ranged between the magnificent sum of Rs. 20 P.M. and Rs. 30 P.M. were callous enough to raise the salary of the Under Secretaries — one of them drawing Rs. 900 P.M. and the other Rs. 750 P.M. to Rs. 1,150 P.M. Government was deaf to reason, and the result of the voting was 14 Ayes and 24 Noes.

Of the questions asked by Vithalbhai during this year, two

at least deserve some notice here as showing that he had now definitely begun to go beyond his usual orbit of Local Boards and Municipalities and Notified Areas, of Courts and Magistrates and the administration of Law and Justice, and of individual grievances and cases of corruption and malpractices in the administration of the Province. On the 4th of December, he asked Government 'to state the total amount of costs including lawyers' fees, translation charges and miscellaneous expenses incurred by them in connection with the security proceedings against Mr. Tilak.' Government's answer was they had spent Rs. 4,734-2-0. The same day he asked Government 'to make a brief statement, for the information of the public, of the grounds on which the order against Mrs. Besant' was based. The Government in reply placed the order on the table, but refused to discuss the matter any further as 'further discussion of the matter is not in the opinion of the Government conducive to the public interest.' The Order was as follows:—

"Whereas in the opinion of the Governor in Council there are reasonable grounds for believing that Mrs. Beasant has acted and is about to act in a manner prejudicial to the public safety,

"Now therefore the Governor in Council, in exercise of the powers conferred by rule 3 of the Defence of India (Consolidation) Rules 1915, published in the Notification of the Government of India in the Legislative Department, No. 86, dated the 9th of December, 1915, is pleased to direct that the said Mrs. Beasant shall not enter and shall not reside or remain in the province of Bombay pending the further orders of Government.

"And the said Mrs. Besant is hereby informed that if she knowingly disobeys this order she will be liable to imprisonment of either description for a term which may extend to three years and will also be liable to fine."

Dated this 29th day of June 1916.

By Order of His Excellency the

Right Hon'ble the Governor of Bombay in Council.

(Seal)

(Signed) L. Robertson,  
Secretary to Government.

Vithalbhai took interest in two Bills only during this year. One was the Bombay Abkari Act Amendment Bill and the other the Bombay District Municipal Act and the Bombay Local Boards Act Amendment Bill. He was a member of the Select Committee for both these Bills. The Municipal Act and the Local Boards Act Amendment Bill was a straightforward Bill. In the Amendment Bill of 1914 there were two clauses (clauses 6 and 7) whose object was to deal with corruption at Municipal elections. Clause 6 contained a provision by which the Collector was empowered to bring to the notice of the District Judge any case in which he had reason to believe that corrupt practices had taken place at any municipal election. This clause, as we have seen, had been objected to by Vithalbhai and hotly discussed at the time, and after considerable discussion both clauses 6 and 7 had been withdrawn and the Government had announced that the matter would be dealt with in a separate Bill, and this Bill of 1916 was the result. Government tacked on to this Bill the requirements in the same direction of the Local Board election. The provision empowering the Collector to take action with reference to corrupt practices was dropped altogether, and several other improvements were made on the original position of the Government. Vithalbhai was on the 1914 Select Committee also, and now he complimented Curtis on his good offices in the Committee of which he was the chairman, because the new Bill was a considerable improvement on the original Bill — Vithalbhai's own part in the improvement not being inconsiderable. On the first reading of the present Bill he suggested further improvements. On the whole the Bill met with a very good reception at its first reading which was carried unanimously.

The most controversial Bill of this year was undoubtedly the Bombay Abkari Act Amendment Bill, and Vithalbhai and Parkeh fought it inch by inch undismayed by the failure that attended them at every stage. The main object of the Bill was to diminish and, if possible, to eradicate illicit distillation in the Kaira district. Mhowra flowers being a cheap distilling base, and the required distilling apparatus very simple, poor people were tempted to use the flowers, which have been abundant in the Kaira District, for illicit distillation of liquor. The Bill

aimed at securing the disposal of those flowers soon after the harvest with a view to the removal of all temptation to illicit manufacture of liquor. The Bombay Government had persistently been after these Mhowra flowers for a long time — these flowers being available in several other parts of the province — notably in the Thana and Kolaba Districts. So far back as in 1882, they had brought a Bill in the Council 'taking power to make rules to regulate the traffic in Mhowra flowers *in all parts* of the Presidency.' It was the Governor General who had refused his assent to the Bill. His grounds were that the scope of the Bill was too extensive and if the Mhowra flowers were ever used as food such legislation was undesirable. The Bombay Government claimed to have discovered that these flowers were not a staple article of food in Thana and Kolaba, and yet the Government of India told them that they might be used as food in times of scarcity. The persistence of the Bombay Government, however, bore fruit and ultimately they obtained the sanction of the Government of India to apply the restrictions to Thana and Kolaba. Encouraged by that success, they later on (in 1905) applied them 'to parts of the Surat district, to Broach and to the Nasik district excluding Pein taluka? And now they wanted that section to be applied to Kaira. They based their case for Kaira on the fact that, as far as the backward element of the district was concerned, it was a criminal district. The Kolis or Dharalas formed 38 per cent of the population and many of them took readily to crime. The district had 'a very bad record in the matter of *violent crime*, thefts, robberies and murders.' Illicit distillation had become a curse to the district, and 'recognising that in the special circumstances increased facilities for obtaining licit liquor were necessary, Government had consented '*to increase the number of licenced shops*' (so one can see that the object could hardly be the securing of a reduced consumption of liquor). Carmichael, the member in charge, while moving the first reading of the Bill, brazen-facedly observed: "One of the main reasons which actuates Government in proposing the measure now under consideration is that the suppression of illicit distillation with all its evil consequences will assist materially in effecting a permanent reduction in the amount

of *other crime*'. Government could not altogether ignore the question of how far the restrictions proposed would deprive the people of one of their means of subsistence, or of cattle food. But on that question Collector Ghosal had 'thoroughly sifted the case'. His conclusion was 'that though Mhowra flowers are by no means a staple food or anything like it, some of the Dharalas occasionally mix it with flour in order to give a flavour or seasoning to their food. This use of it comes to an end early in the rains. When damp weather sets in, the flowers very soon become mouldy and fermented and so unfit for human consumption.' Government thought that it would be no hardship if the Dharalas were 'compelled to realise their crop of Mhowra flowers in cash'. And the commercial demand for acetone, which was in the offing, for which these flowers are the raw material, should have prevented our available stock of this raw material from being wasted. As regards fodder for cattle, these flowers, in small quantities, were fed to some plough cattle as a stimulant, but the practice was decreasing. Government disclosed that they were also used for a smoking mixture along with tobacco, but this operation of preparing that mixture was usually completed by the beginning of June. Government proposed to give a free season (or *vacation*) in this Bill, during which the restrictions would not apply — a free season of  $4\frac{1}{2}$  months from the 16th of February to the 30th of June. Government also intended to fix a limit of quantity below which the restrictions would not apply. This was the Government exposition of the proposed Bill.

As soon as Carmichael sat down, Vithalbai asked whether he could move his amendment just then, and on being told that he could, he moved 'that clause 2 be deleted' — that meant the dropping of the main clause of the Bill, for he added: "I take it that Government will drop this Bill if it be proved to their satisfaction that Mhowra flowers are used as food for men and fodder for cattle in the Kaira district." He pointed out that the Bombay Government's proposals in 1882 were not only disapproved by the Government of India but also strenuously opposed in the Bombay Council itself by all the non-official members — including among them Mandlik, Macaulay and Deshmukh.

He also pointed out that the Viceroy who vetoed those proposals was Lord Ripon — the most beneficent of our earlier Viceroys. The restrictions were applied to Thana and Kolaba because it was shown that Mhowra flowers were no part of the staple food of men or cattle in those districts and that the restrictions would not interfere with any lawful industry carried on there. Then he proceeded to invite the attention of the Council to the opinion of Mr. Lorimur, who was deputed by Government to make special inquiry and suggest ways and means to check illicit distillation in the Kaira district. In his report made in 1905, Lorimur had dismissed the question about the application of Mhowra legislation to Kaira district with the remark 'that it was highly impolitic to extend the provisions of the Act at present to the Kaira district, that it would be a great hardship to the people of that district to be suddenly deprived of their means of subsistence and that a number of innocent people would suffer.' Vithalbhai then cited the opinion, given in 1903, by Sir Frederick Lely whose experience of Gujarat and its people was unique: "If it is intended to extend the law still further, we desire to record that in most of the parts of the northern division Mhowra flowers are eaten by the people and are stored by them and any interference would harass them greatly and nothing in his opinion would justify it." In view of these emphatic opinions expressed as late as 1903 and 1905, Vithalbhai urged that it was incumbent on the Government to prove that the whole situation had changed within 10 years, and that both people and cattle had given up eating Mhowra flowers. It was a well-known fact that in times of famine and scarcity in particular — years of famine not being rare in those parts — lots of poor people in Kaira lived on Mhowra flowers. Ghosal's report was the outcome of a couple of conferences, held by the Collector, of his Excise Inspectors and Revenue subordinates. No non-official was ever consulted. Again, Ghosal's report was not supplied to non-officials — they had no chance to study it. Vithalbhai would have liked a committee being appointed to inquire into matters connected with the Bill. In fact he had given notice of a motion to that effect, but that motion was ruled out of order as it was *not within the competence of the Council to*

appoint such a committee. If the Council could not appoint that committee, Vithalbai requested Government to appoint it. Vithalbai proved that other methods to check illicit distillation were not given sufficient trial, and contended that the theory of criminality being due to facilities for illicit distillation could not be accepted in the absence of any proof to support it.

Parekh disclosed another reason for the Viceroy's 1882 veto. "The use of licences to purchase Mhowra flowers conferred a monopoly on a few individuals and was open to strong objection and was opposed to the general policy of the Government of India." Parekh also pointed out that the increase in crimes of illicit distillation synchronised with the use of repressive measures against the Dharalas to whom and the Waghris the Criminal Tribes Act was applied in 1911. And even in regard to violent crimes, Parekh maintained that the increase in them was probably the result of the unsympathetic treatment the Dharalas had begun to receive since 1911. The Dharalas were turbulent, excitable, very irascible and always prone to commit offences of a grave character, but sympathetic and kind treatment was able to make them quiet and peaceable. And it had never been shown that violent crimes were the result of the use of drink. Lallubhai Samaldas proposed adjournment of the discussion on the first reading, on the ground that Ghosal's report and other relevant information was not in the hands of the members. The motion was discussed and put to the vote. There were 15 Ayes and 25 Noes. During the debate on that adjournment motion, Paranjpye had argued: "Supposing we pass the first reading of the Bill, then we shall have practically rejected the amendment of my Hon'ble friend Mr. Patel about the deletion of clause 2. Then if after reading all the papers supplied to us we come to the conclusion that clause 2 should be deleted, Your Excellency will rule us out of order." In order to escape from this dilemma he wanted the adjournment asked for. Vithalbai realized the importance of that difficulty, and asked His Excellency to permit him to withdraw his amendment, and so the motion for the first reading of the Bill was carried without further ado. Vithalbai was put on the Committee, but Parekh was not. Vithalbai proposed that Parekh be included in the Select Committee, 'as he has made a

ed hands to do the best they could for the country.

The atmosphere of general goodwill and mutual give-and-take was thoroughly reflected in the proceedings of that year's Bombay Council. The proceedings of the year began (on the 13th of March) with the motion to mourn the death of Gokhale and the Council was adjourned as a mark of respect to his memory. Now such a thing had never happened before in the history of the Bombay Council. Other Councils in India did not adjourn when there was a resolution moved with regard to the death of a distinguished member, and in the House of Commons the custom is ordinarily to make no reference to the death of a member. Only in the case of the death of the most distinguished members of the House of Commons, the Leader of the House and the Leader of the Opposition make a reference to the subject, but even then, once that reference is made, the House does not adjourn, but goes on with the business of the day. This was, therefore, a great departure from the understood practice of such bodies, and when on the 7th of December in the same year, the Council mourned the death of Pherozeshah, they followed this precedent and adjourned once more out of respect to the memory of the departed leader. The spontaneity of the adjournment for Gokhale and the deliberate disregard of the practice of other bodies, then pointed out, for the adjournment for Pherozeshah were signs of the times and perhaps go to prove that the year 1915 was a year of peace and goodwill to men.

Vithalbai was, during this year, concerned with one Bill only — 'The Bombay Medical Act Amendment Bill (Bill No. III of 1915).' Of course he asked a series of questions and he also moved several Resolutions of general public interest. The Medical Act Amendment Bill of this year must not be confused with the Medical Act Amendment Bill of 1917, which he himself then moved and which proved so controversial. But the point that provoked a violent discussion then did show itself in an embryonic form on the debate of this Bill also. It had no direct relevance here and Government could not be, with any justice, accused of ignoring public opinion if they treated it as irrelevant here. The Bill, as now brought up, aimed at removing



some obvious defects of the Act of 1912. The Bill proposed (i) to restrict the right of election to the Medical Council to Registered Medical Practitioners only; (ii) to bring on to the Register, without any fee those who, though not registered under the Bombay Medical Act, were registered under the Medical Acts elsewhere — i.e. in England or other parts of the Empire; (iii) to ask for power to register such deserving medical practitioners as were debarred from registration on the ground that the institutions from which they obtained their diplomas were not mentioned in the Schedule to the Act, and (iv) to ask for power to deal with persons subject to Military Law. These were specific amendments to specific clauses of the Act. Several members of the Council wanted to bring in the question of the recognition of the indigenous system of Ayurveda. Belvi wished that the amending Bill 'had travelled as far as Section 11 of the Medical Registration Act of 1912', and though the Bill had not proposed any amendment to that clause, Belvi thought it was open to them, in that amending Bill, to amend all that needed to be amended. The Governor-President ruled that 'members should confine their attention to the *particular clauses* to be amended and not to the Act as a whole.' Upasani took advantage of the wording of the President's ruling, and referred to sub-clause 3 of the *amending* Bill and raised the same point as Belvi's. That section gave the Governor in Council the power to permit the registration of any person who was actually practising medicine. Though perhaps that was never intended, the operation of the Act was being extended so as to affect practitioners of indigenous system of medicine, as was evidenced by the fact that the Collector of Poona had called upon the Municipality of Poona to close the Ayurvedic dispensary which the Poona Municipality had been maintaining for over 22 years, because the gentleman in charge of it knew only the indigenous system of Ayurveda and was not qualified for being registered under the Act. In the circumstances Belvi prayed that if it was not intended that the Act should affect the indigenous practitioners, that intention should be clearly and expressly indicated in the amending Bill, or some provision should be made therein for the registration of those who practised according to the Ayur-

vedic system. Vithalbhai contented himself, on this point, with saying that he was quite sure the valuable suggestions of his Hon'ble friend Mr. Upasani would be considered in the Select Committee (Vithalbhai did become a member of the Select Committee, it may be noted), but the suggestions he himself made on sub-clause 3 and sub-clause 2 show us what he was himself more interested in. Sub-clause 3 gave the Governor in Council power to put on the register the name of any person who was actually practising medicine in the Bombay Presidency when the Registration Act of 1912 came into force. "My Lord", he said, "I do not know how far it is wise to give such wide powers to the Governor in Council in the matter. It appears to me, looking to the Statement of Objects and Reasons, that this power is proposed to be given to the Governor in Council, only in reference to persons who possess qualifications of foreign Universities of good repute. Now, if that is the only object, I do not know why we sitting here as legislators should not make sure as to what (which) are those foreign Universities of repute which we ought to recognize and insert their names in the schedule to the Act." In regard to sub-clause 2 he wanted the Council to consider whether it was not desirable to provide that those men who were registered elsewhere, but not registered here so far, should pay the registration fee of Rs.15 when they came on this register. He said that he had several other suggestions to make, but as the Bill was going to be referred to a Select Committee he would reserve his observations. Dr. D'Monte and the Surgeon-General (Lyons) tried to answer the points raised by Vithalbhai; and Kamat, Paranjpye and Rodda in their own different ways raised the question of the practitioners of indigenous medicine. Kamat, in particular, objected to the Medical Council having virtually the determining voice in the matter of the new registrations, as they were likely to have a bias against practitioners of indigenous systems. He wanted that the discretion of Government should not be fettered by their having to consult the Medical Council. Col. Jackson made a debating point of it by referring to the opinion of Pherozeshah in 1912 who had then said that 'the stealthy hand of Government was behind, ready to grasp everything and that the object of the

Bill (1912 Act) was to bring the whole medical profession under the control of Government.' When the Medical Council was proposed, Col. Jackson said, it was represented that it would be a body without any mind of its own, and he added: "So rapid has the change been that the Hon'ble Mr. Kamat now fears that the virile Medical Council will run the Bombay Government".

The first reading of the Bill was passed on the 13th of July. Vithalbhai was on the Select Committee. The meeting of the Select Committee was deferred until September, giving the members every opportunity of considering whether any amendments were desirable in that Bill. The Select Committee did not suggest any modifications in the amendments proposed in the Bill, nor did they add any amendment themselves. The report was unanimous. Obviously the policy of mutual give-and-take must have prevailed in the Select Committee. Vithalbhai seems to have been thoroughly satisfied with the result, as the Government agreed to find a solution to the difficulty of the Poona Ayurvedic dispensary which had been raised by so many members at the first reading of the Bill. At the second reading of the Bill, on the 8th of September, Sheppard, who was the Member in charge of the Bill, announced that Government had received a representation from the citizens of Poona and they were anxious that the penalties imposed by this Bill on local bodies which supported local institutions on the Ayurvedic system should be removed. That could not be done in the Bill as it stood, but he added: "We have considered that question in the Select Committee, and Government have considered it also, and I am able to inform the Council that we have drafted an amendment to Section 11 which will permit of the continuance, according to law, of the Ayurvedic Dispensary in Poona." True to their promise, we may add here, Government did bring their 'Bill further to amend the Medical Act, 1912' on the 14th of March, 1916 (Bill No. 1 of 1916), to remove the disabilities from which the Poona Municipal Dispensary was suffering. Sheppard took particular care, however, to inform the Council that the Government did not propose 'to extend the Ayurvedic System as a system to which Government should contribute in any other

dispensaries in this Presidency.' This addition of Sheppard provoked Upasani to ask for more latitude, and he was rightly told by the President that if he cared to move an amendment he should have put it on paper. This did not silence Upasani altogether, for he had an opportunity, he thought, at the time of the second reading, and when Sheppard proposed that the second and the third reading also should be passed at the same sitting, Upasani pressed for the appointment of a Select Committee (which Government did not propose to appoint). And then Sheppard told the House that the Select Committee on the preceding Bill had fully considered the question and that 'the Committee which included the Hon'ble Mr. Belvi and the Hon'ble Mr. Patel was unanimous in its report' and that it was no use starting that discussion afresh.

Vithalbhair's questions of this year covered a pretty limited range. Most of them aimed at convincing the Government that everything was not quite all right in the kingdom of Denmark. A pretty large number dealt with the Talukdari Settlement Officer and his management. He showed by a question that wherever necessary, Government could get a Chief Officer appointed by a Municipality and therefore the imposition of a Municipal Commissioner on the municipalities was not such a crying need. He showed his vigilance by a question in the matter of making the President elective in several municipalities. He showed his interest in the assistant teachers by asking how their promotions were manipulated. He evinced his personal interest in Bandra's water supply and the Salsette Notified Areas by persistent questions in these matters. He compelled the Government almost to eat their words by asking what the Government of India had to say in respect of Section 3 (j) of the Town-Planning Bill, which had to be referred to them, Vithalbhair's remarks on which had been treated as a joke by Pherozeshah and which the Bombay Government members had assumed to have been accepted by the Government of India. The prestige-ridden Government of Bombay would not lay the letter of the Government of India in the matter on the table as Vithalbhair asked them to do, but they had to admit that the Government of India had drawn their attention to the fact

'that the sub-section was too wide'. He exposed the scandal of the unimaginably heavy emoluments of the Official Assignee, whose monthly income proved to be twice as much as that of the Chief Justice and a little higher than the Governor's own salary. He asked whether Government officers could attend the Congress either as delegates or as visitors. Another question in which we may take a little more than usual interest was:—“(a) Will Government be pleased to say whether it is permissible to officers of Government to influence votes for election to the Legislative Council? (b) Will Government be pleased to lay on the Council table any standing rules or orders that may now be in force on the subject of interference by Government officers in election” and the supplementary question (because the orders were laid on the table): “Will Government be pleased to say whether the orders laid on the table permit an ex-officio member of the Senate to write letters to other members of the Senate recommending a particular candidate for their acceptance in the Council election?”

The original orders as passed on the 16th of July 1902 (to which attention was drawn by a circular on the 14th February, 1910) were:—

“His Excellency the Governor in Council is pleased to direct that no *officer of Government of any department or grade* in the service shall *interfere directly or indirectly* with the free choice of candidates *by elective bodies* or attempt to influence or direct the action of those bodies in any way and that no indication be given by any official of the manner in which he himself personally intends to vote.”

It seems some ex-officio member of the Senate had written letters to other members of the Senate in regard to the Council election. Vithalbai pounced upon this, and wanted to bring that ex-officio member to book if he could.

But the Governor-President's reply was as evasive as one might have expected in the circumstances of the day. The reply was: “That, I should gather, is a matter for the University to decide.”

Vithalbai moved during this year more resolutions than he had ever moved before. The total was eight.

Of these, one he himself got postponed — the one on the question of creating a civil court for the town and island of Bombay, as he expected to get some information from his friends in Bengal, where a similar measure had then been passed, and he did not want to move it before he had that information in his possession. Another he withdrew on a favourable assurance from the Governor, and the other six were accepted by the Government, either as they were or in a slightly modified form — the modification being accepted by Vithalbai. This was the height of success Vithalbai reached in his career as a member of the Bombay Council, so far. The first of these was in regard to the emoluments of the Official Assignee and allied matters, on which, by his questions, he had gathered all the relevant material. The wording of the Resolution was:—

“That this Council recommends to His Excellency the Governor in Council to consider the desirability of —

(a) putting the Official Assignee, Bombay, on a suitable fixed salary and crediting to Government the fees at present charged by him; and

(b) Creating the office of Official Receiver on a suitable fixed salary, such officer to be thenceforth the Official Receiver-in-suits and the Official Liquidator of joint stock companies instead of the Official Assignee as at present.”

In 1886, the Finance Committee had actually made the proposal that the Official Assignee should be put on a fixed salary, but that recommendation had remained a dead letter till 1894, when Setalvad pressed Government to take action on that recommendation. Setalvad had shown that the Official Assignee's emoluments worked out at about Rs. 3,000 a month and that it was too much for the work he did. Basil Lang and Birdwood had argued that Setalvad had referred to some exceptional years and that, if an average of 12 years was taken, the commission would work out at Rs. 1,500 or Rs. 1,600 a month and that that was not excessive. Vithalbai now gave the figures for the quinquennium ending with 1913, which gave the Official Assignee an average income of Rs. 10,117 per month. One of the arguments urged in favour of the preference given to the commission over the salary basis was ‘that an officer who is paid by

results is certain to use far more zeal in collecting outstandings than one who is paid by salary.' Vithalbai's slashing answer to that argument was: "Can anything be more damaging to the sense of duty of our high salaried officers than the assumption involved in this argument that the measure of their zeal in discharging their official duty is the resulting addition to the length of their purse? I refuse to accept it, My Lord." Vithalbai showed another flagrant defect in the arrangements that obtained. The Official Assignee accepted 'receiverships and liquidatorships *ad infinitum*, just as they come.' Naturally, for they added substantially to his commission. "Is it possible for any man", Vithalbai added, "to devote such close attention to so many estates at the same time?" This it was that led him to propose the creating of a separate office of the Official Receiver and Liquidator. In supporting Vithalbai, Setalvad said: "And I may tell Your Excellency, without any breach of confidence, that some of us who have to work hard in the High Court, day after day, to earn our livelihood have very often said that it would be very good indeed if the learned Chief Justice could be induced to give the post of Official Assignee by rotation to half a dozen senior members of the bar, as it would be very good indeed for them to have a *year's holiday* getting Rs. 10,000 a month."

With a view to curtailing discussion, Pattani, on behalf of the Government, rose immediately after Setalvad had finished his speech, and told the Council that Government was disposed to accept the Resolution. He, however, stressed the fact that the Resolution, as it was, only conveyed a recommendation to Government 'to consider the desirability of the measures'. Fellows of the Bombay University will perhaps recall to their minds, on reading this, the time-worn phrase of recent days which has received a slight accretion and developed there as 'to consider the desirability and feasibility of'. In fact this phrase looms large in the consideration of the Resolutions of 1915. Rumours were current at the time that Lady Willingdon was very much annoyed by the knowledge that the Official Assignee had a larger income than her husband's. Whether there was any truth in these rumours or no, it is clear that Lord Willing-

don did give expression to his annoyance, because the closing sentence of his speech that day was: "I frankly own that, as President of this Council, I am seriously influenced in my opinion by the terrible suggestion that my Hon'ble friend Mr. Patel made, that this individual who has been up before us this afternoon, gets a higher salary than His Excellency the Governor."

Of the five remaining Resolutions which Vithalbhai moved this year, three referred to Local Boards, one to Notified Areas, and one to Municipalities. We may notice here, in passing, that Vithalbhai was at bottom a serious student, that he would pursue his studies in the subjects he handled to the minutest detail and that he would never fritter away his energies by engaging himself, while he was occupied in these studies, by interesting himself in any other question. He represented in the Council the District Local Boards of the Northern Division, he lived in Salsette and he was a member of the Borsad Municipality, and, later, a nominated member of the Bandra Municipality also. He therefore knew the ailings of these bodies from inside and he had, at this time, made them almost the only objects of his penetrating studies, and he could speak on matters respecting these bodies with a knowledge which nobody could challenge. The first Resolution on the Local Boards which he moved was:—

"This Council recommends that the Governor in Council may be pleased to direct that the number of elective members on those Taluka and District Boards in the Presidency which have been in existence for 25 years or upwards, shall be not less than two-thirds of the whole Board."

In his speech on this Resolution, Vithalbhai started with an attempt to remove the misconception which some people have always been labouring under: namely, that, before the advent of the British rule, there did not exist any machinery by which the rural population of this Presidency could manage its local affairs. He maintained that Local Self-Government in India was as old as the Himalayas. The old village republics were destroyed by the East India Company, and the British Government, by establishing Rural Boards did nothing more than reviving the institution of Local Self-Government, albeit in



a new form. The Local Funds Act of 1869 did not start what could be called Local Self-Government. In 1882, during the Viceroyalty of Lord Ripon, the Government of India tried to give a great impetus to Local Self-Government in rural areas, by issuing a Resolution on the subject. This memorable Resolution, Vithalbai pointed out, laid great stress, among other things, on the importance 'of having a large preponderance of non-official members chosen by a system of election on the rural boards.' The Bombay Local Boards Bill of 1884, which was a consequence of that Resolution, did not satisfy adequately *either* the requirements of the Resolution of the Government of India in substance or in spirit, or the legitimate aspirations of the people. The clause dealing with the Constitution of the Local Boards was hotly opposed, then, by Badruddin Tyabji, Macaulay and Mandlik. Badruddin Tyabji had said, among other things: 'unless a decisive majority is given to the elected members, I fear that the Bill will be practically worse than useless. It will be mischievous. The real power will still continue to belong to the local authorities and the present measure will merely continue and practically perpetuate the present system under the high sounding name of Local Self-Government. It seems to me that the people will have gained little more than *a bare responsibility* for the administration of funds and affairs, *over which they will have no real control.*' It was only on a solemn assurance given by the then Government that Tyabji and Macaulay withdrew their opposition (Mandlik did not). Thirty and more years had gone by after this assurance, and the position in this matter was exactly what it was then. Again the Rural Commission on Decentralization had recently given its opinion in favour of the extension of true Self-Government. Said they: "We consider that the nominated element in a sub-district board should not exceed the strength sufficient to secure the due representation of minorities and of official experience, and that the District Board also should contain an elective majority." Vithalbai gathered, he said, that, when the Government of India sought the views of the Bombay Government on this point, 'of all the Provincial Governments of India it stood alone in thinking that the time was not still ripe to give effect in this

Presidency to the wish of the Government of India'. Vithalbhai finely twitted the Government on this opinion of theirs. This could not be, he said, the public opinion of this Presidency. None of the non-official members of the Council had any information as to when and on what materials the Bombay Government submitted such an opinion. It expressed, at best, the opinion of some of the officials who had the ear of Government. Did the Government 'consult any of the many recognised public institutions such as the Bombay Presidency Association, the Deccan Sabha, the Sarvajanic Sabha or any other? Were the non-official members of the Local Boards or even the non-official members of the Council ever invited to express their opinion? And what a sad confession this, on the part of the Government to whom in the Providence of God, the welfare of the people of this Presidency has been entrusted by the British nation that its enlightened rule for 30 years should not have been able to evoke such modicum of public spirit in its subjects as to make it possible for such small extension of the elective franchise?'

Vithalbhai was supported by Hidayatulla, the Thakor of Kerwada, Sathe and Harchandrai Vishindas. On behalf of the Government, Pattani said, that Government had no hesitation in accepting the resolution, if the mover could modify it a little. The modification, agreed to by Vithalbhai after some slight hesitation, and after being coaxed by His Excellency to accept it, changed the resolution to read as follows:—

"That this Council recommends that the Governor in Council may be pleased to consider whether the number of elective members on such of the Taluka and District Local Boards in the Presidency as the Governor in Council may think fit shall be not less than two-thirds of the whole Board."

It is interesting to note here that, on the floor of the House, the Governor referred to 'some private conversation' he had with Vithalbhai on this matter and now he publicly asked him not to embarrass Government. This is another piece of clear evidence that the policy of give-and-take was being followed on a large scale at this time. Vithalbhai responded generously to His Excellency's suggestion and said: "I have not the slightest intention of embarrassing Government in the matter

and I accept the suggestion made by the Hon'ble Sir Prabha-shankar Pattani."

Vithalbhai's next Resolution bearing upon the Local Boards asked for the extension of the elective principle to the Presidentships of the Boards, and Pattani said that if Vithalbhai was 'prepared to accept a modification similar to the previous one', Government would accept that resolution also. Vithalbhai readily accepted the modification and moved: "This Council recommends that the Governor in Council may be pleased to consider the desirability of directing that the Presidents of such of the Taluka and District Local Boards in the Presidency as the Governor in Council may think fit be elected by such Boards." In moving this resolution, Vithalbhai did not fail to add that he hoped that the Government would be pleased to consider the question *at an early date*, and that it would not share the fate of the pious aspirations engendered in the minds of the public thirty years ago.

The Resolution which Vithalbhai moved next, also, bore upon the Local Boards. It reads as follows:—

"This Council recommends that the Governor in Council may be pleased to appoint a Committee of officials and non-officials to inquire and report on the ways and means of increasing the resources of Local Boards."

In moving this Resolution, Vithalbhai recognized that while everybody admitted that it was desirable to improve the finances of the Boards, opinion was much divided on how to do it. He had noticed several of the suggestions that were made from time to time, on none of which was there a real unanimity. He particularly favoured 'the one anna cess on Abkari revenue' which used to be levied for this purpose in the seventies and eighties of the last century, but which was dropped later on. If this could be restored, 'it would increase very materially the revenues of some of these Boards'. Of course he would not commit himself to any particular source of revenue — what he wanted was a Committee to go into the question. "There is no wrong", he said, "without a remedy, and the existence of a wrong being admitted, let a strong committee make inquiries and suggest a proper remedy for its cure." Harchandrai Vish-

indas, Parekh and Rodda supported Vithalbai, but Pattani was adamant this time. He thought that no purpose would be served by the appointment of a Committee for this question, because the Decentralization Commission had only recently come to the conclusion, that, though they recognized the need for increasing the resources of the Boards, it was not possible for them to suggest any ways and means by which to do it. Pattani went through the suggestions enumerated by Vithalbai, dismissed them one after another as not feasible, appeared for a moment to consider the 'Abkari grant' suggestion as worthy of some thought being given to it, but brushed it aside with the remark that 'opinion has been expressed on other occasions that it was not possible for Government to accept that suggestion.' Then he ridiculed or almost ridiculed the suggestion of a duty on export and import with the aid of a description of what happened at Viramgaum. In short Pattani's attitude was very unsympathetic. He urged Vithalbai to withdraw the Resolution and, if he did not, asked the Council to oppose it. Vithalbai would not accept Pattani's position and refused to withdraw it. And now His Excellency the President intervened. Said he: "I want the Hon'ble Member to believe in the good faith of Government and to understand that we are seriously considering what are the best steps to take to inquire into the whole position of District Local Boards, and in that enquiry must of necessity arise the question of the general finances of the Boards; and, therefore I would suggest to my honourable friend to withdraw this Resolution, having regard to the fact that *Government intends to enquire into the matter it raises.*" This was a far different attitude than Pattani's, and Vithalbai's own response was quite generous. He said: "I am very glad Your Excellency's Government is going into the matter and I am perfectly satisfied. And I have the fullest confidence in the good faith of Your Excellency's Government, and I therefore beg to withdraw this Resolution."

Vithalbai's next Resolution was:—

"This Council recommends to the Governor in Council to constitute Municipal Districts out of such adjacent Notified Areas in the Salsette Taluka as the Governor in Council thinks fit or,

in the alternative, to appoint a substantial proportion of a Notified Area Committee in the Salsette Taluka on the recommendation of electorates to be constituted in such Notified Areas."

Pattani came out with his hackneyed suggestion of substitution of the words "consider the desirability of constituting" for the word "constitute". Vithalbai was visibly annoyed at this apparently meaningless modification. As he said: "If Government accept the necessity of doing a thing, it must be done." Nevertheless he did accept the modification and moved the modified Resolution which was put to the vote and carried.

The last of the Resolution moved by Vithalbai during this year was:—

"This Council recommends that the Governor in Council may under sub-section (2) (e) of Section 23 of the Bombay District Municipal Act, 1901, be pleased to direct that every President of a City Municipality in the Presidency shall be elected by such Municipality."

Pattani, as before, said that Government was willing to accept that resolution, but with the same kind of alteration as had been effected in the previous resolution. And he hastened to add: "I want to assure the Council that when I say that Government are in sympathy, they really are in sympathy." Vithalbai did not respond. He said he had decided to move the resolution as it stood on the agenda. He made his speech on his resolution as it was, but ultimately accepted the amended form. The dialogue that brought about this result, we believe, deserves to be recorded here.

"*His Excellency*:...I would therefore urge my honourable friend to accept the resolution in the amended form that we propose, and if in the future he considers the action we have taken, unsatisfactory, he has full power to raise the question at a future meeting of this Council.

"*The Hon'ble Mr. Patel*: Your Excellency on a previous occasion told me not to rely too much on Government.

"*His Excellency*: I hope the Hon'ble Member is not referring to any private conversation.

"*The Hon'ble Mr. Patel*: No; I refer to what Your Excellency told me in this Council. (This was in connection with

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Vithalbai's resolution about the elective principle being extended to Panch Mahals, when he accepted a similar modification of Pattani's with the remark 'and on the assurance that my friend has given (I) have nothing more to add but to accept it'. And the Governor-President had then remarked: "I will only say that the Hon'ble Member must not take too much on trust'. *I am asked to rely upon Government* to accept the resolution in the amended form and I do accept the Resolution in the amended form.

*"His Excellency: The Hon'ble Member has put a great responsibility on me and I hope he will find his confidence justified.*

## Chapter Seven

ANNUS MIRABILIS (1916)

WITH the death of Gokhale and Pherozeshah Mehta and the change in the constitution of the Congress enabling the extremists to enter the Congress, Moderate politics received almost its death-blow — in fact henceforward it ceased to count as a factor of any real importance in Indian Politics. Tilak, who had to wait for his regular entry into the Congress till about the end of the year, brought all his energy to bear upon the reorganisation of his party, and with that end in view started the Home Rule League on the 23rd of April, 1916. Mrs. Beasant, who had joined the Congress in 1914, and had been playing with the idea of a tremendous agitation for Home Rule, founded her Home Rule League (later called the All-India Home Rule League), on the 1st of September, 1916. Mahatma Gandhi, who has completely moulded the Congress of today, changing the whole course of Indian politics almost out of recognition, had just arrived in India, but had not yet started his public life on any well-defined lines. He was, at this time, if not actually a Moderate, an earnest disciple of Gokhale and would have been in fact a member of the Servants of India Society had he not been asked by Gokhale not to be precipitate in his action, but to study the conditions of the country and to arrive at his final decision only after mature deliberation. His work in South Africa had undoubtedly secured for him a place of eminence in Indian politics, but the Extremists of Bombay were so perverse that but for the machiavellian tactics of Tilak he might not have got a place even on the Subjects Committee of the 1916 Congress. There, as the Congress Historian has told us, 'when a Nationalist (meaning extremist) name was pitted against Gandhi, the latter was voted down, but Tilak (who was in the chair) declared that Gandhi was elected'. Gandhi's association with Moderates was enough to condemn

such occasions this year to show how Government was extremely unfair to non-official members of the Council. This particular resolution was used by, and therefore must have been shown to, one Mr. Cumming who had written a 'Local Board Manual', and therefore Vithalbai's complaint was all the more bitter. What he said was: "It is a matter for regret that Mr. Cumming, an outsider, could have access to the Secretariat papers, but a non-official member of this Council could not, *even when he needed them in connection with the business on the agenda of this Council.*" Vithalbai supported, as could be expected, Parekh's resolution, which ultimately was virtually accepted by Government, asking for the recognition of the eligibility of 'sub-assistant surgeons' for the membership of the Medical Council. Vithalbai moved a resolution asking that in the districts of Thana, Surat and Poona and in the city of Karachi, the trial before any court of session shall be by Jury. Needless to say, after noting the fate of his earlier — general — resolution in this matter, that the resolution was lost. Vithalbai would not withdraw it, because the earlier one was lost. There was a resolution moved this year by Manmohandas Ramji on the question of the participation of students in politics, and it would have been interesting to see what Vithalbai's opinions were *at this time* on this matter. Unfortunately we have lost that chance, because when he got up to speak on it, the President told him that he was too late — Manmohundas had already got up to reply. Needless to say that he voted for the resolution — the original undiluted resolution — as also for the modified ones. For the original resolution there were only 5 Ayes, the Noes being 32. Among the Ayes were, besides Vithalbai and Manmohandas Ramji, Belvi, Upasani and Bhurgri.

One of the items which evoked considerable discussion this year was the amendments of the Rules for the Conduct of Business at the meetings of the Legislative Council, and the most controversial of those amendments was in respect of who should preside at the meetings of the Select Committees that were appointed after the first reading of the Bill was carried. Government's contention was that the Chairman of these committees should invariably be the member of the Executive Council in



charge of the department with which the Bill was concerned. That is of course all right when Government Bills came up for consideration. Vithalbhai's contention was that for Private Bills — (there were only four Private Bills introduced so far in the enlarged Bombay Council — two of them Vithalbhai's own, and none had *yet* reached this stage, except *perhaps* the first one of its kind — that of Ibrahim Rahimtulla which dropped out almost immediately after the Select Committee was appointed) — the Chairmanship of the Select Committee should normally go to the member who introduced that Bill. Vithalbhai's proposal, in the Select Committee which considered these amendments, was that a member introducing a Bill shall invariably be a member as well as the chairman. The Select Committee in their wisdom suggested another amendment *instead*, namely that a member of the Government shall invariably be a member and also the chairman of the Committee. They were so indifferent to the member who introduces the Bill that they did not in their report include the necessity of making him *even an ordinary member*. In the discussion in the open Council it was of course admitted that this was an error and that they did not mean to deny membership to him, but they contended that, once it was admitted that a member of Government should invariably be a member of that Committee, it automatically followed that that member must also be the chairman. The correct and obvious interpretation of this position of Government was put in the following words by Belvi: "The idea seems to me to be that it is *infra dig.* for a member of Government to be a member of a Select Committee and to play only second fiddle to the mover of a Bill if he happens to be an 'additional' member and the Chairman of a Select Committee. That is derogatory to the dignity of such a superior being as a member of the Executive Council of Your Excellency's Government. The second notion seems to me that if any particular matter comes to the question of voting, the Chairman should have the benefit of a casting vote." Belvi's blunt exposition of the real position of Government stung several supporters of Government, particularly because in Vithalbhai's dissenting minute there was a remark which had already upset them in this direction. This remark was:

“One wonders how long it is proposed to maintain the official element in our constitution on a *tottering pinnacle of prestige.*” Dinshaw Petit rubbed the point in when he said: “I must say, Sir, that at a time when so much has been heard and is said with regard to the legitimate aspirations of the people of this country, it is a matter of disappointment to me that there should be any opposition to the modest demand that has been made by the Hon’ble Mr. Patel, and I may be further allowed to say that any expressions of sympathy towards the aspirations of the people are of no avail unless they are backed up by Government by a reasonable attitude in matters such as the one before the Council.” During this discussion the Governor-President, perhaps inadvertently, exposed the hollowness of the Morley-Minto reforms when he distinguished between the members of the Executive Council and the ‘additional’ members. He said: “Does the Honourable member mean to imply that there is no difference at all, in fact or in any other way, between the members of the Executive Council who are for the time being *conducting the Government of Bombay* and ‘additional’ members of the Legislative Council *whose privilege is generally to criticize?*... Does he say that Honourable members who are for the time being executive officers carrying on the Government of Bombay are in no different position from that of any ‘additional’ members, *who have got no responsibility for the Government of Bombay and who are probably generally merely critics?*” Vithal-bhai protested against these remarks. He said: “I protest against the remark that the ‘additional’ members have no responsibility for the good government of the Presidency and that their only privilege is to criticize.” Vithal-bhai was certainly within his rights in making this protest, but it has to be admitted that, in the theoretical and technical sense, the word *responsibility* had the sense attached to it by the Governor-President — and that was the fundamental defect of that constitution. Vithal-bhai was on much stronger ground when he replied in the following way to one of the arguments of Strangman — the Advocate-General: “Then my Hon’ble friend Mr. Strangman told us that if we were to have distrust of the members of the Executive Government we had better shut up this Legislative Council al-

together. Well, I am surprised. I have been for the last 5 years in this Council, and I must speak out plainly that we non-official members have always tried to trust Government as far as we can. *But if there is no response*, are we responsible? Do we distrust Government, or is it the officers of Government that distrust the 'additional' members of this Council? If we seek some information, we are told 'you are members of the public and it cannot therefore be supplied to you.' Again it was during this debate that Vithalbhai gave his own opinion about the Bombay Corporation which was being held up as a model by some members. What he said was this: "I am surprised, Your Excellency, some members ask us to look for precedent to the Bombay Corporation. I think we had better take the lead from the House of Commons or the other Legislative Councils. But it is ridiculous to ask us to follow the Bombay Corporation, which, I submit, is *the most backward body in the matter of local self-government.*" Is it necessary to say that this most reasonable proposal of Vithalbhai was lost? As a matter of fact it had only 15 Ayes against 27 Noes. Altercations between Chaubal and Vithalbhai were a feature of this year. We have seen how Chaubal had to withdraw an unparliamentary expression once. Here when Pathan introduced an amendment which was similar to the one which in the previous session of the Council Vithalbhai had moved and which had been referred to the Select Committee, Chaubal said: "The Hon'ble Mr. Patel has *transferred* the same (his amendment) now to the Hon'ble Mr. Pathan. Pathan objected to the word 'transferred' and Vithalbhai supported him. Chaubal withdrew the word 'transferred' but added: "But I confess my inability to describe the process (he had used the word 'manouvre' before) by which this feat has been achieved." The question at issue here was whether the same treatment should be given to Government as to Private Bills — whether there should be a 'leave stage' before the first reading for both these types of Bills. Government wanted that stage for private Bills and not for Government Bills. Vithalbhai and Pathan would rather have that stage dropped for both, but if that stage was insisted on for Private Bills, Vithalbhai wanted it for Government Bills also. Vithalbhai

went so far as to say: "I most respectfully maintain that the rule empowering the Governor to dispense with the leave stage is *ultra vires* of the Government of India Act." Vithalbai had himself profited by that power in the Governor's hands in respect of his own Bill on Primary Education (to which we shall come in the next chapter), and therefore the Governor-President was justified in saying: "I do not think my Honourable friend can complain if I say that I think he is a most ungrateful person." Vithalbai's position was clarified by what he said later on, in the course of the debate: "I had bitter experience in this matter only recently. I gave notice of a Bill (the Medical Bill is here referred to) which required the previous sanction of the Governor. I applied for it and the application was rejected. If that Bill had been discussed on a motion for leave to introduce it, I feel absolutely confident that His Excellency the Governor would have granted the sanction. But as things stand at present, he has no alternative but to hear the views of *the officers of the Secretariat* in order to decide whether he should grant or refuse sanction. The other side remains unrepresented." Vithalbai's motion had of course no chance of passing in this Council, but the net result of it was that His Excellency expressly said: "I want to make it perfectly clear to the Council that as far as I am concerned, I should always consider, if motion for leave to introduce were necessary, that it should always be a formal motion." With that ended this strenuous fight over the amendment of the Council Business Rules.

Readers of this chapter will not have failed to notice that the sweet reasonableness of earlier days had now definitely given place in Vithalbai's life to a sort of contumacious behaviour, that he had now lost all faith in winning over the Government by a mutual give-and-take and that he was distinctly on the war-path. There was, however, one solitary exception to this constant and consistent opposition of his to Government in these days, as we shall see in the next chapter which will show how he successfully manoeuvred to get his Primary Education Bill passed — the one solid achievement of Vithalbai in the Legislative Council of the Governor of Bombay.

## Chapter Nine

### THE PRIMARY EDUCATION BILL

**V**ITHALBHAI moved the first reading of his 'Bill to provide for the extension of Primary Education in municipal districts in the Bombay Presidency other than the City of Bombay' (Bill No. II of 1917) on the 25th of July, 1917. This was indeed a unique occasion in more than one way. So far, in the enlarged Bombay Council, only two other private Bills were moved. Neither of them, however, had advanced sufficiently to leave any recognizable impression on the minds of the members of the Council — in fact very few members remembered that there were any private Bills moved before then. The reason was clear: they had not advanced sufficiently. The first was Ibrahim Rahimtulla's, about the Registration of Charities. It had gone through its first reading and a Select Committee was appointed for it, but before the Select Committee could meet, Sir Ibrahim got elected to the Imperial Legislative Council, and in his absence nobody cared to handle that Bill and it dropped almost unnoticed. The second was Bhurgri's in respect of some taxation he proposed for the education of the Zamindars of Sind. Motion for leave to introduce it was given, but before it could be read a first time, Bhurgri himself asked for leave to withdraw it, because the class of people for whom he introduced it was divided in opinion about the contents of the Bill. Vithal-bhai's Primary Education Bill, which ultimately went through all the stages and was placed on the Statute Book, proved therefore to be the first serious attempt to carry to its destination a piece of legislation introduced by an 'additional' member of the Bombay Council. Unfortunately it remained also the only one, because his next Private Bill — the Medical Bill — of which we shall speak in the next chapter — dropped because of inadequate support even for its first reading. The fortune of the Primary Education Bill was unique, also because of the fact that no-

body, who has seen how Vithalbhai's resolution on this subject in the previous year was handled by Government, could even expect that so soon thereafter not only the Bombay Government, but the Government of India also, would be so sympathetic as they proved to be. We may remember that the Bombay Government had opposed that resolution on the ground that it was constitutionally *improper* for a local Government to support a resolution which 'went straight in the face of the confirmed and decided opinion of the Government of India.' Vithalbhai had, of course, refused to accept this objection, but that objection had sealed the fate of that resolution. There were, however, some hints thrown out in that debate, on behalf of the Government, that all was not lost and that if definite recommendations of some sort were formulated they had some chance of being accepted. Vithalbhai acted on those hints and prepared the draft of this Bill, and gave notice to the Secretary of the Council of a motion for leave to introduce it. The Bombay Government transmitted the Draft Bill to the Government of India for their instructions, and the Government of India intimated to the Bombay Government that they had no objection to the principle underlying it. Another circumstance also made this Bill unique. It was published in the *Bombay Government Gazette*, although no motion for leave to introduce it had been made on the floor of the Council. This item of procedure was being hotly discussed in the Council at this time. While Government wanted this stage to be dropped for Government Bills, they were keen on having this stage for Private Bills. The Governor had the right to dispense with this stage, but while he could use it in respect of all Government Bills, he could use it for Private Bills only in exceptional cases, and normally on the advice of his Secretariat officials. Vithalbhai himself disapproved of this extraordinary power of the Governor, and the Governor had called Vithalbhai ungrateful, because he had used this power for the benefit of this Bill. Vithalbhai's other Bill had not been so fortunate. Nor was Bhurgri's. Sir Ibrahim's had only surreptitiously escaped this stage, because at that time, as Chaubal pointed out, the whole procedure was irregular.

Vithalbhai had based his Bill on Gokhale's Bill in the

Imperial Legislative Council, but he had to make several changes on account of the fact that the scope of this Bill was limited. Vithalbai would have been glad if compulsion could have been introduced throughout the Presidency, in urban as well as in rural areas. But as that was too large a pill for Government to swallow, he had proposed that the experiment should first be tried in urban areas only. Again, as the Bombay Corporation had its financial squabbles with the Bombay Government, and as he did not want these complications to hinder the progress of the Bill, he had excluded the City of Bombay from the operation of his Bill. He had also provided 'sufficient safeguards to prevent any misuse by any local body. No municipality could issue the notification for compulsory education without the previous sanction of the Government' (clause 3). Before the issue of the notification the municipality concerned had 'to make such provision as the educational department considers necessary and sufficient for primary education' (clause 4). The resolution of the municipality regarding the issue of the notification had to be supported by at least two-thirds of the Councillors present (clause 5.) Clause 16 imposed an obligation on the municipality concerned to maintain such staff, buildings and appliances as the educational department might from time to time require, and also to keep all such schools open for inspection to the educational department. Clause 17 empowered Government 'to cancel any notification issued by a municipality in the event of that body making any default in any of the requirements of the Act.' The compulsion clauses provided that no undue hardship was caused to the parents and guardians. A 'reasonable excuse' as defined by the Bill could exempt a child from attendance. Defaulting parents and guardians had to be given a due warning before they were punished, and the punishment in the original draft was not to exceed Rs. 3, as fine, for failure to obey an attendance order. A fine not exceeding Rs. 25 was laid down for the employment of 'any child who might be at school under this Act.' The employer had to be given 'a due warning' before he was so fined. The municipalities were empowered to impose an education cess, to be devoted solely to the purposes of primary education, but only 'if the resolution in that behalf has

been supported by at least two-thirds of the Councillors present at the meeting.' In the Bill as originally drafted, this compulsory education was not altogether free, but a declaration by the parent in writing that he was unable to pay the fees was *per se* to be regarded as sufficient to entitle the child to exemption. The most controversial clause of this Bill was Clause 18. This clause was 'intended to meet the technical objection raised under Section 80 (2) of the Government of India Act, 1915'. That Section provided 'that it shall not be lawful for any member of any local Legislative Council to introduce, without the previous sanction of the Governor, any measure affecting the public revenues of the province or imposing any charge on those revenues.' Vithalbhai himself held that no express provision of the kind was necessary in this Bill, as it, in no way, affected the public revenues of the province. He put it in, to avoid the initial difficulty raised by the legal department of the Government of Bombay, but he hoped from the beginning that he could get it dropped in the Select Committee, and so he did. In fact he got several improvements made in the Select Committee. But in regard to Clause 18, even when he spoke on the first reading of the Bill, he showed how that clause was unnecessary and indeed most undesirable. He pointed out that Gokhale's Elementary Education Bill did not contain such a provision and it was allowed to be introduced there, in spite of an almost identical section of the Government of India Act, without it.

Almost every one of the non-official members showered unstinted praise on Vithalbhai for bringing forward this Bill, and even the officials, though a little too haltingly, gave him a quota of praise and concluded their criticism, in the words of His Excellency, 'with a moderate blessing on his proposals'. Harchandrai Vishindas said: "He has taken a leaf out of the book of the late revered Gokhale, and we hope that in the fulness of time he will attain to all the greatness of Mr. Gokhale." Chunilal Mehta said: "The Hon'ble Mr. Patel is to be congratulated on the persistent devotion which he has given to this subject in finally bringing it before this Council in the shape of this Bill." Purshottam Thakurdas said: "I would like to add my tribute of admiration to the Hon'ble Mr. Patel's great labour,



perseverance, tenacity and patience." Parkeh said: "The Hon'ble Mr. Patel has rendered great service to the country and to this Presidency in particular in introducing this Bill." Belvi, besides saying 'Mr. Patel is nothing if he is not indomitable and persevering,' also remarked that he wore down the opposition of Government. Covernton, who criticised several details of the Bill ended his speech thus: "I am sure all of us recognize the excellent intentions of the Honourable mover in regard to this Bill and we are at one with him in our wish to promote primary education amongst the younger children of the Presidency, and I myself and my staff and the whole department will do our best to make the Bill a great success.'

Vithalbhai was overwhelmed by all these compliments that were showered upon him, but he transferred them all to His Excellency. Said he: "In all fairness, I am bound to say that I cannot accept the compliments and congratulations for managing and handling this all-important question of compulsory education so well and so soon. Very soon after I moved my resolution at the last December meeting, I drafted this Bill and went to His Excellency personally. I had an interview with him and showed the draft Bill to him. *He then encouraged me* and it was because of that encouragement and his sympathy that the Bill sees the light of the day. I wish with the permission of the Honourable members, therefore, to transfer all those congratulations to the person who deserves them most." His Excellency, as could be expected, returned the compliments where they were due. What he said was: "Grateful as I am to him for his generous remarks, I cannot possibly assume these borrowed feathers, for I think the credit — and I hope this will be generally agreed to by the members of this Council — for pushing forward this measure is entirely due to the energy and the assiduity of my Honourable friend, Mr. Patel."

All this was all right so far as it went, but this exchange of compliments could not ignore the deficiencies of the Bill — deficiencies which were largely due to the imperfect sympathies of the Government as such, which might even have destroyed the Bill but for the genuine help which His Excellency gave to Vithalbhai. Clause 18 was, of course, the *bete noire* of almost

every non-official, and on the official side, Chaubal made it appear as a *sine qua non* of the passage of the Bill. Bhurgri pointed out that Gokhale's Bill not only had no such clause, but that it 'went further and contemplated a distribution of the cost of providing elementary education between the local bodies and the local Government.' Chunilal Mehta quoted the following from Gokhale's speech: "It is obvious that the whole working of this Bill must depend, in the first instance, upon the share that Government is prepared to bear towards the cost of compulsory education wherever it is introduced. I find in England that the Parliamentary grant covers about  $\frac{2}{3}$  of the total expenditure on elementary education, in Scotland it amounts to more than that, whereas in Ireland it is practically the whole cost. I beg to place before you, My Lord, that we are entitled to ask that at least  $\frac{2}{3}$  of the expenditure should be borne by the State." On the non-official side, a sort of quasi-opposition came from Hidaytulla and Pir Baksh who were keen on safeguarding what they thought were Muslim interests. Hidaytulla, however, did support the principle of the Bill. What he wanted was Urdu medium for Muslim boys and Muslim representation on the school committees. Pir Baksh went much further. He wanted special protection to *Purdahnashin* widows who would rather 'commit suicide' than be dragged to a Magistrate's court. As Phiroze Sethna put it, this was stretching the point too far. "Instead of committing suicide", he said "she would resort to the alternative of sending the child to school and thus prefer the lesser evil of the two, if attending school be at all considered an evil." The reception which the Council gave to Pir Baksh provoked Lawrence to champion him. Said he: "Many members evidently thought that the Honourable member was jesting or at least using the language of violent exaggeration, when he depicted the grave consequences that would follow upon the compulsion of *purdahnashin* women to appear before an attendance committee or a magistrate. Sir, I am persuaded that the Honourable member spoke in complete seriousness, and that he represented views which will be held most tenaciously by a large section of his co-religionists." Lawrence pointed out that Gokhale's Bill was strenuously opposed by several Mahomedan

Councillors, and that those who did not actually oppose it altogether had insisted on stringent safeguards in what were considered Muslim interests. "This emphatic view", he added, "was expressed by a gentleman from Bombay, whose judgment is, I believe, held in high esteem by certain members of the Council. I refer to the Hon'ble Mr. Jinnah." Vithalbhai summarily dismissed those lukeworm supporters of the Bill who 'could not oppose openly the principle to which the Government, whom they are serving, had given its assent' with these words: "If I were in their position I would certainly be true to my conviction and say openly, instead of showing all sorts of misgivings, e.g., that no municipality would take advantage of the Bill, that there would be financial embarrassment, and the rest of it, 'I oppose the principle of the Bill.' What is the use of beating about the bush and saying 'The thing is impracticable, though we accept the principle?'" Vithalbhai's main tussle, however, during the debate on the first reading, was with Chaulbal, and in respect of Clause 18. No impartial student of this debate can hold that Chaulbal came out triumphant in this altercation. Chaulbal had said: "If the Honourable mover had not accepted the suggestion that he would make it clear by a clause that his Bill did not intend to throw any liability on the revenues of the province, the imminence of its effecting (affecting?) such revenues was so great, that the Governor would probably have held that the Bill was a measure affecting the public revenues, and that it could not be introduced or that a motion for leave to introduce it could not have been entertained without his previous sanction. It was upon *this express understanding* that his clause was inserted in the Bill, and the necessary stage of leave to introduce was dispensed with in the case of this Bill." Vithalbhai asked: "Will my Honourable friend quote his authority for the statement he makes?" Chaulbal's answer was: "My authority for the statement is that the law does not permit it." Vithalbhai's rejoinder was: "You say that on the *express understanding* that the clause was to be inserted in the Bill, the Bill was permitted to be introduced. Will you kindly give your authority for saying so?" And now note Chaulbal's reply: "Well it was perhaps strong (too strong?) to put it

as an *express understanding*. To put it accurately the Honourable mover of the Bill was given to understand that if he made clear in his Bill that the Bill threw no sort of liability on provincial revenues, then Government would accept the principle of the Bill and permit it to be moved'. Later on, in the course of his speech, Chaubal said: "I might make it absolutely clear to the Honourable mover that if he had not accepted the re-draft (incorporating Clause 18), which according to the letter of the Government of India, a copy of which was sent to him, was necessary, I think, I am perfectly correct in stating that the Bill would not have been introduced, as it was introduced, by the publication of it in the *Government Gazette*." And Vithalbai asked: "Do you make that statemnt on behalf of Government? May I know whether the Honourable member speaks for His Excellency or the Government?" Chaubal's answer was: "Well, I do not think it makes much difference on whose behalf I am speaking. I do not purport to speak on behalf of His Excellency, but I do purport to speak on behalf of the Government." And he added, in effect, that the the Select Committee could not drop Clause 18. Vithalbai asked: "May I know under what rules you limit the functions of the Select Committee to a particular course?" Chaubal's answer was that the Select Committee could make any proposal they liked, but the Council would have to consider whether its recommendations are *intra* or *ultra vires*; and if the Council did not do its duty, 'it would probably only attract the veto of His Excellency the Governor and of the Viceroy.' It is interesting to notice, after all this, that not only did the Select Committee delete this much-debated Clause 18, but it was deleted with the sanction of the Government of India, and the Select Committee further provided (new Clause 18c) 'that the local Government may make rules specifying the extent to which the cost of free and compulsory education shall be borne by them, when they decide to share such cost?'

Needless to say that the Bill was read a first time without any dissentient voice. As the mover of the Bill, Vithalbai now suggested the personnel of the Committee. It was a big and a representative Committee consisting of 15 members (The Town-Planning Bill had a Committee of 17), including, among others,

Chaubal, Keatinge, Pratt and Coverton along with Paranjpye, Parekh, Upasani and Belvi and also Bhurgri and Pathan. The debatable question was how was the Chairman to be appointed. For Government Bills, the member of the Executive Council in charge of the department, who introduced the Bill, automatically became the Chairman of the Select Committee. But here a new situation had arisen. The member who moved the Bill and was therefore in charge of the Bill was not the member in charge of the department to which the Bill was related. This question was being hotly debated in the Council in connection with the discussion of the Conduct of Business Rules and there no decision had yet been taken. There was in the existing rules no provision empowering either the Council or the President of the Council to appoint a chairman. In practice, Vithalbhai contended, 'the Council does appoint a Chairman, but, where it does not, *the member in charge of the Bill*, when the Committee meets, takes the Chair as a matter of course'. The Madras and Bengal Council rules supported Vithalbhai. For the first Private Bill moved in the enlarged Bombay Council, Ibrahim Rahimtulla, the mover of the Bill was proposed and appointed Chairman, but actually when the Select Committee met, Sir Richard Lamb, the Executive Council member in charge of the relevant department took the Chair. That was, of course, because Rahimtulla, who went to the Imperial Council, had himself suggested that change. Any way the whole procedure on that occasion was indecisive. Vithalbhai himself now proposed Chaubal to the chair, but he did not want to have a precedent thus established. Chaubal could be the Chairman, because he (Vithalbhai) himself who had a right to that place would waive his right. Obviously, when that question was being considered by the Council, the Governor would not allow a new precedent to be created, and he suggested that when the Select Committee met they should select their own Chairman and that Government should call together the first meeting.

The Bill, as amended by the Select Committee came up for the second reading on the 3rd of December. The Select Committee had made all the improvements which Vithalbhai had desired to make. Chaubal was the Chair-

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man, and Vithalbai was so pleased with his conduct in the chair that he gave him this compliment on the floor of the House: "Sir Mahadev makes an ideal chairman, always open to reason, ready to conciliate when conciliation would be desirable, and above all, courteous to his colleagues." The much-abused Clause 18 of the draft Bill was deleted. Certain other improvements also deserve mention here. The period of compulsory attendance was increased by one year. Compulsory education was made absolutely free. The local Government was empowered to exempt any particular class or community from the operation of the Act. Before Government cancelled any notification, it was now provided that 'the municipality shall be given an opportunity of furnishing an explanation'. The fines recoverable under the Act were to be credited to the municipal fund. The municipality was enabled to get a notification of compulsory education before they made *actual* provision for the introduction of compulsion. The power to pass the attendance order was now vested in the Schools Committee. The municipalities were empowered to impose the necessary tax for education, by a majority, instead of by the 2/3rds provided in the draft Bill. The Select Committee adhered to the original idea of not permitting 'the employment of children of school-going age for the purposes of profit'. This provision was hotly discussed in the Select Committee, and Sathe and Chunilal Mehta wrote dissenting minutes in respect of this provision. Pathan also had a minute of dissent — that was in respect of Urdu and co-optation, on the Select Committees, of Muslims. Vithalbai in moving the second reading made a request that these men should reserve their observations for the clause-by-clause reading of the Bill. On the second reading there was only one speech besides the mover's — and that was Hidaytulla's. He raised the two Muslim objections referred to above, and said: "If my Honourable friend does not accept my proposal I am afraid I will have to oppose the second reading. I appeal to the Mahomedan members of this Council that they have to realize their responsibility, that, if this Bill is passed into law, the Mahomedan boys and girls of the three important divisions of the Presidency proper shall have to pay the tax and they will be compelled to learn in a language which

is not their mother-tongue, and in case of non-compliance they will be punished." Chaubal asked a pertinent question: "May I ask my honourable friend what is the mother-tongue of Mussalman in Sind?" and Hidaytulla's reply was: "Sindhi." The second reading was carried, 38 voting for and 2 against — the Noes being Hidaytulla and Pir Baksh only — Mahomedbhoy Hajeerbhoy, Jaffer, Pathan all voting in favour of the second reading. In the clause-by-clause consideration of the Bill, Pir Baksh proposed the first amendment. The purpose of that amendment was to prevent the municipalities from applying compulsion to girls. Several members spoke against the amendment. Vithalbhay also opposed the amendment, but apart from his objection to the principle involved in that amendment, he showed how the wording suggested therein did not fit in with several sections of the Bill. This was just Vithalbhay-like, and on this he said: "The whole thing is so ridiculous that I hope this Council will reject the amendment." And so it was rejected. Then Pir Baksh sought to increase the school-going period by one year (12 in the place of 11). Vithalbhay promptly showed how it would work hardship when the measure was applied to girls. Pir Baksh was thus silenced and the amendment was lost. There were a number of other amendments, all tending to get the Muslim point of view accepted, and all of them failed. One amendment, however, that of Sathe, survived the ordeal, and was carried. That amendment virtually permitted employers to exploit child-labour. To our minds this is a stigma on the names of men like Chunilal Mehta and Purshottamdas Thakurdas who strove their very best to get that amendment passed. Along with Sathe, they posed as champions of poor parents, but it is clear to every impartial reader of their speeches and observers of their tactics that they were at least as much interested in the comparatively cheap child labour as in the desire to allow poor parents to make some money out of the labour of their children. A sheer capitalist mentality was revealed in such observations as those which Purushottamdas Thakurdas made in the debate on the first reading of this Bill. Talking of the education cess he had said then: "There is one more observation that I would like to make in connection with the education cess. There is no

provision made as to who should be liable for the education cess. The main Act provides for taxation on carriages and other property. I would submit, Sir, that if there is going to be an educational cess, people who are graduates and who have had education should be asked to subscribe...It has been suggested to me that this education cess should be imposed according to the income-tax that each individual pays. I personally object to it most emphatically. As it is, you tax the rich people and the property owners heavily. I therefore think the educated people should be brought in." Vithalbhai was quite prepared to allow these school-going children to work 'for domestic purposes or in a casual way', but he was dead against their employment in factories or similar industrial concerns. In fact he actually submitted an amendment for Sathe's acceptance. Instead of the words 'takes into his employment' in Clause 22 (1) he suggested the words, 'takes into regular employment in connection *with a factory or other industrial concern.*' Sathe would not accept the amendment. Why should he? He knew he had big guns with him and he would carry his amendment and enable factory-owners to exploit child labour, and he succeeded. Of course Sathe contended that he was not an advocate of factory labour, and that by providing in his amendment that the employment should not 'interfere with the efficient instruction of such a child' he had shown himself to be quite keen on the proper education of the children. But Vithalbhai was right when he concluded from what Sathe had said that Sathe and his advisers wanted 'that these children should be allowed to work in factories after school hours'. The cat was out of the bag when Sathe said: "What is passing in my mind is not to neglect education at the cost of employment, but to leave it open, if at all any means can be devised, if not today, five years hence, *for factory employers or other employers to employ children*". All the fight put up by Vithalbhai and men like Paranjpye and Government men like Chaubal, Pratt and Seddon proved to be of no avail against the phalanx of the then capitalists and Sathe's amendment was carried with 25 Ayes and 13 Noes. And so this great measure, if it was not disfigured by the original Clause 18 of the Draft Bill, was, not a little, sullied by this dark spot on it. Paranjpye



## VITHALBHAI PATEL

and Bhurgri warmly congratulated Vithalbai on his eminent-ly successful piloting of the Bill through all the stages. Paranjpye's speech on this occasion bears quotation. Said he: "I have very great pleasure in seconding this motion for the third reading of the Bill, and in doing so I beg to take leave to congratulate heartily my Honourable friend Mr. Patel on the masterly way in which he has piloted the Bill through the Council and the Select Committee. This is the first Bill of its kind which is now going to be placed on the statute book of the Legislative Council of this Presidency. Only in the Imperial Legislative Council one or two Bills introduced by private members have been placed on the statute book, but I think this Presidency can take credit to itself that this is the first Bill of a private member that has been passed by a provincial Legislative Council. I hope this Bill will only be the first of a series of important legislative measures referring to matters that deeply affect the people of this particular province, and I trust that Government will in similar cases extend the same amount of sympathy as they have extended to this Bill."

And so this Bill was placed on the statute book and became an Act on the 5th of December 1917. Vithalbai, however, was not oblivious of the fact that it was only half the battle won, and that the Act would remain a dead letter if the municipalities did not come forward with proposals to introduce compulsion within their jurisdiction. Lord Willingdon may have been sympathetic, but his police department merrily went on in their own nonchalant manner, and a sub-inspector of police in Hubli went to the length of prohibiting a meeting held there for the express purpose of discussing Vithalbai's Primary Education Bill. And when the Ratepayers' Association met at Hubli in their own private office to consider the legality of this prohibitory order, that itself became another offence in the eyes of the Police. As a matter of fact in those days there was no end to these obnoxious practices of the police. Not only did the police interfere with meetings where such innocent measures as the Primary Education Bill were to be considered, but it appears from the papers of those days that they interfered with a theatrical performance staged in Vengurla in aid of the Lady Willingdon War Relief

Fund! A dignitary no higher than a police constable stopped that performance and a trumped-up charge was framed against the managers of that performance for obstructing a Police officer in the discharge of his duties. How beside the mark that charge was could be seen from the fact that all the accused were declared not guilty and were discharged in the courts of law. The relevance of all this is that the follow-up that Vithalbhai had thought of for his pursuit of primary education was sometimes hampered by such nonsensical interference. Vithalbhai planned a whirlwind propaganda for securing the objects of his Act. It is only in that way that municipalities could be awakened to their duty in this respect. Of course there was the big question of finance. But if the municipalities could bestir themselves, and show that they were really earnest and actually did raise some finance for this object, Vithalbhai was quite sure that, at that time at least, after such profuse expression of sympathy, Government could not give a flat refusal to give any help whatsoever. The consequence was that a meeting was held in Bombay of the leading citizens under the presidentship of Vithalbhai, in which strong committees were appointed with directions to take effective steps to persuade the municipal boards to do what they could for compulsory primary education. For Bombay and the Northern Division the personnel was: Vithalbhai himself, Natrajan, Shankarlal Banker, Jamnadas Dwarkadas, Horniman, Mansuklal Master, Chandrashankar Pandya and T. A. Kulkarni. The Committee for the Central Division was Paranjpye, Upasani, Karandikar, Haribhau Limaye and Kamat. Bhurgri was one of the members of the Committee for Sind. A. V. Thakkar was appointed Chief Secretary for all these Committees. The Committees were asked (1) to suggest plans for free and compulsory education for boys and girls of the several municipal boards; (2) to help them to prepare a census of boys between 6 and 11, and also to render such other assistance as was required for the planning of these schemes, and (3) to undertake such activities as would enable the Boards to introduce free and compulsory education as early as possible. Vithalbhai and Natrajan between themselves persuaded the Bandra Municipality to introduce compulsion, first, for boys and, later, for girls also. There were

several other sporadic efforts in that direction; but nothing systematic came out of all this herculean endeavour. The fact is that until the question of finance could be properly tackled, not much could be done for the furtherance of the objects of the Act. The first World War had not yet concluded and the Government could conveniently plead that they could not spare any considerable amounts just then. Another bugbear was raised by certain people that isolated attempts by certain municipalities only would bring about an inequality which might prove deplorable. Vithalbai's own attention too was by this time diverted into quite a different set of channels. The general public wanted a wider scheme, such as could come only from the Government of India, and the long and short of it was that though this Act was a great advance on the earlier position and gave an impetus to primary education, as Gokhale's earlier attempt had also done, it did not succeed in bringing the millennium that was hoped for. But who can say, even now, with our new Act making primary education free and compulsory in the whole province of Bombay, that we have finally solved that question to the entire satisfaction of every body concerned?

## *Chapter Ten*

### AYURVEDIC AND OTHER INDIGENOUS SYSTEMS OF MEDICINE

ON the 26th of July, 1917, Vithalbhai put before the Council his motion for leave to introduce 'A Bill further to amend the Bombay Medical Act, 1912.' In respect of this Bill of his, Vithalbhai was not fortunate enough to have this stage dispensed with, as he was in respect of his Primary Education Bill. But this meant no more than a delay of a little less than three months. Vithalbhai asked whether Government were going to oppose this motion for leave, for, in that event, even at this stage, he would have stated 'concisely the scope of the Bill and the reasons in support of it', but as the Governor-President said that Government were not going to oppose the motion for leave, Vithalbhai deferred his explanation to the next stage, i.e., the stage of the first reading, which came on the 10th of October. On the 29th of September, a memorial was submitted to Government over the signatures of Sir Narayan Chandavarkar and several other leading citizens of Bombay who had assembled in a public meeting to support this Bill of Vithalbhai. The Memorialists had taken strong exception to the Medical Council's interpretation of the phrase 'infamous conduct in any professional respect' occurring in the Bombay Medical Act, and had pointed out that that interpretation was 'calculated to deal a serious blow to the ancient and renowned systems of Ayurvedic and Yunani medicine so widely prevalent in this country and ministering to the wants and sufferings of at least 90 per cent. of its population.' As a concrete instance of the grave hardship and injustice involved in the acceptance of the Medical Council's view, they had referred to the treatment accorded to Dr. Popat Prabhuram Vaidya, L.M. & S., the Hony. Principal of the Prabhuram Ayurvedic College, established in 1896, by Vaidyaraj Prabhuram Jivanram of Porbunder, whose 'ability and experi-

ence were admitted by eminent doctors like Col. Carter, Col. Gray and Col. Arnott'. They had further pointed out that eminent members of the profession such as Lieut.-Col. Kirtikar, Sir Bhalchandra Krishna, Dr. Deshmukh, Dr. Prabhakar and Dr. Turner had warmly approved and supported the help Dr. Popat gave to this College. They had quoted from the speech Lord Hardinge made when he laid the foundation stone of a similar institution at Delhi on the 29th of March, 1916. Lord Hardinge had then said: "90 per cent. of the population of the country took advantage of the Ayurvedic and Yunani systems of Medicine;" and further: "I cannot but recognize that there is good in them and it is far better for the masses of people where Western science cannot for a long time reach that these ancient systems of medicine should be modernised as much as possible to meet present-day requirements and that they should have their benefit rather than have no treatment at all." Sir Purdy Lukis, Director-General of the Indian Medical Service, had said in the Imperial Council in March 1916: "I resent strongly that spirit of trade-unionism which leads many modern doctors to stigmatise all Vaid and Hakims as quacks and charlatans" and that he could not recognize any fixed line of demarcation between the Eastern and Western systems of Medicine. The Memorialists ended their memorial with a demand for 'a just, liberal and judicious interpretation of the clause 'infamous conduct in a professional respect', 'in consonance with the feelings, needs and interests of the large bulk of the Indian population and with the high value of the Indian systems of Medicine.'

At the beginning of the session on the 10th of December, four new members took the oath of allegiance to the Crown. These were Lieut.-Col. Jennings, Sir Temulji Nariman, Dr. R. Row and C. N. Seddon. Of these, two, viz., Nariman and Row, were nominated only for this Bill, and Vithalbai saw to it that they vacated their seats as soon as the Bill was disposed of — His Excellency declaring that 'those two Honourable Members must disappear.'

Vithalbai's Bill had three objects in view: (1) to secure an elective majority in the constitution of the Medical Council; (2) to provide that person holding a Government diploma or

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certificate (as distinguished from a University Degree) shall be eligible for the *membership* of the Medical Council; and (3) the last — and the most important part of the Bill — to prevent the Medical Council from pronouncing such conduct as Dr. Popat's as 'infamous conduct in any professional respect', and thus indirectly refusing to recognise the Ayurvedic and other indigenous systems of Medicine, and considering any association with the practitioners of indigenous Medicine as 'infamous conduct.' The first two objectives were quite in consonance with the true spirit of democracy which imbued Vithalbhai and throbbed through every nerve of his. The third had aroused his righteous spirit of indignation against the snobbery and cliquish trade-unionism of the westernised members of the medical profession. In his speech, he pointed out that the United Provinces Medical Act, while empowering the Medical Council to prohibit the entry in, or order the removal from, the register the name of any medical practitioner found guilty of 'infamous conduct in any professional respect', provided that nothing in that Section shall be deemed to justify the exclusion or removal from the register of the name of any medical practitioner on the ground of his adoption of the theory of medicine and surgery not in accordance with the accepted views for the time being, *or of his association with a vaidya, hakim or homeopath or an unregistered practitioner.* Vithalbhai asked the Council to recollect that during the discussion of the Medical Registration Act, in 1912, it was distinctly understood that that Act was not calculated to lower the prestige of the Ayurvedic or the Yunani system of medicine, that it was in no way intended to impair the dignity of those practising those systems, but that it was primarily and solely meant for the purpose of bringing within the disciplinary jurisdiction *only those practitioners who possessed certain scheduled qualifications.* He also drew the attention of the Council to the fact that the President, in summing up those proceedings, had said: "The Bill will not affect the v aids and hakims"; and the member in charge, Mr. Lamb, had gone so far as to say: "If any school of Ayurvedic Medicine can at any future time show that its training is efficient and that the men holding its diplomas have the knowledge and skill for the efficient practice of medicine it will be open to Government

to include it in the Schedule." With this introduction he cited the case of Dr. Popat and his connection with the Prabhuram Ayurvedic College: "In the month of May, 1915, an advertisement in a Gujarati newspaper appeared under (over) the signature of Dr. Popat giving information to the public that the College will begin its sessions from the middle of June next and the Entrance Examination will begin on the 10th idem. The rules and regulations with curriculum of the new course will be sent on applying (on an application) to the Principal.' On the 18th June, a letter was sent to Dr. Popat by the Registrar of the Bombay Medical Council, saying that the Executive Committee of the Council had directed him to draw Dr. Popat's attention to the advertisement appearing over his signature, and informing him that the association of his name with the Ayurvedic College was incompatible with his status as a registered medical practitioner. Dr. Popat naturally asked how it was incompatible. He in answer was referred to the provisions of Section 9, which empowered the Council to erase the name of a registered member from the register. Without replying to the specific questions put by Dr. Popat as to who was the complainant, what was the complaint, and as to what act of omission or commission of his in connection with the institution was considered amounting to 'infamous conduct', the Registrar simply said *that his mere connection with the institution constituted prima facie infamous conduct*". After placing this case before the Council, Vithalbai went on to say: "I confess I cannot understand the action of the Executive Committee, because no stretch of words can enable them to put such a violent construction upon the phrase 'infamous conduct in any professional respect.'. By the construction proposed to be put on it by the Bombay Medical Council it has been made to mean that no doctor who has studied the Western system of medicine and got himself registered under the Act can impart to others the knowledge of any other system which he happens to know, and which not only he but eminent doctors like Purdy Lukis and others consider to be useful. It was forgotten by the Medical Council that the Medical Bill was meant to protect the qualified medical practitioners from the *unqualified men practising accord-*

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*ing to western methods* — the untrained compounders — such as may be found in every bazar — and not from voids and hakims. In the circumstances Vithalbai said that it was the plain duty of the Legislative Council to explain clearly to the public and to the Medical Council that it would not be unprofessional conduct on the part of a medical practitioner to countenance in any way or encourage, or to associate with, any persons practising either of those systems. He therefore proposed that the following explanation should be added at the end of Section 7 of the Act:—

*Explanation.*—The commission of all or any of the following acts shall not be deemed 'infamous conduct in any professional respect' within the meaning of this Section or Section 9 of this Act:—

(a) Studying or practising the Ayurvedic, Yunani or other indigenous systems of medicine.

(b) Managing, assisting, encouraging, supporting, co-operating or in anywise associating with any hospitals, asylums, infirmaries, dispensaries or lying-in hospitals, wherein the Ayurvedic, Yunani or other indigenous methods of treatment are carried on.

(c) Managing, assisting, encouraging, supporting, co-operating or in anywise associating with schools, colleges, or other institutions, wherein the Ayurvedic, Yuani or other indigenous systems of medicine are taught, or

(d) Consulting, advising, assisting, encouraging co-operating or in anywise associating with medical practitioners adopting the Ayurvedic, Yunani or other indigenous systems of medicine.'

Vithalbai himself had scrupulously refrained from comparing the relative merits of the Western and indigenous systems of medicine and was anxious that no discussion should be allowed in the Council on the matter. The discussion, however, shows that this was impossible, and the President did allow a certain amount — perhaps a very large amount — of discussion on the relative merits of the two systems.

The first clause of this Bill, that dealing with the question of elective majority, was opposed by two members only — by Surgeon-General Lyons and Lieut.-Col. Jennings. Government,



as Government, was also opposed to this part of the Bill, but they were not vocal, this time, on it. Vithalbai summarily dismissed that opposition with the remark: "I think we have had enough of nominations in the past and the sooner we abolish the system of nomination, the better for the Government and the country. With regard to the second clause — that in respect of the sub-assistant surgeons or diploma holders — the only opponents were Dr. Fernandes and Phuroze Sethna. Both of them were on the Council when Government had virtually accepted the view advocated in this Bill during the March Session and had nothing to say against it then. Vithalbai castigated them thus: "I most respectfully submit that the course which they now adopt in this Council amounts to a vote of censure on the whole Council." The real battle raged round the third clause — that about the explanation of 'the infamous conduct.' There were, in all, five medical men on this Council — three were *pucca* members and Government had added two as experts for this Bill only. Neither of the latter — Temulji Nariman and Dr. Row — had ever studied the Eastern systems of medicine. If Government cared to be fair they could have nominated instead, as Belvi suggested, such men as Sir Bhalchandra Krishna or Dr. M. G. Deshmukh, who really knew something of the indigenous systems of medicine. The choice of Temulji Nariman was particularly unhappy. What Belvi said about him may not be quite in good taste, but the substance of it was essentially true: "His views on the indigenous systems of medicine were well-known not only to the medical profession but to the people generally, throughout the Presidency since the passing of the Bombay Medical Registration Act in 1912." Belvi showed how he only repeated himself — that there was absolutely nothing (new), not even new phraseology in his speech of the 10th of October 1917. "I do not think", Belvi added, "that I need ask the Council to brush aside the views of a gentleman who could not even pronounce correctly the names of ancient authors who wrote the well-known Ayurvedic text-books. He could not pronounce correctly the names of *Charaka* and *Sushruta*. This is one of the two experts on whose evidence the destinies of Indian systems of medicine are going to be decided by this Council."

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Government's position in respect of this Bill was rather peculiar. They were against the Bill, but they were not prepared to admit that they were against the indigenous systems of medicine. Government gave an amount of lip service to, and expressed all sympathy with, the Ayurvedic and Yunani systems. Vithalbai asked the Council to judge the attitude of Government 'not from words, but from actions'. "Have they", he asked, "during the course of the last 25 years since this Prabhuram Ayurvedic Institution has been in existence, recognized it by the help of any grants? Have they so far opened a single school for the teaching of the indigenous systems of medicine? Have they done anything to encourage the growth and advancement of the Ayurvedic and Yunani systems of medicine? On the contrary, the facts are — I state them as I know — that the Madras Government have already appointed a special officer to suggest ways and means for the growth and advancement of these systems. I gave notice to your Excellency's Government of my intention to move a resolution recommending the desirability of taking steps to improve Ayurvedic and Yunani systems in this Presidency with the result that it was not even admitted."

On a careful reading of the Government speeches on the occasion, we cannot escape the feeling that Government were swayed by a desire to save the face of the Medical Council, which was their own creation. They appear to have inwardly felt that the Medical Council had gone beyond what was right and proper in their treatment of Dr. Popat. On the floor of the House, Curtis announced that the Medical Council had dropped their charge against Dr. Popat in respect of his association with the College. They had 'varied the charge to the much more serious one of assisting an unqualified person in carrying out an operation.' That charge was not known by the Legislative Council and was not among the papers which Vithalbai had with him. Curtis said that it was to be heard only the previous day, i.e., the 10th of October. As a matter of fact the Medical Council had discussed that charge on that day. The Legislative Council had not, of course, learnt the decision, but the Medical Council had come to the conclusion that the charge was not established.

Bhulabhai Desai and Bhaishankar Kanga had represented Dr. Popat, and Barrister Campbell and Solicitor Nicholson had represented the Medical Council. How far Government had a hand in this business nobody can ever know, but it is significant that in his speech Curtis had said: "After all, as regards the one case around which so much eloquence has been spent, I have shown that the Council have not the facts before them, that that case has not yet been decided and I would urge that it would be at any rate more courteous to the distinguished gentlemen who form the Medical Council *if the Council waited until the matter had been decided before plunging into legislation.*" It may be noted here that Vithalbhai had in his own way responded to this suggestion. "If it is going to embarrass the position of the Medical Council", he said, "I should like to postpone further consideration of this Bill till the Medical Council has decided the matter before I make any further remarks." And the Governor-President, though with some hesitation, promised to consider the proposal. Immediately after this there was the lunch interval. During the interval it appears Government gathered that they had the requisite majority against the Bill and the Governor-President said: "We had better continue the discussion and come to a decision now." Though the Bill was ultimately lost, we may not be wrong in holding that Vithalbhai was virtually successful in so far as Dr. Popat's case was concerned.

Although Dr. Popat Prabhuram's case was undoubtedly the immediate cause of this Bill, it should have been apparent to every impartial observer that the *raison d'être* of this Bill was not so much a desire to see that justice was done to Dr. Popat as to see that no injustice was done to the Ayurvedic and Yunani systems of medicine. The words — other indigenous systems of medicine — referred to in the Bill were not quite 'a rhetorical flourish', as Seddon construed them to be, and yet, it may be admitted that neither Vithalbhai nor any of his supporters had any clear idea of whom they had included among the practitioners of indigenous medicine besides the practitioners of Ayurvedic and Yunani systems. Chaubal ridiculed that expression by suggesting that perhaps those pedlars could be included under it, who go about the streets of cities like Poona, calling themselves

*Naka dolyache vaidus* and boosting their specific remedy known as *Rasasshendurmatra*. Pratt referred to 'the recent popularity of a system of indigenous medicine which advocates, instead of inoculation (for plague), the use of a kind of bean, to be tied round the wrist'. On the other hand Garud cited the *Hata Yoga* system — as one of the systems indicated by that expression — 'the first complete drugless system of healing given to the world by Hindus long before Hippocrates and his cult were born.' It is clear that Vithalbhai did not have any particular system in his mind, but that he would rather err on the safe side and expose himself to ridicule by such unsympathetic men as Chaubal, Pratt and Seddon than prevent a Registered Medical Practitioner having the discretion to *associate*, if need be, with anybody who practised medicine of any sort. As he said: "*Unless the discretion vested in the Medical Council is limited, as I propose, a Registered Medical Practitioner will not be safe in associating with such people (as Naka dolyache Vaidu or Naka Kancha doctor) even for the purpose of enquiry.*" The fact is that Vithalbhai was particularly interested in safeguarding the Ayurvedic system of medicine. He had included the Yunani system in his Bill, because he wanted the support of Muslims and he had included the vague expression — other indigenous systems — because he wanted to err on the safe side. How the Ayurvedic system was in danger was seen, not very long ago, by the necessity to which Government was put of enacting special legislation for permitting the Poona City Municipality to continue the employment of an Ayurvedic Practitioner trained in Dr. Papat's College in their Ayurvedic Dispensary. It was all right for the Registered Allopathic doctors to say that the registration was entirely voluntary, but it could not be forgotten that the legislature had given special privileges to registered doctors. They could not otherwise be employed in Government or Municipal service or in the service of the Local Boards — they could not otherwise grant such medical certificates as were acceptable to Government. The Medical Council was not a private body of medical men. Section 19 of the Bombay Medical Act had laid down that 'subject to the provisions of this Act, the Medical Council may from time to time make rules and regulations

generally to carry out the provisions of this Act: provided that no rules or regulations made by the Medical Council, whether under this or any of the foregoing Sections of this Act, shall have any force or effect unless the same shall have received the previous approval of the Governor in Council'. So the Medical Council could make rules, because the legislature had given them this power. And they could not enact any effective rules without the previous approval of the Governor in Council. As it was the Legislative Council that had given this power of sanctioning those rules to the Governor in Council, the Legislature had certainly the moral right to see that the Governor in Council exercised these powers in consonance with what was clearly understood in the Council at the time of this enactment. At that time, the Legislative Council had virtually pledged themselves to the effect that the Ayurvedic system was not going to be interfered with. In fact Pherozechah Mehta had then definitely asked: "Will it be considered infamous conduct on the part of a qualified medical practitioner to have anything to do with the Yunani and Aryan systems of medicine?" And Setalvad had actually proposed that the clause about infamous conduct should be omitted. So the apprehensions which were then entertained by Setalvad and Pherozechah had now proved to be well-founded. Government, of course, claimed that they were not opposed to the Ayurvedic system. And His Excellency the Governor said during the debate that Government would encourage the Ayurvedic system *if suggestions were made in the proper manner in the matter*. The implication was that this was not 'the proper manner'. Now, when the Medical Council interpreted their rules about infamous conduct to mean association with the Ayurvedic College, was not that a proper occasion to move in that matter and was it not a proper manner to ask the Council to say specifically, what was implied during the debate on the original Act in 1912, that association with an Ayurvedic College or association with Vaidas and Hakims could by no stretch of imagination come under infamous conduct as understood in that Act? The Bombay Medical Council was of course guided in such matters by the practice of the British (or General) Medical Council — because they gave more value to their recognition by the British Medical Council

than to any difference in circumstances that prevailed in India. In Britain, association with 'bone-setters' by registered medical practitioners was infamous conduct — though in that department of surgery the registered doctors of England were far behind the 'bone-setters'. This was a scandalous state of things, and we believe that this has been rectified since, but 'bone-setting' and that profession had been a very recent innovation in Britain and it could not be taken into account when the British Medical Council was set up. Here the circumstances were entirely different. The Ayurvedic system had existed in India long before the British people set their foot on this soil, and it was clearly understood, when the Bombay Medical Council was brought into existence, that no harm should ensue to the Ayurvedic system as a result of the emergence of that Council. The fraternity of the practitioners of Western medicine, particularly those who got themselves registered under that Act, was, of course, against the indigenous systems of medicine. They had developed into a Trade Union and they would not brook the entry in their sacred precincts of 'inferior stuff'. They would not have allowed the Sub-Assistant Surgeons to be on the register, if they could have had their own way, and now that they were there, in spite of them, they would not allow them to sit on the Medical Council — though they could vote for and send one of the men of the superior cadre to that Council. There was no question of admitting the Ayurvedic practitioners to the register, but these superior men felt that mere association with them by any one of their fraternity was pollution. This attitude had to be fought and was fought by Vithalbai and his colleagues on the Council. Government took up the position that it was impossible to assimilate the Eastern with the Western method of medicine and that, therefore, they would not allow them to mix up. On behalf of the Government, Curtis, the member in charge of that department, said: "If the supporters of Ayurvedic medicine want a Medical Council of their own, if they want their own register, if they wish to evolve their own scheme of professional etiquette, their own code of professional conduct and their own regulations, I have not the slightest doubt that Government will receive sympathetically any proposals put before them." They would

not admit that the Medical Council had gone beyond their powers in holding that association with an Ayurvedic College by a registered doctor was 'infamous conduct'. Of course, we should remember here that Curtis was drawing the attention of the Council to the fact that the Medical Council had not yet pronounced their judgment, and also that he had informed the Legislative Council that the Medical Council had dropped the charge against Dr. Papat of association with an Ayurvedic College. What had happened to Dr. Papat, however, was not germane to the issue in hand. If the Bill had been read a first time and had gone to the Select Committee, what Vithalbhai would have been keen on getting done was an acceptable limitation on the contents of 'infamous conduct'. If association with institutions teaching Ayurvedic and other indigenous systems of medicines (whatever they may be) and association with Vaidis and Hakims could be excluded from 'infamous conduct', he would not have bothered himself about what other things they included in 'infamous conduct', for the purpose of coming in line with the British Medical Council. Vithalbhai cited the example of the U. P. Medical Council where express provisions on the lines here suggested by Vithalbhai were already incorporated. That was neither here nor there, for, 'we in Bombay are accustomed to consider ourselves leaders' in all such matters, and it is *infra dig.* for us to play second fiddle to such a 'comparatively backward province' as U.P. Time has its revenge, and today U.P. has shot up, leaving Bombay miles behind her.

While Government, at least, expressed their lip sympathy with Ayurveda, all the non-official doctor members of the Council (including the two additional experts nominated expressly for this Bill) showed their transparent antipathy to all the indigenous systems of medicine — Dr. Row being the least antipathetic and Temulji Nariman the most antipathetic. "Can any sane or sensible man", said Nariman, "for a moment believe that a system of medicine practised in bygone centuries can ever hold its own against our recent advances and new discoveries?" He did not deny 'the existence of some Indian drugs which *may be* more effective in some cases or have miraculous effects in some

diseases', but, said he: "Instead of bringing those effective drugs to light and testing them by the light of recent knowledge, you start a school on a native system which really speaking is no system at all. This is simply a retrograde movement and does no credit to our profession." Nariman made short work of all views different from his own. "Sir Narayan Chandavarkar's views on politics and social reform have changed so often. So, I submit his views on medicine do not signify anything." And again: "It is not medical officials like Sir Pardy Lukis and others who, though very high in rank in the service, have come into intimate contact in their practice with the Vaidis and Hakims, but men like ourselves who for nearly half a century in the profession have seen both the good and the harm done by these native Vaidis and Hakims. The good they have done is a thousand times overshadowed by the harm and mischief of their practice and profession." Nariman ended his speech with an 'appeal to my Hindu friends ... to close it (the Ayurvedic College) and make use of this money for starting a pharmacological laboratory or research institute in medicine' and came forward with a donation of Rs. 25,000 to found scholarships, etc. for it. Dr. Fernandes also had, before Nariman spoke, referred to pharmacology. He would rather have 'a chair of pharmacology' founded at the Grant Medical College or elsewhere. He thought that many of the Indian drugs were 'unequaled in their efficacious properties' and required to be scientifically investigated, 'although the system itself is antiquated and obsolete.' Dr. Row showed his respect for the Ayurvedic system in no uncertain terms. He said, for instance: "Nothing will gladden my heart more than to see the Ayurvedic system of medicine taking its proper place, *if it deserves it*, (this is the snag) in the front rank of the medical profession or to see the Ayurvedic pharmacopœia taking a similar place in the pharmacopœias of the world." He further added: "I am afraid I have to confess my ignorance of the Ayurvedic or Yunani systems of medicine beyond what is known to any lay man. We all know we have a mass and wealth of literature referring to the old systems of medicine and they being the work of old sages and records of observations of learned men of ancient times, I bow to them for their anti-



quity, for their having stood the test of so many centuries. They have their own interest not only to the student of antiquity but also to the student of comparative histories of medicine." Dr. Row had all admiration for the 'Ayurvedic practitioners of the old school', who underwent a course of preliminary education of 2 or 3 years in Sanskrit, before apprenticing themselves to an old vaidya, and sat at his feet for 12 long years or more, but he had nothing but contempt for the so-called 'modern Ayurvedic practitioner or vaidya whom one sees every day.' These practitioners, he asserted, set up practice in the Western system under the cloak of Ayurvedic Vaidyas. They were frauds, and association with them was certainly infamous conduct. He ended up with an appeal for a real academy of the Ayurvedic system with a syllabus of their own for the benefit of the pupils. Surgeon-General Lyons and Col. Jennings had nothing to say against the Ayurvedic or the Yunani systems. They echoed the Government view that the Eastern and Western systems were incompatible with each other and should not be mixed up. They would not fetter the discretion of the Medical Council which followed the general lines laid down by the General (or British) Medical Council. A passing notice here, however, of the acrobatics of Surgeon-General Lyons, in regard to Vithalbhai's proposal for an elective majority in the Medical Council, would not be out of place. Kamat had pointed out that out of the total of 25 members of the General Medical Council of England, 5 only were nominated by Government — the remaining 20 being elected by various bodies. Lyons wanted to correct Kamat, and this is how he does it: "The General Medical Council consists of *five members nominated by His Majesty*, five direct *representatives*, of whom three are *elected* by registered practitioners in England, one by the registered practitioners in Ireland and one by the registered practitioners in Scotland. In addition to these, each of the 23 examining bodies is allowed to send a *representative* to the Medical Council. Honourable members will see from this composition that there are five nominated members, *five elected members* (?), and one member from each of the examining bodies in the United Kingdom." Vithalbhai promptly asked: "Are they elected or nominated?" And what is the reply

of Lyons? "The nominated members are *chosen* from medical men at the top of the profession with high scientific attainments; the direct representatives are *chosen* (not *elected* now!) by agreement from amongst the most prominent members of the medical societies in England, Ireland and Scotland. The representatives of the examining bodies are *chosen* from the medical faculties of the Colleges and the Universities without any ballot such as we had in India a few days ago in connection with our Medical Council." So, if you use the word *chosen*, instead of the word *elected*, you have no election! Was it necessary to say that there is no ballot taken, when there is agreement in respect of the men to be *elected*?

The most vituperative of the speeches made by a lay non-official member in this debate was that of Phiroze Sethna, but it was not so much against Ayurveda as against the Prabburam Ayurvedic College. "This institution", he said, "which revels under the high sounding title of a college is located on one of the floors of a four-storeyed building above Dr. Papat Prabburam's dispensary in the crowded locality of Bhuleshwar in Bombay, paying, I understand, about Rs. 80 as rent per mensem... Now, this so-called College, on its own admission, during its existence of 21 years has turned out as many as 52 graduates, or an average of 2.5 per annum." Seddon paraded his scholarship and asserted that neither the Ayurvedic nor the Yunani system was an indigenous system in India. Besides Curtis, the member in charge of the relevant department, Chaubal, who was at this time a member of the Executive Council, also took part in the debate, and Vithalbhai raised a point of order about whether two members of the Executive Council 'can *reply* on the Bill under the rules of debate?' The President ignored the word *reply* and said: "My Honourable colleague Sir Mahadev Chaubal was perfectly justified in *speaking*, and I think even the Honourable Mr. Carmichael may speak if he wishes to do so." Chaubal was apparently not satisfied with this mild ruling, and so he rose and said: "There is only one Legislative Council which is recognized by the Act, and I am quite as much a member of that Legislative Council as the Hon'ble Mr. Patel or any other member of the Legislative Council who is entitled to address himself to

any question which comes before the Council." Vithalbhai, who had so often his tiffs with Chaubal, ignored Chaubal and said: "I ask His Excellency's ruling". And His Excellency replied: "I gave the Honourable Member exactly the same answer as my Honourable colleague, though not with so much force." Vithalbhai had his revenge against Chaubal this time, because, as the mover of the Bill he had his right of reply at the end of the debate, and he made full use of it. In the course of his speech, Chaubal had said: "When Dr. Popat joined (i.e., came on the Medical Register), he knew *or ought to have known* that there were certain rules of etiquette to which the conduct of each member ought to conform"; and Vithalbhai had asked: "May I know the particular rule under which association with Vaidis and Hakims becomes unprofessional conduct?". And Chaubal's reply was: "I am referring to the rules which the Hon'ble the Surgeon-General read out yesterday as the rules which have been adopted by the Medical Council." When Vithalbhai's turn came for the reply he said: "Before I proceed further, I should like to explain one or two *mis-statements* inadvertently made by the Honourable Members of the Executive Council during their speeches. My Honourable friend Sir Mahadev Chaubal in referring to the rules framed by the Medical Council told this Council that the Honourable Surgeon-General yesterday read those rules out... Let me tell this Council that the rules read out by the Surgeon-General yesterday were not the rules framed by the Medical Council of Bombay, but were the rules framed by the Medical Council of the United Kingdom from time to time and are in force there." Chaubal was thoroughly exposed as making an irresponsible statement. In fact Chaubal was accustomed to mislead the Council — sometimes deliberately and sometimes non-chalantly, and he well deserved this exposure. In the course of his speech, Chaubal had referred to Belvi's mentioning 'two names, those of Dr. Sir Bhalchandra Krishna and Dr. Deshmukh'. Now Belvi had mentioned those names as of those who, on account of their knowledge of Ayurveda as well as Western medicine, were the proper persons to be nominated as experts for this Bill, instead of Nariman and Row who knew nothing of Ayurveda. Chaubal, by referring to Belvi's mentioning of these names, showed as if

he was giving a smashing reply to Belvi. But what he actually did was not giving any reason why they were not nominated, but telling the Council that they had not cared to register themselves — as if, because they were not registered medical practitioners, they could not be nominated as experts for this Bill.

Needless to say that the motion for the first reading was lost. There were twenty Ayes and twenty-four Noes. So we cannot say that the two nominated experts, who, of course, voted against the Bill, turned the balance; but if the places of Nariman and Row had been taken up by — say — Sir Bhalchandra Krishna and Dr. Deshmukh, the situation might have proved intriguing. On the whole, however, we have no hesitation in saying that this failure itself was a moral victory for Vithalbhai. He had practically won on both the points he cared for. The charges against Dr. Popat were withdrawn by the Medical Council, and the Government, if not the medical men, recognized that something had to be done for the indigenous medical systems of India and in particular for Ayurveda. It appears Vithalbhai had contemplated moving another Bill on the subject and, in fact, there was a motion for leave to introduce a 'Bill further to amend the Bombay Medical Act, 1912', in the name of Vithalbhai on the agenda of the Bombay Council on the 21st of March, 1918. The exact contents of that Bill nobody can ever know now, because Vithalbhai had to withdraw that motion, because he was by then elected to the Supreme Legislative Council. The dialogue between the Governor-President and Vithalbhai perhaps bears reproduction here:

*"His Excellency the President:* Bill further to amend the Bombay Medical Act, 1912. The Honourable Mr. Patel.

*"My Honourable friend Mr. Patel* is perfectly well aware that he cannot see the Bill through, and I would suggest that under the circumstances, to save the time of the Council, he should withdraw the Bill. It is open to any Honourable Member to give fresh notice of a motion for leave to introduce.

*"The Hon'ble Mr. Patel:* Could not any other member move the first reading of the Bill after I have moved my motion for the introduction of the Bill?

*"His Excellency the President:* Oh no. The Honourable

member in charge of the Bill has got to see the Bill through. My Honourable friend Mr. Patel is in charge of the Bill, and he has got to see the Bill through the first, second and third readings.

*"The Hon'ble Mr. Paranjpye:* Is it not a fact that as regards Government members, if one member retires another member takes charge of the Bill?

*"His Excellency the President:* I think the Honourable Member will recognize that the President is the head of Government, and when Bills come up before Government it is in his competence to decide which Honourable colleague of his shall move the first reading of the Bill. On the other hand, if a private member moves a Bill he certainly cannot transfer his authority in regard to that Bill under any circumstances to anybody else.

*"The Hon'ble Mr. Patel:* Your Excellency, it is with very great regret that I have to withdraw the Bill, and I therefore beg leave to withdraw it."

Motion for leave to introduce the Bill was by leave withdrawn. So we hear no more of this Bill. If Vithalbhaj had continued in the Bombay Council after March 1918, this would have been his third Bill in that Council.

## Chapter Eleven

### FAREWELL TO THE BOMBAY COUNCIL AND KAIRA SATYAGRAHA

ON Monday, the 18th of March, 1918, Vithalbai was elected to the Imperial Legislative Council. On Wednesday, the 13th of March, Carmichael, as the Vice-President, had told the Bombay Council that the Bombay Government had been informed by telegram by the Government of India that the notification calling upon the Bombay Council to hold an election would appear in the Government of India Gazette on the Saturday following and that it would be received in Bombay on Monday. He further suggested that they should have a meeting on Monday afternoon for that purpose. Harchandrai Vishindas asked why it could not be held on that same day (i.e. the 13th). The Vice-President had to tell him that it could not be held till they received the notification and therefore Monday, the 18th, was the earliest possible day for the election. That his election was almost a foregone conclusion could be seen from the following remark earlier in the day made by Curtis during the debate on the pay of the Assistant Secretary, Legal Department: "I had expected one possible argument from the Hon'ble Mr. Patel *that he is likely to move to higher spheres, and that we might as a consequence see some reduction in the number of questions and resolutions sent in at the last moment.*" As a matter of fact, this time Vithalbai was ultimately elected unanimously in the Monday afternoon meeting, presided over by Parekh. But, earlier, i.e., during the previous election when two seats had fallen vacant, and when Wacha, Rahimtulla and Setalvad were the contestants with Vithalbai, every effort was made by pro-Government members to see that Vithalbai was not elected. Wacha was then the favourite. Vithalbai was then advised that he could afford to wait — that he would do well to reconsider and not stand in the way of 'those whose claims were decidedly

superior.' A special plea was put forward for Wacha. It was urged that like Dadabhai Nowrojee he had remained long outside even the Bombay Council, and his selection by the Bombay Corporation for the Bombay Council had given universal satisfaction. They said that Dadabhai could never be a member of the Imperial Legislative Council and they hoped that Wacha would not have to share the same fate. Wacha's financial knowledge and knowledge of economics coupled with his business experience stood unrivalled and they thought that it would be a grateful recognition of his sterling worth and distinguished services if the non-official members of the Bombay Council unanimously voted for him. So Wacha was then elected, but now, when Rahimtulla, on account of his nomination as a member of the Bombay Executive Council vacated his seat on the Imperial Legislative Council, Wacha was already there, and the non-officials were keen on sending Vithalbhαι in his place. The pro-government members could not easily reconcile themselves to the situation. They tried to persuade Paranjpye to contest the election, but Paranjpye flatly refused the offer and told them that, along with the other non-officials, he himself would support Vithalbhαι, and so this time Vithalbhαι got elected unanimously. In fact, on the 21st of March, while the B.B. & C.I. Rly. Bill was being debated, half in earnest and half jocularly, almost to advertise Vithalbhαι's election, Paranjpye rose to a point of order to enquire whether a member who has been elected as a member of the Imperial Legislative Council remains a member of this Council, His Excellency the President replied: "I understand the Hon'ble Mr. Patel has got a week of grace." Indeed the March Session of the Bombay Council began on the 13th and ended on the 23rd. Vithalbhαι did not attend the Council on the 23rd. So after his election he participated in the proceedings of the Bombay Council only for two days — the 21st and the 22nd. The Council did not meet between the 15th and the 21st. Four of Vithalbhαι's questions which had remained unanswered were answered after he ceased to be a member of the Bombay Council — three in the July session and one in the September session. The July session answers were in respect of his questions on (1) Tolls abolition, (2) Savings effected by the dropping of the Octo-

ber move in 1917-18 to Mahableswar, and (3) Figures of candidates qualified for election on the Local Boards. And the September session answer was in respect of the question about the fees of the Official Receiver. The tolls abolition was motivated by the idea of fixing blame on Government for depriving the Local Boards and Municipalities of their legitimate revenue without any compensation being paid to them. Government's answer was that except in a very few exceptional cases this had not happened after 1884. The Mahableswar move business we shall deal with presently. The Government saving on this account was estimated at Rs. 9,956 only. Vithalbai had no further use in the Bombay Council for the Local Board figures which were not supplied. In regard to the fees of the Official Receiver, Vithalbai had succeeded in getting the maximum commission fixed for the Official Assignee. No such arrangement was yet made for the Official Receiver and hence the question. Government's answer was that this was a matter for the High Court Bench to consider.

Of the questions which were answered on the 13th of March, several were in respect of the Talukdari estates and they went to show how that business was mismanaged throughout. There were some questions which proved that the Police concocted false evidence. One — that about the Jambusar Dharmasala elicited the information that Government touring officers used that Dharamasala without paying any rent, though the Municipality had contributed Rs.1,200 towards the cost of that building. Several questions were aimed at proving that poor people from the villages were unconscionably harassed by Government officials. For instance, it was elicited that in the Panch-Mahals 186 acres of land were planted with trees, in 1915-16, at annas 8 per acre and 225 acres, in 1916-17 at annas 3 per acre; and for the so-called forest offences such lump sum fines were recovered as Rs. 1,950 in 1914-15, Rs. 4,732 in 1915-16, and Rs. 6,305 in 1916-17. Again 18 carts were impressed for the Collector of the Panch Mahals and 4 for the Assistant Collector, Godhra, and taken 16 and 11 miles away respectively. By another question he showed that the Assistant Collector of Thana, who was a member of the Bandra Board and who, as such, had supported



a resolution passed by the Bandra MMunicipality for the extension of its limits had now gone back on his own support of that resolution. There was a serious drowning fatality in the Narmada in the previous September, and Government officers seemed not to have been reasonably expeditious in rendering such assistance as was necessary. Vithalbai ventilated this by a question eliciting the information that about 35 persons were actually drowned, that the bodies of 7 persons only were recovered, that Government officers went there about 5 hours after the accident, and that one Customs subordinate at least was very lax in his duties. Another question ventilated the grievance about the reduction in the number of qualifying posts for Subordinate Judgeships. Government refused to place the necessary papers on the Council table.

Vithalbai's time in the Bombay Council now was very short. He did not therefore take any interest in the Rent Bill which was the *piece de resistance* of this year, though he had sent several amendments to it. In fact, he was a little impatient when His Excellency the President on the opening day, i.e., the 13th of March outlined the course of the March session which dealt largely with that Bill. He asked: "Are not we going to discuss matters of general public interest, Your Excellency?" This was because his interest lay more in those matters than anything else, though he took a prominent part also in the debate on the Financial Statement with which the proceedings of this session opened. His Excellency assured him of his having set apart two days for the resolutions. His own Bill in respect of the Medical Registration Act he had to withdraw. The Government-sponsored Medical Bill, which gave the Sub-Assistant Surgeons seats on the Medical Council, and in which he should ordinarily have been interested, he now took no part in. He did take some part in the B.B. and C.I. Rly. Bill. He questioned the authority of the Government of India itself to alter the law obtaining in the territory ceded to the Government of India by the Gaekwar *for railway purposes* and taxed the Bombay Government with having committed 'a mistake' in going to the Government of India and asking for sanction under Section 79 of the Government of India Act. Government did not accept his contention and the Bill passed through all the three readings without further ado.

The first two days of this session — the 13th and the 14th were taken up by the discussion of the Financial Statement. The first resolution of Vithalbai on it aimed at dropping for the time being at least the provision in the Budget for the increase in the pay of the Assistant Secretary, Legal Department. His salary, so far, was Rs. 500. Government now proposed to raise it to Rs. 600-20-700. There were two reasons advanced by Government for the proposed change. They wanted for this post a man who would stick to it for a considerable time, and (2) the work of this post was of a special character and required special knowledge. Vithalbai admitted that the Assistant Secretary should be a legal man, but he pointed out that he had always been a legal man. And if Government wanted a trained and experienced lawyer in the Legal Department, the best course for Government would be to have a practising lawyer from the High Court for any one of the two higher posts in that department — those of the Legal Remembrancer with a salary of Rs. 2,500 and the Assistant Legal Remembrancer with a salary of Rs. 1,350. These higher posts were always held by members of the Indian Civil Service. "Perhaps", Vithalbai ejaculated, "Government thinks that the members of the Indian Civil Service are fit for any post under the sun." Vithalbai also pointed out that this step on the part of Government would land them into serious complications about the claims of the Assistant Secretary. He may in due course aspire to a district judgeship. Curtis, on behalf of the Government, opposed the resolution and, while opposing it, twitted Vithalbai on the amount of work he himself gave to this officer by his long string of questions and by a veritable flood of resolutions. He maintained, apart from this sally, that the work of that officer was enormous, what with the Council business and what with the legal business of Government outside the Council. Of course, he ignored Vithalbai's criticism of the I.C.S. officers. In his reply Vithalbai pointed out that, besides the salary of Rs. 500, this officer obtained Rs. 125 a month, as house rent allowance. That was of no avail and the resolution was lost. Vithalbai's next resolution dealt with the question of a provision of Rs. 1,000, to begin with, in the Budget, for a suitable library for the members of the Council. We have noticed before,

how Vithalbhair used the Bombay Presidency Association's rooms and the Petit Library, to begin with, for his study of public questions, and how Lord Willingdon came to this aid and, persuading him not to move his resolution asking for accommodation for members of the Council in the Secretariat Library, had arranged to place at their disposal what may be called a Reading Room in that library where any member could go without let or hindrance, at any time during office hours, for the study of any public question he was keen on studying. Now, he went a step further, because of the difficulties the non-officials encountered in securing the books they wanted from the Secretariat Library. Apart from the very inefficient management in that Library, there was this other difficulty there, that several books and pamphlets and periodicals in the library were refused to the requisitioning member, as being not open to the public and therefore not open to him. Vithalbhair said: "If certainly the Secretariat Library is open to non-official members of this Council I would not have brought forward this Resolution." Cadell explained that what was not available to members was the confidential records of Government and that the library as such was always open to them. He admitted the inefficiency, and suggested that Vithalbhair should withdraw this resolution and bring in another asking that the Secretariat Library should be improved. Upasani and Paranjpye tried to suggest amendments more or less on the lines suggested by Cadell, but the Vice-President would not allow them, as, in his opinion, they were entirely new proposals. On behalf of the Government, it was said that the Secretariat *Library* was open to members. According to them 'the Record office is not a library'. The resolution was lost, 13 voting for, and 24 against. Next came Vithalbhair's resolution asking the Government to drop the move to Mahableshtar. There is some interesting history behind this Resolution. For the July meeting of the previous year, Vithalbhair had given notice 'on matters of general public interest', recommending to Government that there should be no move of Government to Mahableshtar. His Excellency, the Governor had disallowed it, as being 'inconsistent with public interest.' Then again, before the Finance Committee met, he had given 'notice of another resolution recommend-

ing Government to direct the Finance Committee not to make any provision in the budget on account of the move of Government to Mahableshwar.' That resolution was also disallowed. Vithalbhai had, therefore, now brought it as a financial resolution. There again it was not put on the agenda. The Vice-President explained that 'owing to an unfortunate mistake', it had been 'omitted from the agenda.' How far it was a genuine mistake, or whether Government changed their mind at the last minute, because reasonably speaking there could be no sanction for not admitting a cut motion of this type, one cannot say. Now, after admitting it as a financial resolution, it dawned upon Government that it would be more reasonable to discuss this matter as a matter of general interest. Government had already made arrangements for the hot weather of the year and incurred a considerable expenditure already, and they thought that it would be most inconvenient to give up the Mahableshwar move that year. Government apparently admitted their mistake in not allowing the general principle involved in the resolution to be discussed as a matter of general public interest, and were now coaxing Vithalbhai to withdraw it as a financial resolution and bring it up later as a matter of general public interest. Government had apparently thought that by disallowing it twice before they would be able to silence Vithalbhai, but they had counted without their host and had forgotten Vithalbhai's indefatigable persistence. Vithalbhai's objection to the Mahableshwar exodus was based not so much (though that too was a considerable factor) on the ground of so much unnecessary expenditure, but on the much stronger ground that 'for the best period of the year the Government remains inaccessible to the public owing to this move with the result that the people who have got to deal with Government or any of its departments have to wait or go all the way to Mahableshwar for their business.' Then even in regard to expense, it was worth considering whether Rs. 25,000 or so (that figure was once given by Government as the amount of expenditure for this exodus in reply to Kamat) was not a wasteful expenditure, Vithalbhai's third objection to this move was that it had become 'contagious as it were'. Collectors and Commissioners also went to the hills, or at any rate, to some sani-

taria in their districts and thus became 'inaccessible to the public in the district concerned. On account of the fact that the arrangements for the year (for April and May at any rate) had gone too far, Paranjpye moved an amendment to the effect that the provision for October be dropped. He added that if he was allowed to move a general interest resolution on this matter in the next July Session, he would postpone the matter till that time. Ultimately on a definite assurance by the Government that they were 'quite prepared to give due time and opportunity for discussion (of the question) in the forthcoming sessions in July', Paranjpye withdrew his amendment and Vithalbhai the original resolution. It may be noted here, in passing, that Paranjpye did move his resolution in the matter in the July Session, that there too he accepted an amendment (by Jaffer) suggesting the dropping of the October move only, and that the motion was lost. Vithalbhai's next move was his Resolution recommending that the provision for the appointment of public prosecutors for the City of Bombay be dropped, and thus a saving of an annual expenditure of Rs. 15,000 be effected. He pointed out that the Government of India had allowed additional expenditure for the Local Governments only if it was imperatively and immediately necessary or if it was of an immediately remunerative character. Vithalbhai showed that neither of these two tests applied to this expenditure. This matter was considered in the Finance Committee which had come to the conclusion that, in the words of Chunilal Mehta, 'it would be a measure which it is hoped would reduce expenditure in connection with prosecutions that would be undertaken on behalf of the police.' Vithalbhai was a member of the Finance Committee, but he had not attended that meeting of the Committee when this matter was discussed. Godbole, who supported Vithalbhai, was also a member of the Committee and he had attended that meeting and had then voted with the Government. Curtis twitted Godbole on his having changed his view, and charged Vithalbhai with dereliction of duty in not attending that meeting. Vithalbhai's answer to that charge was that 'according to the rules it was not legal for the Finance Committee to meet on the day on which it met', and that was why he had not attended that meeting. He always made it a

point, he said, of attending every meeting of the committee on which he was appointed. He added that on that account 'the budget as presented to this Council was not constitutionally attended to.' Vithalbai was prepared to grant that it may be desirable — even necessary — to appoint police prosecutors, but he submitted that the Government of Bombay were 'going contrary to the directions of the Government of India in sanctioning this expenditure which need not be sanctioned unless it is *absolutely* necessary and is of an urgent character'. The resolution was lost. Vithalbai's next resolution was that the provision for the grant of local allowance to 14 European Inspectors of Police be, for the present, *deferred*. He did not propose that the provision should be *dropped*. What he wanted was that if the European Inspectors were to be given any allowance, the Indian Inspectors too should be given some allowance. Government had said that they would consider making similar provision for the Indian Inspectors in the future. This assurance could hardly satisfy Vithalbai. Again Government had proposed these allowances to European Inspectors because their service was performed in large cities and important centres where the cost of living was higher. Vithalbai's obvious retort was: "Why post them specially to these place?" Government's reply was that it was necessary, in order to preserve law and order, that there should be some European element in the Inspectors' ranks. Vithalbai's rejoinder was: "If Government thinks that it is only European officers who can preserve law and order at big centres, do they mean to say that Indians cannot be in charge of districts when they can be members of Council?" Nothing availed however, and the resolution was lost. Vithalbai then proceeded to move that the provision of Rs. 14,000 for Secret Service, over and above the sanctioned contract grant, be dropped. This provision did not appear in the draft financial statement submitted to the Finance Committee. It was hidden in a corner of civil estimates, 'copies of which have not been supplied to all the additional members of this Council, but only to the members of the Finance Committee.' The Police Commissioner used to get till then Rs. 1,000 as Secret Service money and the head of the C.I.D. Rs. 10,000. Provision was now being made to give Rs. 4,000 *more* to the Police Commissioner and

Rs. 10,000 *more* to the head of the C.I.D. Vithalbhai insisted upon Government's giving sound reasons in justification for the abnormal increase. Government's justification was the war and a considerable influx in India of undesirable characters of all nationalities. This was hardly any justification for the abnormal increase proposed, but the resolution was lost with 10 Ayes and 28 Noes. Vithalbhai's next cut was in respect of the provision for the grant of a personal allowance to Mr. G. E. P. Curry, Deputy Shipping Master, Bombay. This was indeed a curious provision. Curry was drawing a salary of Rs. 400, and it was now proposed to give him, in addition, a compensatory personal allowance of Rs. 200! Why? Because in the ordinary course he would have been promoted by this time to the post of Shipping Master, but that did not happen, because on account of war conditions his superior, the then shipping master, was granted extensions of service. Government had hardly any real justifications for their proposal and yet Vithalbhai's motion failed with 10 Ayes and 21 Noes. Vithalbhai then proposed that a special provision of Rs. 25,000 be made for the primary education of the Dheds, Dharalas and Vaghris of the Kaira district. This resolution was intended mainly to get from Government information about what steps they had taken to carry out the recommendation of the Finance Committee of 1916, that a provision of Rs. 10,000 be made for the primary education of these classes. Rahimtulla told the Council that the D.P.I. had already recommended that Rs. 7,208 should be provided, to begin with, for some schools for the depressed classes, and that Rs. 1,00,000 was provided for the opening of the new schools in the Presidency during the next year. Of course it was unreasonable to expect Rs. 25,000 out of this one lakh to be set apart for one district only. Vithalbhai was satisfied that something was being done, and withdrew his resolution. He then supported Kamat's resolution for Travelling Dispensaries, which Kamat withdrew on the assurance that Government would do something in that direction, but that it was not possible to do anything just then because of the inadequate supply of Sub-Assistant Surgeons. Vithalbhai supported Bhurtri's resolution recommending the dropping of a grant of Rs. 100 P.M. as duty allowance to an officer drawing Rs. 300 as salary,

on the ground that the Government of India had laid down that such allowances should not exceed 20 per cent. of the officer's salary. The Vice-President disagreed with Vithalbhai in regard to Vithalbhai's interpretation of the Government of India's directive, but Bhurgri having withdrawn his resolution there was nothing further to be said on the matter. Vithalbhai's next proposal for the reduction of the discretionary grants to Commissioners of Rs. 8,000 which was being raised to Rs. 20,000, was prompted as much by its intrinsic demerits as by his desire to protest against the proposal not having been included in the draft financial statement. The Vice-President's excuse was that this was not considered *new expenditure* at the time, and that it was then deemed to be merely a case of restoration to the original figure. "If Honourable Members", he said, "take exception to this, I am sorry and I apologise to them." Vithalbhai did not seem to have heard this. The proposal was lost with 9 Ayes and 24 Noes.

In these resolutions of his on the Finance Statement Vithalbhai showed his tenacity, and, though his actual achievement was small, he did cause a real flutter in the dove-cotes of the bureaucracy. In his resolutions on matters of general public interest, one may see something more than usual, for some of them were the precursors of the Kaira Satyagraha. The first resolution on matters of general public interest which Vithalbhai proposed asked for power to select *Local Boards* and *Municipalities* to determine the number and location of liquor shops within their limits. In the course of the debate, Kamat proposed an amendment (which Vithalbhai accepted) to the effect that *Local Boards* may not be given that power. This made the proposal really modest, and if Government profession had been sincere that they were really keen on temperance and not so keen on getting the excise revenue, they could have accepted that resolution with good grace, and avoided a defeat on that issue. The fact is Government merely posed as champions of temperance, but actually they had all along their eye on the revenue. They would therefore not part with their power (vested in the Collector, or, as Arthur contended, in the Commissioner) to control the liquor trade in all its aspects. "If such power",



said Arthur, "were granted to leading municipalities, Poona, Sholapur or Ahmedabad might say — we advocate total abstinence. We will have no liquor here." The general lines of Government policy were thus enunciated by Arthur: "Government desire to maintain *strong control* over the liquor trade *to keep consumption down* as far as possible, and steadily *to reduce the strength of the liquor sold.*" Where consumption showed a tendency to rise Government raised the still-head duty. Arthur claimed that he was himself a strong advocate of temperance, and if he did not favour the closing down of all liquor shops, that was because such a step would lead to illicit manufacture and consequent increase of consumption. He told the Council that the cost of manufacturing liquor was no more than 15 per cent. of the price charged to a customer at a shop. As Upasani said in the course of the debate, this was profiteering with a vengeance. Government would not leave the control of the liquor trade 'to the *spasmodic* action of local bodies scattered here and there in the Presidency.' Aruthur put the position of Government neatly in this way: "Government can only go steadily on their way *supplying wholesome liquor* where there is a demand for it, and *raising the price as high as possible* compatibly with not driving people to illicit distillation, *not with the object of increasing the revenue* (that is of course a mere pretence, for he added) though -- I may say I have not observed any violent reluctance to take advantage of an increased excise revenue for popular public purposes — but with the object of keeping down consumption." Vithalbai did not want to wound the *amour propre* of the Government, and therefore said: "I have not the slightest doubt in my mind that both the people *and Government* are at one in their desire to check the consumption of liquor and free the country from this drink evil", but he added that it was his belief '*that in their unconscious desire to raise as much revenue as possible and their anxiety to check illicit drink, they practically adopt a policy which tends to encourage the very evils which all of us condemn*'. The reason why Vithalbai asked that power should be given to local bodies to locate the shops and to fix their number was 'to put people themselves on trial' and see whether they utilized the opportunity given to them for the purpose of

checking the evil. When Vithalbai said: "No ruler in this country derived any income *worth the name* from the tax on excise in pre-British times", Carmichael rose to say that 'the Peshwa did get some revenue from excise!' And Vithalbai quoted from Alexander Nairne's *Handbook for Revenue Officers*: "The use of spirituous liquors was under the last Peshwa forbidden at Poona, and discouraged everywhere else, and the abkari duties of the state did not yield above Rs. 10,000", and pointed out that the 1918-19 budget estimate of that revenue was Rs. 3,15,00,000, and that this was over and above something like Rs. 50,00,000 or Rs. 60,00,000 of the previous year's revenue, to be realised during the year. Paranjpye, Kamat, Upasani, Purushottamdas Thakurdas — each, in his way, gave unqualified support to the resolution, and Arthur, Carmichael and His Excellency the President opposed it. The Resolution was *carried*, with 17 Ayes and 16 Noes. The two Resolutions, debated in this Session of the Council, which in one way were the precursors of the Kaira Satyagraha, were: (i) Parekh's asking, in effect, the suspension of the Mhowra legislation for a limited period, and the other (ii) Kamat's asking for the substitution of the Agricultural Department's agency in the place of the Revenue Department's agency for the *Anna* valuation of the crops. In the debates on both these resolutions Vithalbai took a very prominent part. In fact, Vithalbai had himself proposed a Resolution similar to Parekh's and it went a little further than Parekh's; for while Parekh asked that no permit or pass should be necessary 'for the collection, transport, sale or possession' in the Kaira district of the 1918 produce of the Mhowra flowers, 'between the 16th of July and the 31st of December, 1918', Vithalbai had asked in his Resolution for a longer period — up to the 14th February 1919. While speaking on Parekh's Resolution, Vithalbai said: "Knowing the attitude of Government in this matter, I do not wish to propose any amendment on the lines of my Resolution to the Resolution of the Hon'ble Mr. Parekh". The circumstances in which this Resolution came before the Council were succinctly narrated by Parekh. Owing to excessive rain there was a failure of certain crops — of *kodra*, *bavto* and *bajri* — also to a certain extent of the pulses. In

such famine years or — to put it mildly — years of distress, the poorest of the poor in the Kaira district; namely, the Dhara-las, Waghris and Dheds lived on Mhowra flowers. Government had agreed that, in the event of a bad year, a famine year, Government would extend the period of 'vacation'. He contended that this was really a bad year and, therefore he wanted Government to carry out their assurance. Government, it is true, had said in that debate that they would in such circumstances extend the 'vacation' 'only up to the time that there were good rains'. Parekh said: "The rains do bring us hope, but they do not bring us food" and therefore the 'vacation' had to be extended up to the time that the yield was collected. Parekh ended his opening speech with the following remarks: "So far as the distress in the district is concerned, I may submit, Sir, that in numbers of villages which we visited we found that there is almost a complete absence of any collection of grain or fodder among these poor people. Mhowra is required both as food and also as a sort of fodder to feed the cattle, and I therefore think that it would be an act of grace which would enable the poor people to pull through the bad season and I therefore ask that the resolution be accepted." Government would not admit either the enormity of the distress or the suitability of the remedy suggested. Pratt said that the '*Bajri*' crop admittedly was a failure *throughout* northern Gujrat. No so, either the *Kodra* and *Bavto* or the pulses. As for distress in general, showing that people were hard put to it for food, how could that contention stand when it was noticed that the liquor consumption in Kaira that year had been considerably above the average? Of course that increase was really an increase of *licit* consumption — illicit distillation having stopped or nearly stopped. But that was an argument against tampering with the Mhowra legislation. Any way, if people could buy liquor, Pratt argued that they had enough food. "In times of famine", Pratt said: "I say, people, if they have money, would want it to buy food and would not go to spend it in liquor-shops". What colossal ignorance this of the ways of human beings in the lower strata of life! Did he not know that people drown their misery in this way? Pratt would not dream of using the word 'famine' for the conditions that obtained in Kaira. He

said: Any one who has gone about in the Kaira district would be surprised to hear that word used to describe this season's conditions'. Vithalbhai told the Council that he had himself, along with Parekh, 'seen and examined personally the conditions of things in the Kaira district.' He admitted that there were differences of opinion between officials and non-officials on the exact extent of distress in the district, but he pointed out that Government themselves had admitted that there was a partial failure of crops. As many as 104 vilages in the Kaira district had been given half suspension of revenue. They had thus admitted the distress, and therefore it was 'the duty of Government to consider the demand made in the Resolution favourably.' And then Vithalbhai proceeded to give his own estimate of the distress in the Kaira district: "So far as we, i.e., the Hon'ble Mr. Parekh and myself, are concerned, we assert with confidence that the conditions are really such that Government ought to give full suspension to almost all the villages of the Kaira district. I may for the information of this Council say that when we, on the 12th December 1917, visited the Kaira district in response to the call made upon us by the agriculturists of that district, we found that Government had not passed any orders of suspension of revenue. As a matter of fact in two talukas of the district, namely, Kapadvanj and Thasra, the collection of revenue had already begun from the 5th of December, seven days prior to our visit to the Kaira district. It seemed to us that the local officials there had no intention of granting any suspension whatsoever to the distressed people of the Kaira district. Otherwise, the necessary steps would have been taken long before the actual collection had begun. It was very good of the Collector of Kaira to whom myself and the Hon'ble Mr. Parekh went in deputation, that he promised us an enquiry." Government's patience was being exhausted by this tale of woe, and Carmichael said that he thought that Vithalbhai's remarks were out of order. His Excellency did not exactly rule Vithalbhai out of order, but said that his remarks had not 'got much to do with the particular suggestion in the Resolution.' Vithalbhai contended that he could not make out a case for *suspension of the Abkari Act* unless he could show that there was real distress

in Kaira. "It is my duty", he added, "to point out to this Council that the conclusions arrived at by the Commissioner are wrong and that the conclusions arrived at with regard to the actual state of things in the Kaira district by the Hon'ble Mr. Parekh and by Mr. Gandhi and by the members of the Servants of India Society are right... I want to prove that there is distress which throws upon Government the obligation to suspend the operation of the Abkari Act. *If the question of distress is not to be discussed in this connection then there is no case for suspension of the Act.*" His Excellency the President saw the reasonableness of Vithalbai's position and asked him to go on with his speech. This gave Vithalbai enough opportunity to go into the full story of all the enquiries about the distress in Kaira. He told the Council how in the first inquiry, Parekh and he made, it was found that all round in the whole district the crops could not yield more than four annas in a rupee and that therefore the people were entitled to full suspension, how the Government gave only half suspension to about 104 villages only, out of the 600 villages of the district, how Deodhar, Thakkar and Joshi of the Servants of India Society went to the Matar taluka (none of whose villages was given any suspension), and concluded that the 22 villages which they had visited were entitled to half suspension, how he thought that if these members of the Servants of India Society had visited the villages which were given half suspension by the Government they would have found that they were entitled to full suspension, and how Gandhi, who had till then visited 350 out of the 600 villages (his inquiry had not yet been complete) had come to the conclusion that almost all the villages visited by him and his party were entitled to full suspension. He then told the Council how all his interpellations on this matter (it appears he had sent about 35 interpellations) had 'been disallowed by one stroke of pen.' He wished that Government had placed on the table Gandhi's report, because he was sure that that report had endorsed the results arrived at by Parekh and himself. He asked the Council to accept the result of the non-official inquiries in preference to official reports. It was not suggested either by Parekh or himself that the Government should go back on

the Mhowra legislation. What they wanted was that Government should carry out their assurances and suspend that legislation for a strictly limited period for the purpose of relieving real distress. He also pointed out that people were cutting down Mhowra trees for the purpose of realising some ready cash to pay their land revenue. They would cease cutting them down and thus save valuable property if they knew that Government was sympathetic and they could safely keep the Mhowra flowers in times of distress. Arthur opposed the Resolution mainly in the interests of the excise policy which had well nigh succeeded in uprooting illicit distillation, but he added: "If there is famine in the district, how is it that, though wages were very high, there was not enough labour available in the district?" Kamat thought that the Resolution went too far. If there was famine, he would allow the people as much quantity of the Mhowra flowers as was required for food. Carmichael argued that people cut down the trees, because there was a large demand for fuel in Ahmedabad, and therefore they realised large amounts of money. Coming to the real subject of the Resolution he said: "The main question is whether there is *really so much distress* in Kaira as to require the suspension of the operation of Section 18 of the Abkari Act. That Section had worked wonders. Should we do anything to cause a set-back to the great advance made? Is the distress so great? In the three talukas of Amod, Borsad and Thasra there was no distress and no relief was necessary. In Thasra the situation had, as a matter of fact, improved considerably. In the Matar taluka three villages were allowed suspension. In Nadiad one village was given full suspension and 39 out of 99 villages were given half suspension. In Kapadvanj 32 out of the total of 99 villages were given suspension and in Mehmedabad 30 out of 60 villages were given half suspension. Concession had been given to 107 out of the total of the 600 villages in the district." He refused to believe that there was any acute distress in the district as a whole. Those who held small pieces of land — the uneconomic holders — might have felt some distress, but 'they always have to go to the labour market.' The demand for labour was great and yet labour was not forthcoming. The

people, therefore, could not be said to be hard-pressed. The Resolution was lost with 11 Ayes and 24 Noes. The other Resolution of this session which bears on the Kaira situation is the one moved by Kamat, asking for the transfer of the *anna* valuation of the crops from the Revenue to the Agricultural Department. These valuations were, in practice, always made, in the first instance, by the *talati* of the village, and subsequently revised by the *Mamlatdar* and higher officers of the Revenue Department. It was granted that the officers of the Revenue Department may not be deliberately partial, but it was contended that consciously or unconsciously they were bound to be swayed more by considerations of revenue than by the plight of the suffering agriculturists. Kamat contended that the Agricultural Department would be, comparatively at least, more independent and further, as experts in the line, more qualified for the job. Godbole and Belvi disapproved of Kamat's resolution. Godbole wanted 'an element of representatives of the people themselves' in the management of this job. He would have it transferred to Village Panchayats if possible. Belvi thought that transferring this job to the Agricultural Department was like substituting 'King Stork for King Log.' Parekh was the only member of the Council who whole-heartedly supported Kamat's Resolution — of course as 'a half-way resolution.' Upasani supported it with an amendment, which added to the agency of the Agricultural Department 'a local committee of five experienced agriculturists of the locality in which the valuation may have to be made'. It is very interesting and almost illuminating to see how Vithalbhai's own amendment was treated. He had suggested that 'the *anna* valuation be made through the agency of a committee consisting of (i) the district *inspector* of agriculture, (ii) an expert agriculturist of the group of villages affected, to be nominated by the taluka local boards, and (iii) a leading member of the village concerned, to be co-opted by the first two members with instructions that in case of disagreement each of the members should specify his own valuation and the grounds on which it is based, in order to enable the Collector to decide which valuation should be accepted for relief.' The Governor-President, at first, would

not look upon it as an amendment. "This is an entirely new resolution", he said. Vithalbhai argued that it was merely an amplification of Kamat's Resolution. When the President declined to accept this view, Vithalbhai made it clear in this way: "The Hon'ble Mr. Kamat wants that estimates should be made by the Agricultural Department. My amendment is that they should be made by the Agricultural Department with two (other) non-officials. That is all." To this His Excellency the President's reply was: "I see that my Hon'ble friend has carefully prepared this before he arrived here. So, it is not, as a matter of fact, an amendment to my Hon'ble friend's resolution at all. On the whole, as I understand that my Hon'ble friend is going away from here before very long, *I will give him the benefit of doubt.* I will read the amendment." So His Excellency had relented, and allowed the amendment. Seddon and Pratt, however, saw to it that ultimately it was not allowed. Vithalbhai had mentioned 'the district *inspector* of agriculture! The officer he meant was 'the district agricultural *overseer*' mentioned by Keatinge. Seddon and Pratt heckled Vithalbhai about this 'Inspector.' This 'Inspector' according to them was the *inspector of land records*, and had nothing to do with the Agricultural Department. Vithalbhai offered to make the necessary alteration, but His Excellency now took his cue from Seddon and Pratt and said: "The Hon'ble Member ought to have been more careful. I think I have given him a very great deal of latitude. Before he brought in his amendment he ought to have seen that he was *perfectly correct* in his statement. On the whole I shall disallow this amendment." So one sees how autocratic the procedure was in the Bombay Council at this time. In effect, of course, Upasani's amendment, which appears to have been tacitly allowed, satisfied Vithalbhai, and ultimately neither the amendment nor the original resolution got through. Either of them would have lowered the prestige of the Government and proved that the Kaira valuations were not properly made. For, with all the camouflage there was about it, it was the Kaira agitation which was upon the *tapis* throughout this debate. Kamat alluded to it in this way: "I do not wish in this con-



nection to refer to the recent controversy of Kaira for the simple reason that perhaps the dust of that controversy is not yet laid at rest and probably the whole of the matter is more or less *sub judice*. But I can at least say this much, that the recent controversy has shown that, howsoever correctly or liberally the revenue officers may value the crops, still there is room in the minds of the occupants and the public for a certain amount of distrust regarding the valuations." Pratt actually and in effect animadverted on that agitation. In the course of his remarks, he said: "We have heard a great deal of criticism about the attitude of the Collectors and the revenue officers generally towards the cultivators, but I would ask our critics to explain why in the year 1915-16, which was a year of wide-spread failure of crops in the northern districts of Gujarat, no complaints were received (in that year). In that year we had *no Honourable Members touring about and making enquiries* as to whether the relief given was adequate or not. In that year suspensions were given in the Kaira district to the extent of about eleven lakhs of rupees;  $5\frac{3}{4}$  per cent. of the land revenue was suspended promptly by the revenue officers. *No pressure was put upon them by organised mass meetings and speeches and lectures and agitation.* The relief was given spontaneously and promptly *and the situation of this year — which was a far better year than 1915-16 — was dealt with by the same officers and by the same machinery acting under the same rules. I do not want to deal at all in detail any further with this question of the situation in the Kaira district,* but I would like to ask some of the gentlemen who have made a proposal for the setting up of a new machinery to consider what are the facts." And once more, about the end of his speech he alludes to Kaira in this way: "As an instance, if I may go back for a moment to the Kaira district, as an instance of the extreme importance of accurate knowledge and responsibility in these matters, I would just like to read a sentence from the published report of two of the *Hon'ble* Members of this Council with their recommendations as to what should be done this year in the Kaira district. These two gentlemen recommended remission, all at once, in the case of all accounts which came to Rs. 30 or less. Now, if these

two gentlemen had any knowledge of the agricultural economics of the district, they would have known that the effect of remitting, by a stroke of the pen, all at once, all accounts which were Rs. 30 or less would be practically to wipe out the land revenue of the whole district. The average holding in the Kaira district is so small that its assessment comes to something like Rs. 20. Consequently, if you strike out with a stroke of the pen..." At this stage, Vithalbai rose to a point of order and asked: "Are we really discussing the distress in the Kaira district, and what was the report of my Hon'ble friend Mr. Parekh and myself?" And the President ruled that the Hon'ble Member was perfectly justified in referring to that particular matter. Pratt, therefore, goes on: "The average holding in Kaira, as I said, pays something like Rs. 20. Consequently the effect of the recommendation would have been the wiping out of the land revenue of the whole district. What degree of responsibility can be expected from local village committees when two Hon'ble Members of this Council can put forward a proposal which shows not only a complete lack of responsibility, but also a complete lack of knowledge of the agricultural economy of the district"? It may be worth mentioning here, by the way, that in the debate on the Mhowra legislation Resolution of Parekh, just the previous day, Carmichael had ignored the hardships of these small landholders — "those who hold only small pieces of land or what you may call the uneconomic holders'. And does not this show an amount of callousness on the part of Government to the poor, when justice to them involved a loss of revenue? Kamat gave a proper retort to Pratt in his reply: "Now coming to what fell from the Hon'ble Mr. Pratt, I think I must take strong objection to what he characterises as irresponsible recommendations of non-officials. I think in my opening remarks I made it clear that I had purposely eschewed any reference to the distress in Kaira. In spite of that, I very much regret that the Hon'ble Mr. Pratt made a reference to the report made by two Hon'ble Members of this Council and characterises their recommendations as an absurd proposal. If the Hon'ble Members do not visit the scene of particular distress they are accused of not going and seeing things for themselves. If they do go there, then

their visit is called a 'procession' (it is interesting to note that in Pratt's published speech this word is omitted); their action is painted in such a sneering manner. Regarding the lack of responsibility, which the Hon'ble Mr. Pratt attributed to those two Hon'ble Members, I think the only answer is this, that even the estimate of the crops as made by the revenue officers was referred by Government themselves to certain members of the Servants of India Society." The Kaira situation worsened hereafter and took a different turn. But before we look at it, we may dispose of one or two other resolutions of this Session with which Vithalbhai concerned himself. By one Resolution, Vithalbhai had asked for reports from the divisional Commissioners about which of the municipalities under Section 14 were ripe for a constitution under Section 10 of the District Municipal Act. On behalf of the Government, Rahimtulla said that the thing was being done and accepted the resolution. The only other Resolution of this session in which he interested himself was the one moved by Harchandrai Vishindas asking that it be ruled 'that the Grant-in-aid to any District Municipality for Primary Education shall not be less than two-thirds of its total annual expenditure on that head'. Vithalbhai, naturally, gave his whole-hearted support to this Resolution, and though the Resolution was ultimately lost with 10 Ayes and 18 Noes, Vithalbhai himself being among the 10 Ayes, he may not have been quite dissatisfied with the Government attitude that, while they could not raise the whole grant-in-aid to two-thirds, they would sympathetically consider each individual case of any municipality introducing Free and Compulsory Education. This finishes Vithalbhai's participation in the Bombay Council debates — this was indeed his last day in the Council, for though the Council met the next day, i.e., on the 23rd of March, Vithalbhai did not participate in its proceedings on that day.

The part that Vithalbhai played in relieving the distress in Kaira brought about by the failure of crops owing to excessive rain must now be told in some detail. It was sometime in November 1917 that it was clear that the distress in Kaira almost bordered on famine conditions. Vithalbhai and Parekh received a number of representations from the hard-pressed cultivators

requesting them to lay their case before the proper authorities. The Gujarat Sabha which had Mahatma Gandhi as its president, and Vithalbhai on its working committee, took a leading part in the agitation. The agitation, however, was as constitutional as any agitation can ever be. Before moving in the matter to any extent, Vithalbhai and Parekh decided to see things for themselves. They visited about 20 villages of Kapadvanj, Nadiad and Thasra talukas and actually inspected the crops in the fields. They attended three meetings of landlords and cultivators. They took statements from thousands of these agriculturists. They paid surprise visits to the houses of several Dharala landholders to ascertain for themselves to what extent their resources would carry them and their cattle through that season of distress. They found that their resources were woefully inadequate to meet their barest needs till the next harvest. The conclusions they arrived at were: that the *Bajri* crop had completely failed and was infected with *Mina* poison, that the yield of *Kodra* and *Bavto* was very poor, that *Jowar* and several of the pulses had been total failures, that the paddy was poor, that *Tur* suffered from diseases, as also castor and tobacco, and that the *Til* crop was an absolute failure. They also found that the cotton plants did not attain their normal growth. Government had arrived at their own estimates, made originally by Talatis, Patels and the like subordinate revenue officials, and sanctioned by the *Mamlatdar*, and ultimately by the Collector. They ordered half suspension of revenue for 107 out of 600 villages, and applied their usual coercive measures for the recovery of such revenue as was fixed. As directed by a meeting of the cultivators held at Nadiad on the 13th of December, 1917, a deputation headed by Vithalbhai and Parekh waited upon the Collector. Namjoshi, the Collector, received the deputation, assured it that Government officers were in no way interested in overestimating the crops, and that the *anna* valuation would be made with the greatest care, and on the basis of a 12 *anna* crop, which was the average Government estimate, and not on that of a 16 *anna* crop. Namjoshi also told them that he had already issued instructions to the *Mamlatdars* concerned that coercive measures should not be resorted to until he had passed the final orders in the matter. On the 16th of

January, 1918, however, Government issued a Press Note which precipitated the usual coercive measures. After that Note, in which the discontent and restlessness of the people was attributed to instigation from people outside the district, and the attitude taken by the Commissioner of the Division, no subordinate revenue official could dare to depart from the traditions of the Revenue Department. The Press Note was promptly replied to by Vithalbai and Parekh, as the Council could not meet for another 7 weeks, and as they apprehended that their silence would be misunderstood — the Government and the public taking it for granted that they had nothing to say in refutation of the statements made in the Press Note. In this reply they stated how they had themselves inspected the conditions in the Kaira district and had come to the conclusion that the crops could not yield on an average more than two or three annas in the rupee, and that the agriculturists had no resources left for the maintenance of their families and their cattle till the next monsoon. They had in the meantime waited on the Member in charge of the Revenue Department and requested him to have an independent inquiry made of the value of crops. In this reply they alluded to that interview, and stated how that Member told them sarcastically that Mr. Namjoshi was an *Indian* Collector, and that he knew more than either of them of what suspensions to give. They further stated in their reply that they were quite taken aback by this reply, and wondered how in a matter of such gravity, which was a question of life and death to the cultivator, Government could divest themselves of all responsibility. To the cultivators it was a question about whether their cattle should perish or live, whether they themselves should live or starve to death, whether they could retain their ancestral lands or had to part with them — turning themselves into day labourers (apparently Government wanted them to choose this alternative). Vithalbai and Parekh urged upon the Member-in-charge the desirability of suspending the execution of the Collector's orders till the March meeting of the Council, so that they may have an opportunity to bring up the question before it, but the Member-in-charge had said that he was not going to do anything of the kind. Besides Vithalbai and Parekh, three members of the

Servants of India Society had investigated into the conditions of Kaira, as also Mahatma Gandhi himself (at that time, not a Mahatma, and looked upon as almost a moderate), and they had arrived at a result not very dissimilar to that arrived at by Vithalbhai and Parekh. On the 5th of February, 1918, a last attempt was made to see if Government could be persuaded to relent. On that day, along with Vithalbhai and Parekh, Mahatma Gandhi and Wacha waited upon His Excellency the Governor himself. That interview also bore no fruit. For the Council meeting of the 15th of March, Vithalbhai, had sent 35 interpellations on the agricultural conditions of Kaira. All of them were disallowed. Vithalbhai had sent to the Council a Resolution similar to Parekh's, but a little wider, asking for a larger period of 'vacation' for the Mhowra flowers in the interests of the distressed Kaira Dharalas. He had also sent another (which was not reached during his tenure of the membership of the Council. By the way, the total number of Resolutions on matters of general interest sent by him to the Council was 31) directly bearing on the Kaira situation. It ran thus: "This Council recommends that His Excellency the Governor in Council may be pleased to so amend the remission rules as to allow the granting of remission of assessment where the estimated gross out-turn of crop does not exceed one-third of the normal crop whether it is due to excess or deficiency of water or other causes beyond the control of the ryots."

When all this constitutional agitation proved futile, the movement went into Gandhiji's hands. After his celebrated successes in South Africa, Gandhiji had added one more success to his patent method of Satyagraha. His *Champaran* Satyagraha was an almost unqualified success. Now he wanted to give that method a trial in Kaira. On the 22nd of March, 1918, a meeting was held at Nadiad of the cultivators of Kaira, at which Gandhiji secured about 300 signatures to a Satyagraha-pledge framed by him. The pledge was to the effect that the signatories to it 'would rather let their lands be forfeited than allow their case to be considered false or their self-respect to be compromised by being coerced into paying assessment; also that the well-to-do amongst them would pay if the poor were granted suspension'.

Government's coercive measures became stiffer, but such was the atmosphere created that even the illiterate villagers could give effective retorts to all the threats they received at the hands of Government officials — right from the *Talati* to the *mamlatdar*, Collector and Commissioner. Gandhiji called for volunteers who could properly guide and educate the peasants. One of the most prominent of these volunteers was Sardar Vallabhbhai, who now suspended his practice at the Bar and cast in his lot with Gandhiji. On the 23rd of April, 1918, a monster meeting was held in Bombay in the compound of Shantaram's Chawls, presided over by Vithalbai, and attended, among others, by Gandhi, Tilak, Jayakar and Horniman. This meeting gave its unqualified support to the movement of Satyagraha and Civil Disobedience now definitely and irrevocably launched in Kaira. In his presidential speech, Vithalbai succinctly narrated the whole course of events before the Satyagraha was launched. He told the audience how the poor Kaira ryots had sent over 200 petitions for suspension of revenue when their crops proved a total failure, and how Government returned all these petitions with the callous remark that they had not been sent through the proper channel. He told them that, along with Gandhi, Wacha and Parekh, he had waited on His Excellency the Governor, after his attempts with the Collector, Commissioner and the Member-in-charge of the Revenue Department had borne no fruit, and that the Governor had told them that he would give his reply in two days. The reply came, but instead of bread there was stone in it. No other course being left open now, he said, they had now to adopt Passive Resistance, and he was happy to note that everybody present had extended his sympathetic support to the movement. He made capital of the fact that, while his own and Parekh's inquiries, as also the inquiries of the members of the Servants of India Society and above all the inquiries of Gandhiji showed that the average yield of the crops in Kaira could not come up even to 4 annas in the rupee, the estimates of the talatis came up to 12 annas and more, and that Government accepted the estimates of the talatis as correct, and those of Gandhiji as wrong! This Satyagraha was a unique education for the peasants of Kaira. They now knew that, in certain cir-

cumstances, they did have the right to question Government's authority to extract money out of them by unreasonable taxation, and that they ought to shed all fear of Government officials 'and stand erect in defiance of coercion, intimidation and worse'. Gandhiji, Vallabhbhai and other volunteers went from village to village inculcating these basic principles of a real Satyagraha, and encouraging them to stand firm, while their cattle and movables were attached and penalty notices were served on them and while threats of confiscation of their lands were held out before them. With this Satyagraha or Passive Resistance, Civil Disobedience also came. With a view to steeling the hearts of the peasantry, Gandhiji advised some of them, who were bolder than others, to remove the crops from a field which had been wrongly attached. They were thus made to court fines and imprisonments. The campaign did not continue long. It appears that the Viceroy interviewed and demi-officially asked the Governor of Bombay to stop coercive measures and to give reasonable suspensions. The Government of Bombay adopted this new policy, but without any publicity being given to it, and thus though the Satyagraha was practically a success, it lacked the essentials of a spectacular triumph. What Vithalbhai had to do with this direction from above, we cannot, with any certainty, say, but it is not quite improbable that he moved the wheels somehow in his own mysterious way.



## *Chapter Twelve*

### FROM MODERATE TO EXTREMIST POLITICS

THE Kaira Satyagraha was a minor crisis in the political career of Vithalbai. Till now, i.e., almost during the whole of his career as a member of the Bombay Legislative Council, his public life had been moulded on the lines adopted by the moderates who studied very carefully every public question they handled, who made the best possible use of the constitution which was granted, more through the Councils than by agitation on the public platform, who gave more importance to minor details of administration than to the larger questions of an overhaul of the entire constitution and the government of the country as a whole, and whose declared motto was co-operation with the Government wherever possible and opposition to Government only when necessary. Vithalbai followed these lines, and his achievements as a moderate have been as great as those of the tallest of them. The fact is, after the death of Gokhale and Pherozeshah in 1915, there was hardly any moderate left in the country who was capable of achieving as much as Vithalbai achieved. The Primary Education Act is a standing monument to Vithalbai's patient and persevering study, as also to his skill in piloting a measure in co-operation with an usually unwilling Government, such as was given only to a Gokhale. Again the persistence with which Vithalbai hammered at the improvement of Local Self-Government and the democratisation of the Municipalities and Local Boards as far as possible, was worthy of the greatest moderate imaginable. What Pherozeshah did to preserve the prestige and independence of the Bombay Corporation, Vithalbai did for the District Municipalities and the District Local Boards, though there was this difference between Pherozeshah and Vithalbai in this matter that, while Pherozeshah laid more emphasis on efficiency in the Bombay Corporation, Vithalbai laid more stress on the desirability of transferring

real power to the chosen representatives of the people. If neither of these achievements of Vithalbai reached the perfection he aimed at, that was largely because of the fact that his connection with the Bombay Council ceased at a time when that perfection was almost within sight. He had succeeded in persuading several municipalities — among them the Bandra Municipality — to apply the Primary Education Act to them, and in extracting almost a definite promise from the Government to the effect that they would generously treat every municipality which proposed to apply that Act to it — promising two-thirds, if not more, of the expenses the municipality incurred on account of the application of that Act. For a detailed and comprehensive study of the question of Local Self-Government, he had succeeded in getting a special officer appointed who had to submit a comprehensive report, which Government would surely have implemented sympathetically, if Vithalbai had been in the Council to watch the actions of the Government. It was Vithalbai who had demolished on the Council floor, and on the platform of the first Local Self-Government Conference of the Bombay Presidency over which he presided, the distorted and mischievous claim that Local Self-Government was a gift of the British to the Indian people. It was he who had drawn the attention of the people to the fact that the village republics, where the representatives of the masses themselves looked after the needs like those of sanitation, general health and water supply, were indigenous to the country and as old as the hills, that these institutions survived even the Muslim rule and that they broke down only during the regime of the East India Co. He had pointed out that it was only in 1882 that Ripon attempted to re-instate a sort of Local Self-Government — although only a truncated form of it; but notwithstanding his efforts and later of those of Lord Morley and Lord Hardinge, the institution did not thrive as well as it should have — being always under the patronizing and palsied guidance of the effete and unimaginative revenue officers of the district. He had pointed out again and again that so few of the District Boards, Taluka Boards or the municipalities had either an elective majority or the privilege of electing their own Presidents. He had also pleaded again and again for the improvement

of their finances, particularly for their being released from the apron-strings of the Revenue Department. By a persistent hammering at this situation, Vithalbai had first got appointed a committee of officials and non-officials, later a special officer, to investigate into the whole matter, and had persuaded Lord Willingdon himself to interest himself in the matter. At the Local Self-Government Conference held in Poona with Godbole as Chairman of the Reception Committee, Vithalbai as the President and about 300 representatives of about 120 Local Bodies, and with such attendance as that of Chaubal, Seddon, Westrop, Martin, Wiles and Boyd, as also of Ramanbhai Nilkant, Hari Narayan Apte, R. P. Karandikar and Harilal Desai, Lord Willingdon himself announced what the Government had done in respect of Local Self-Government, as called upon to do it by the pressure of public opinion, in which, as we know, Vithalbai had the lion's share: "My Government, as you know, are at the moment engaged in framing a comprehensive scheme of Local Self-Government which covers the entire field from village panchayats to District Boards. Mr. Martin, who has been specially entrusted with this work, I am glad to find, is here. I wish to impress upon you the need of taking up this work of the Local Bodies as seriously as that of the Legislative Council. The success of those Bodies will depend upon the selflessness of the members elected who must be prepared to place their services entirely at the disposal of these Public Bodies." At this Conference, there was an exchange of compliments between Lord Willingdon and Vithalbai. Vithalbai gave expression to the public feeling of gratitude to Lord Willingdon and pointed out how during his regime (i.e., practically on account of the efforts of Vithalbai himself) a liberal policy had been in evidence in the matter of Local Self-Government in the Bombay Presidency. Vithalbai hoped that before he (Willingdon) laid down his office he would have the satisfaction of having courageously advanced to a substantial extent the cause of Local Self-Government in the province. Vithalbai's own attitude in respect of this question is summed up in the following extract from his speech: "Gentlemen, we are all grateful to His Excellency Lord Willingdon for his candid confession regarding the attitude of the

Bombay Government on this question in the past, and for his declaration that the angle of vision has now changed. But let me tell His Excellency on behalf of you all that what we want and want immediately is not a concession here and a concession there, but a *pull up altogether* — a complete change of policy and the grant of Local Self-Government without any reservation. We have had enough of trials and experiments, and we refuse to be trifled with any longer."

Besides these two major achievements or near-achievements of Primary Education and improvement of Local Self-Government, Vithalbai had several minor victories to his credit in the Bombay Council. He succeeded in showing up the discrimination, willingly and unwillingly made between Europeans and Indians — in the matter of the difference between the punishments meted out to them for similar offences, in the trial by Jury open to Europeans but refused to Indians in several courts, and several such instances. He was always on the look-out for instances of injustice being done to Indians. As soon as he came to know of any such case, he would set about having it remedied. One such instance was that of the post of the Chief Judge of the Small Causes Courts in the three Presidency towns of Bombay, Madras and Calcutta. The relevant Act of 1891 provided that advocates only of their respective High Courts could be appointed to that post. Now such Advocates, as a rule, happened to be English Barristers-at-law. This post was thus shut out to Vakils, however highly placed they may be in the profession. The result was that Junior English Barristers had an advantage over Indian Vakils, however high their standing may have been in the profession. Bombay, Madras and Calcutta had thus to have Englishmen as Chief Judges of the Small Causes Courts. During the period of the First World War, the English Chief Judge of the Bombay Small Causes Court happened to go on leave, and the Member-in-charge of the legal portfolio, an Indian and a High Court Vakil himself (Chaubal), opined that this condition did not apply to acting appointments, and promoted to the vacancy the Judge next below in rank. The Chief Justice of the High Court, himself an Englishman and a Barrister, took objection to this step. The Governor suggested a *via media*. He requested

the High Court to exercise the powers that it had, of admitting some Vakils as advocates, and to admit this second Judge of the Small Causes Court as an advocate. The Chief Justice refused to exercise that power in favour of this second Judge, whom the Government had promoted as Chief Judge. He had therefore to revert to his original post. Vithalbai came to know of this. As a close student of Constitutional Law he knew that the Local Legislature *had the power* to modify all Indian Acts, when necessary, to meet the requirements of their own Presidency. Accordingly he sent in a draft motion asking for powers to the Local Government to appoint, if they thought fit, such Vakils of the High Court as they chose, to the post of the Chief Judge of the Small Causes Court in their Presidency. In due course, this motion — all amendments to All India Acts had to be so sent — was sent to the Government of India for their approval. Sir George Lowndes, the then Member-in-charge in the Imperial Council wrote to the Bombay Government that the motion was quite in order, but that, as it was worth accepting for all the three Presidencies, he himself would propose an amendment in the terms of the motion to the All India Act itself. With this development, Vithalbai naturally withdrew his motion. The All India Act was suitably amended and the bar against Vakils was removed — with consequent benefit not only to the Vakils of Bombay, but also to the Vakils of Madras and Calcutta. *Diwan Bahadur K. M. Jhaveri was the person, who was thus benefitted by this public service of Vithalbai.* There were several other men whose cause Vithalbai had upheld during this period of his career. We have seen how he benefitted Dr. Popat Prabhuram, and how by fighting for him he effectually redressed the grievances of the practitioners of Ayurvedic medicine. His fight on behalf of the poorer Talukdars of Gujarat was almost continuous. We have already noted his fight against the apparent reservation of the posts of the Principal and Professors of the Sydenham College of Commerce for Europeans, and seen how he obtained from the Government an assurance that such injustice would not be done to Indians in the future.

Vithalbai had thus an amount of constructive work to his credit during that period of his life in which he was working on

the lines adopted by the moderate school of Politics. With his support of the Kaira Satyagraha, was there a departure? We might note that, whatever else Satyagraha may have come to mean later, at this time it meant nothing more than passive resistance — at least, that is how Vithalbhai looked upon it. Was it an unconstitutional method? It is at least a moot point. When one deliberately prepares oneself for the suffering consequent on one's resistance to a law which one considers unjust, and passively undergoes the punishment meted out, it is at least open to question whether such an action can be looked upon as unconstitutional. In later days the Congress appears to have looked upon it as unconstitutional. Otherwise they may not have effected a change in the Congress creed by substituting 'peaceful and legitimate means' in the place of 'constitutional methods.' At this time, however, we may be sure that Passive Resistance was not held to be unconstitutional. Gokhale himself had supported Passive Resistance. In his speech on the South African question in the 1909 Congress, Gokhale had eulogised Passive Resistance. He had then said: "Passive Resistance is essentially defensive in its nature and it fights with moral and spiritual weapons. A Passive Resister resists tyranny by undergoing sufferings in his own person. He pits soul force against brute force; he pits the divine in man against the brute in man; he pits suffering against oppression; he pits conscience against might; he pits faith against injustice, right against wrong." Now, if this was the attitude of Gokhale towards Passive Resistance or Satyagraha, Vithalbhai could not be said to have departed from the constitutional methods of the moderates by lending this support to the Kaira Satyagraha. We may notice, at the same time, that Gokhale would not have, except in real emergencies — except when there was really a gross injustice — supported this method. With Mahatma Gandhi, it was just another experiment; for we have no doubt that Mahatma Gandhi was more keen on perfecting his new method than on removing individual cases of injustice. With Gokhale, it would have been the last resort; he would have moved heaven and earth to have that injustice removed before he lent his support to that movement. Vithalbhai came midway between the two. He tried Gokhale's ways of

having the injustice removed, but he did not wait as long as Gokhale might have waited before resorting to this last weapon in the armoury of a constitutionalist. It is a fact, therefore that Vithalbai had now come nearer to the extremist Tilak than to the moderate Gokhale, as can be seen by several of his speeches on the public platform. Till 1917, Vithalbai had hardly involved himself in political propaganda on the public platform, but now he seems to have made up for lost time. He was in the forefront at the first Political Conference of Gujarat, held at Godhra and presided over by Mahatma Gandhi. He became Chairman of the Reception Committee of the special Session of the Congress in August 1918. Before then, he presided over the Provincial Political Conference held at Bijapur, and, later, over the second Gujarat Political Conference held at Nadiad. In between, he presided over the Baroda Political Conference, and took prominent part in several social and educational conferences. Besides the part he played in these Conferences, he made several notable speeches on the public platform — one of the most striking of them being the one he made on the 24th of September, 1917, as president of the public meeting held in the compound of Shantaram's Chawl, Bombay, to protest against a decision of Mr. Ashton. In all these speeches Vithalbai appears to have leaned more to the side of the extremists than to the side of the moderates. For one thing, there was hardly any moderate worth the name in Bombay, who could sway a public audience. The atmosphere was replete with the Home Rule agitation of Tilak and Besant. It is worth noticing also that though the public looked upon Tilak as an Extremist, Tilak himself said that he was but *an animated Moderate* (that is how he described himself in his case against Valentine Chirol), and that he went only ten paces ahead of Moderates like Gokhale. The difference between the Moderates and the Extremists was more or less the same, as that which the historian of the Congress shows between Tilak and Gokhale: "Gokhale was a *Moderate* and Tilak was an *Extremist* if we may use the language in vogue at the time. Gokhale's plan was to improve the existing constitution: Tilak's was to reconstruct it. Gokhale had necessarily to work with the bureaucracy; Tilak had necessarily to

fight it. Gokhale stood for co-operation wherever possible and opposition wherever necessary; Tilak inclined towards a policy of obstruction. Gokhale's prime concern was with the administration and its improvement; Tilak's supreme consideration was the Nation and its upbuilding. Gokhale's ideal was love and service; Tilak's was service and suffering. Gokhale's methods sought to win the foreigner; Tilak's to replace him. Gokhale depended upon others' help; Tilak upon self-help. Gokhale looked to the classes and the intelligentsia; Tilak to the masses and the millions. Gokhale's arena was the Council Chamber; Tilak's forum was the village *mandap*. Gokhale's medium of expression was English; Tilak's was Marathi. Gokhale's objective was Self-Government for which the people had to fit themselves by answering the tests prescribed by the English; Tilak's objective was Swaraj which is the birth-right of every Indian and which he shall have without let and hindrance from the foreigner." Of course, one need not take this distinction shown between Gokhale and Tilak or the Moderate and the Extremist by Pattabhi as quite accurate, for Pattabhi has his own bias quite apparent to those who read his History of the Congress with any care; but though his praise of Tilak is a little exaggerated and somewhat unreal, he is not quite so unjust to Gokhale, as he is, for instance, to Vithalbai himself — hardly recognising his great achievements for the country. We may therefore take this distinction between the Moderate and the Extremist as only a first approximation to truth. We shall then see that Vithalbai was now gradually deviating from the lines of the Moderates, and coming nearer to the policy of the Extremists. During the whole of his career in the Bombay Council — and that was his real arena at that time — he strove his best to get as much out of the existing constitution as he could — stretching it to the utmost possible limit. When he appeared on the public platform we begin to see a noticeable change — and a change which appears, however gradually, to transform him altogether.

On the 24th of September, 1917, while he was still a member of the Bombay Council, Vithalbai presided over a public meeting in the compound of Shantaram's Chawls in Kandewadi, Bombay, held for the purpose of protesting against the action



of the Chief Presidency Magistrate in demanding a security of Rs. 2,000 from the *Bombay Chronicle*. The Editor of the paper, Horniman, himself, was among the audience; and so were Tilak, Vazir Hassan and N. C. Kelkar. Vithalbai pointed out that the action of the Chief Presidency Magistrate was calculated to disturb public tranquility. On the day on which this meeting was held, Montagu had come to Bombay on his mission of goodwill and peace. It was unfortunate, said Vithalbai, that they had to meet on that very day to register their protest against the iniquitous order of the Chief Presidency Magistrate. It was curious, he added, that Lord Chelmsford had so far forgotten himself that, having given a solemn promise in the Imperial Legislative Council to see that peace was maintained in the country, he should have advised the Government of Bombay — for Vithalbai thought that the Government of Bombay on their own initiative would never have taken that step at such a time — thus to encroach upon the natural freedom of the people. Vithalbai exposed the iniquity of the Press Act under which this step was taken. The worst of criminals, he said, could not be punished until and unless his guilt was proved by a competent judicial authority, but the Press Act went just the opposite way. Under it the responsibility of proving that he was not guilty fell on the accused — the very best of us could not escape the clutches of this Act. The Chief Justice of Madras had opined that the Press Law which could not spare men like Mason and Horniman would hardly enable any other journalist or an owner of a Press to escape from its clutches. In the course of his speech, Vithalbai paid a warm tribute to the services of the *Bombay Chronicle* and to Horniman, its fearless Editor, whom he called 'the champion of the oppressed and the repressed'. In the end, he called for an agitation of such gigantic proportions as would force Government to withdraw that legislation. At the first Gujarat Political Conference at Godhra, presided over by Mahatma Gandhi, Vithalbai was present and in the forefront, but he does not appear to have played any decisive part in it. The Conference was held almost immediately after the Kaira Satyagraha had been launched. Mahatma Gandhi was not quite well at the time. He had, therefore, while making

his speech, supported himself on the shoulders of Vithalbai. Vithalbai's own attitude in that affair was an enigma to Mahatma Gandhi. He therefore hazarded, half jocularly, a remark that, while leaning on Vithalbai, he was examining his heart. When Mahatma finished his speech, Vithalbai got up and said: "Yes, Gandhi had kept his hand on my heart, but he could never get at its innermost mystery".

"It is a fact that Vithalbai hardly ever shared his secrets with anybody, but it is equally true that, at this time, his political outlook was undergoing a more than normal change, and he was not likely, at the time, to disclose his unformed thoughts to anybody, and much less to Mahatmaji, who had definitely formulated his scheme of life. Mahatmaji was, however, immensely gratified to find that, whatever his views, Vithalbai had now dedicated his whole life to the service of the country.

On the 3rd of February, 1918, Vithalbai was elected President of the 18th Session of the Bombay Political Conference, held at Bijapur. The dates originally fixed were the 25th, 26th and 27th of April. Actually it was held on the 5th of May. The election of Vithalbai to the office of the President was a fitting recognition of the great services he had rendered to the Presidency as a whole. He had been the most effective member of the Bombay Legislative Council and the hall-mark of his work had been his thoroughness. It may be worth noticing here what Montagu has said in his *Indian Diary* of Vithalbai's work in that Council: "Next came a long interview with Mr. Patel of Willingdon's Legislative Council. I must say he gave the most startling incidents to show the limitations on discussion which had goaded these people into their present extreme case. A resolution in favour of support being given to the indigenous schools of medicine had not been allowed by the Bombay Government as being contrary to public interests. On the Finance Committee he had moved fifty resolutions for the reduction of expenditure; they were all disallowed by the Finance Member on the ground that they dealt with existing services: it was only the unallotted expenditure that they could discuss. He asked for the minutes, as he was a member of

the Finance Committee. He was refused them on the ground that they might get into unauthorised hands. He attempted to move a resolution asking that discussion of the allotted expenditure might be allowed in the Finance Committee; it was disallowed because it was not in the public interest. He brought in a Bill to allow for optional adoption of Compulsory Education; it was disallowed (Montagu was probably confusing here the Resolution with the Bill. The Resolution also, though with some hesitation, was allowed after all), and so on. He is obviously the most talkative Member of the Council." The Bijapur Session of the Conference was a tremendous success. Over a thousand delegates and about six thousand visitors attended the Session. Vithalbai's address was downright and outspoken, and dealt with a variety of subjects. The most important of them were: (1) the defence of India, (2) the reforms and (3) the shortcomings of the existing Councils. The question of the defence of India was, he said, inseparably connected with what use could be made of the immense man-power of India. That had been realised by Indian leaders so long ago as when the Russian danger loomed large on the Indian horizon, particularly in the North West; and when complications similar to those of the First World War had arisen in Europe. A thoughtful writer had discussed that question in great detail, more than thirty years before this war, in the Sarvajanic Sabha's Journal. Government had, however, obstinately closed their ears to all that was then urged, and India found herself, during this war, ill-equipped for defence at least in so far as the sons of the soil were concerned. British and Colonial forces had to be engaged in several theatres of war, and at home, an unwise policy had been resorted to, of preferring the services of the frontier tribes to those of the people whose interest and duty it was to defend their country from internal as well as external trouble. Whatever the mistakes of the past, was it too late, he asked, to mend matters and adopt a policy of trust and confidence? Remove all the galling and invidious distinctions between Europeans and Indians; extend reasonable facilities for higher military training to the sons of the soil; and, said he, you will get all the man-power you need. Turning to the Reforms, Vithal-

bhai urged that the least that the Government could do was to grant the reforms asked for in the Congress-League Scheme, as the first instalment of Reforms. He noticed the objection that had been raised against that scheme. It was said that it would make it impossible for Government to maintain law and order. Vithalbhai proved that the objection was perverse, and deliberately lost sight of the precise provisions of the scheme. He pointed out that the scheme left untouched the existing powers of the Government in the matter of military affairs, and the foreign and political relations of India including such questions as the declaration of war, the making of peace or entering into treaties, as also the question of military charges for the defence of the country. Vithalbhai then addressed himself to giving a graphic description of the high-handed manner in which the discussion of important matters was rendered impossible even under the regime of a Governor like Lord Willingdon who could have been expected to be conversant with the rules of parliamentary procedure. He referred to the interpellations and resolutions that were being callously disallowed in the Bombay Council, and also to the ruling of the President of the Council that it was *improper* to give any publicity to the interpellations and Resolutions that were not allowed. One of the important reasons why Vithalbhai now leaned to the Extremist side was this perverse restraint on the members of the Councils. If the Councils did not give full scope for the discussion of public questions, the arena for their discussion was naturally the public platform, and with the ventilation of grievances on the public platform, all restraints, all attempts at compromise were thrown to the winds. With the Bijapur Conference, Vithalbhai became an avowed Extremist. Be it noted, however, that Vithalbhai would never have allowed himself to be labelled either as a Moderate or as an Extremist, and whether he co-operated with Mahatma Gandhi or worked on the lines of Tilak, he always remained a constitutionalist. Soon after the Bijapur Conference Vithalbhai found an occasion to put forth his views on the question of the political status of the Indian States and their subjects. Baroda had its political conference in this same month. Vithalbhai presided over this conference. He delivered his Presidential

speech in Gujarati. The main points he made in this speech were: When every part of the civilised world was being overrun by the tide of real democratic principles, the Indian States alone could not remain altogether unaffected and in splendid isolation. By the declaration of the Secretary of State for India in the House of Commons on the 20th of August, 1917, His Majesty's Government in England had definitely set its seal of approval on the endeavours of the Indian people to achieve their goal of Responsible Government; The subjects of the Indian States could not but be influenced by the currents of political thought and political freedom, just over their border. It was rumoured that rulers of Indian States had submitted to Mr. Montagu certain memoranda *re* their status as independent rulers in their own states, in view of the fact that British India was on the way to Responsible Government. What those memoranda were, and how far they reflected the views of their subjects were a closely guarded mystery. Unless the rulers were backed by the people in these representations, these representations were bound to be misconstrued as an attempt on the part of the rulers to shake off what checks they had on their autocratic and arbitrary ways and to make themselves perfectly irresponsible thenceforth. Vithalbhai then went on to compare and contrast personal Rule and Constitutional Government or Government of the people and by the people. He deprecated the idea of an upper chamber in the Constitution of British India to be filled up by the Princes of India. He admitted that there was an element of Home Rule in the administration of Indian States, but that was perfectly nominal. He wished the States to be freed from the harmful and pernicious influence of the Political Department, and to be made responsible to the people. In advanced States like Baroda, he added, the external control of the Political Department was absolutely uncalled for. If the Maharaja's Government made a voluntary pronouncement that it was their intention to grant Constitutional Government to the people of the State, the external control of the Political Department would not only become superfluous, but would act as a clog in the administrative machine of the State. The rulers of the States should no longer be called 'protected princes'. They had proved

themselves to be 'the responsible and protecting wings of the Empire.' Vithalbhai thought that the States could advance far more rapidly than British India towards Responsible Government, for the rulers though autocratic, were generally very sympathetic and kind-hearted, and several of them were truly patriotic and inspired by high ideals. He particularly complimented the Gaekwar on the introduction of free and compulsory education and on the separation of the judicial and executive functions in the State, and emphatically urged upon him the desirability of announcing as early as possible the grant of Responsible Self-Government to his subjects.

Neither in the Bijapur Conference nor in his Baroda speech had Vithalbhai departed fundamentally from the lines on which he had been working so far, but there is a distinctly different note in the next great performance of his. He was elected Chairman of the Reception Committee of the special Session of the Congress held in Bombay on the 29th of August 1918. In the speech he delivered on that occasion, as the Chairman, one notices quite clearly that there was now a distinct cleavage between the Extremists and the Moderates who had come together in the 1916 Session of the Congress, at Lucknow, and that Vithalbhai had now, for all practical purposes, parted company with the Moderates and allied himself with the Extremists. The apple of discord was the Montford Reforms. As Vithalbhai put it in his speech on the occasion: "No one had the remotest idea some time back that the Report itself would prove a veritable Apple of Discord." "This Discord", he goes on to say, "is all the more extraordinary since the apple is not a Golden Apple, though some have nibbled at it gingerly and meticulously. On the contrary, I have seen no attempt to swallow it entire, and everybody wants to exchange this apple for another". Here also, for the cleavage, the Moderates were more responsible than Vithalbhai and his associates who had tried their level best to bring about a *rapprochement*. As Vithalbhai said in that speech: "There would have been no difficulty in finding out a *modus vivendi*, if the few absentee Congressmen (the erstwhile Moderates) had agreed to a preliminary conference for an exchange of views and a comparison of notes, instead of incon-

nently running away from the Congress, seeking safety in the undefined region of *Nowhere*." Vithalbhai deplored their decision and added: "They have forgotten the rule for the constitution of the Congress that the minorities have their right as well as the majority. At the worst they could dissociate themselves from the Congress if it utterly rejected the Reform scheme. In the plenitude of their wisdom they have not waited to do so." The unceremonious way in which the Moderates drifted away from the Congress angered Vithalbhai, and he regretted that they had declined 'all proposals of compromise, barter, expediency and concession.' Vithalbhai's pangs at this separation are noticeable in this speech as much as they are in several of his other utterances at this time.

The Montford Reforms mark a definite stage in the onward march of India towards self-government under the British Flag. We shall have to deal with them in some detail in another chapter. We have to allude to them here for the purpose of showing that with their emergence Vithalbhai was almost definitely separated from the body of workers with whom he had so many things in common, but with whom he could not co-operate when they themselves left their earlier moorings and began to co-operate with the Government even when it was not possible to co-operate with them without sacrificing the larger interests of the country, as Vithalbhai understood them to be. The Moderates and the Extremists together had evolved, with the co-operation of the Muslim League, a scheme of Government — known as the Congress-League Scheme — which, taken as a whole, was superior to the Montford Scheme. True, the Montford scheme had some features in it which were more attractive than any in the Congress-League scheme. The Congress-League scheme had provided for fixed and irremovable Executives, while the Montford Scheme had partially, at least, opened the door to Responsible Government, with what amounted to be replaceable cabinets — of course, only in the provinces. This was indeed a real improvement, but it has also to be noted that the introduction of Diarchy, which was a necessary concomitant of the coveted feature of responsibility, had taken out most of the real good in that scheme. It was the business of

statesmanship to make such improvements in the Montford Scheme as would make it really superior to the Congress-League Scheme. In fact, most of the Indian politicians — Moderates and Extremists — had, on the whole, adopted this view. With this objective in view, the A.I.C.C. which met in Delhi in the last week of February, 1918, resolved to have a special Session of the Congress at Allahabad or Lucknow soon after the publication of the Report and to send a deputation to England after that Session. The Montford Report was out in the month of June. With the publication of the report all the rumours about the contents of the Report were naturally set at rest, but no party was fully satisfied with the scheme as it stood in the Report. There were marked differences in the tone of the criticism levelled against it, but no responsible party again — though there were several firebrands, particularly in the Home Rule League, who expressed themselves that way — was, as a matter of fact, ready to reject it altogether. An attempt was therefore made to reconcile the differences. The Congress could not meet either at Allahabad or Lucknow, and ultimately Bombay was chosen as its venue, and the 28th August as the date of its commencement. In the hope of a compromise, the Session was postponed by a day and, under the Presidentship of Mrs. Besant (the President of the 1917 Congress) prominent public leaders met in Bombay to consider the possibility of an eleventh hour reconciliation. Among those present at this meeting were: Sastri, Malaviya, Tilak, V. P. Madhavrao, Motilal Ghosh, Bipin Chandra Pal, Motilal Nehru, Khaparde and Horniman. The meeting bore no fruit, and the Session finally began its proceedings on the 29th August at 1 p.m. with Hasan Imam as President and Vithalbhai as Chairman of the Reception Committee. The Session was very largely attended. The number of delegates was no less than 3,845. Dinshaw Wacha, Surendra Nath Banerjee, Bhupendra Nath Basu and Ambika Charan Mazumdar, among others, were conspicuous by their absence, while among those who attended were: C. R. Das, Chakravarti, Lallubhai Samaldas, Garud, Kamat, Hari Narayan Apte, Dinshaw Petit, Jinnah, Raja of Muhamedabad, Motilal Nehru, Sarojini Naidu and Pandit Malaviya. As Chairman of the Reception



Committee, Vithalbhai put it that, for the first time in the history of the Congress, the Congress was called upon to sit in the chair of the Judge and that it was but meet and proper that an ex-Judge of the High Court should have been chosen to guide the deliberations of a Congress which was called upon to decide the fate of the country for generations to come. Several organs of public opinion looked upon the situation in which the Congress was placed as the most painful since the Surat split. It is worthy of note that those who sympathised with this Congress did not abuse Wacha and Surendra Nath, but said that they were unable to understand why the Congress which they reared to its present grandeur had forfeited their support at that critical juncture. They said they would not prejudice those leaders as those leaders had prejudiced the Congress, and would wait to see what they really intended doing before condemning them outright. Vithalbhai himself shared these opinions and, in his own speech, gave ample expression to them. In fact, Vithalbhai left a detailed discussion of the Reforms Scheme to the President and the other delegates of the Congress and, besides advertng to the unfortunat split, contented himself with making only a few observations on it. He opened his speech with a reference to the gradual development of the Congress: 'a splendid *Bodhi* tree whose roots have reached down to the hearts of the nation, whose branches are the resting place of all patriotic thought, and whose shade is prophetic of the peace of the future, when the destiny of this ancient land will have been fulfilled and the nation will have come into its own in the federation of the Empire'. He brought it home to the delegates that the source of the strength of the Congress was 'an irresistible majority of educated India with the uneducated masses ranged behind them in serried phalanx,' and that, whatever the strength of the Congress, its function so far had been that of 'knocking at the gate, iterating and re-iterating the demand to be admitted into the Hall of Nations, and to be given a seat by their side.' For so many years, he went on to say, the Congress had been 'in the position of the Plaintiff, and the Government sat in the chair of the Judge, holding the right of decreeing or dismissing the claim; but now, it is the Congress, it is you,

the representatives of the people, who sit in the chair of the Judge to adjudicate on the merits of the case as stated in the Report on Indian Constitutional Reforms prepared jointly by the Secretary of State for India and the Viceroy of India.' Speaking on the scheme itself, Vithalbhai said that the distinguished authors of the Report had accepted only the non-essentials of the Congress-League Scheme, and if the assent of educated India was essential to the scheme as embodied in the Report, even as a transitional measure, important modifications would have to be made in it. For even a beginning in the direction of Responsible Government, which was avowed objective of the Reforms, the first thing absolutely needed was fiscal autonomy, and there was not even a shadow of it anywhere in the proposed scheme. Then the authors of the scheme had chosen the province as the unit of 'progressive realisation of Responsible Government', and had recommended no alteration for the time being, at any rate, in the responsibility of the Government of India to the British Parliament. Vithalbhai said: "We contend — and on this point there is no difference of opinion anywhere — that the progressive realisation of Responsible Government must proceed in the Government of India, simultaneously with the provinces and the two must synchronise. Unless the whole fabric of the administration from the foundation to the top is informed and influenced by the new idea, the isolation of the Government of India and its complete detachment from all popular influence and control will inevitably tend to make it more centralised and will progressively diminish its amenability to popular control in future. This tendency will be accelerated by the creation of a second chamber, the Council of State, which will not be a representative assembly like the Legislative Assembly, but which will hold all real power, including that of emergency legislation without reference to the Legislative Assembly, and will merely report such legislation to it as an accomplished fact." If that was the state of things at the Centre, in the provinces also, the new Legislative Councils would be shorn of all real power — provision having been made there for 'Grand Committees', in which Government will have a majority, and will have practically the same status and powers

as the Council of State in the Government of India. Vithalbhai added: "In fact, every proposed reform is hedged round with so many safeguards that it looks as if a system of barbed wire fencing had been set up to keep out an interloper or an enemy." Vithalbhai concluded this part of his speech thus: 'passed through the alembic of public opinion the proposed reform scheme will have to shed several ingredients if it is to form a basis of mutual trust and co-operation between the Government and the people. (i) Full *Responsible Government* must be given to advanced provinces from the outset; in other provinces Reserved Subjects should be as few as possible, and provision must be made for their automatic transfer within a period of, say, five years. (ii) A substantial beginning of *Responsible Government* must be made in the Government of India at once, and that Government should come within the purview of the periodic commissions appointed on the approval of Parliament, at intervals of less than ten years. (iii) A time limit must be fixed for the grant of full *Responsible Government* to India, and that limit should not exceed fifteen to twenty years. (iv) Full fiscal freedom must be given to India at once. *If these and other alterations that will doubtless be suggested by the Congress are accepted by the Government, a substantial step will have been taken towards the progressive realisation of Responsible Government in India.*"

So we see that, at this stage at any rate, Vithalbhai did not condemn the Montford Reforms, lock, stock and barrel. Even in the Imperial Legislative Council, which he entered soon after, i.e., on the 4th September, and where the Montford Reforms came up for consideration in a way, on the 6th and 7th of September, Vithalbhai did not go so far as to reject the Montford Scheme altogether. What he could not conscientiously assent to was the proposition which said in effect, 'or rather in express terms, that the Reforms constitute *a definite advance towards the progressive realisation of Responsible Government*'. Coming from that Session to meet Mahatma Gandhi, in October, while giving his personal impressions of the working of the Imperial Legislative Council in a public meeting, and while showing his extreme displeasure at some of the things that were going on

there — particularly at the readiness with which that Council voted a gift of an additional 67½ crores to the British Government, he said, with reference to the Montford Reforms: "So far as I am concerned, I am not able to see any material difference between the view point of the Moderates and the Extremists. Both parties are practically unanimous in regard to the view held in regard to the *Reserved* and *Transferred* subjects, as contemplated in the Reform scheme. The Congress demands complete self-government, say, within a period of 25 years, and considers the proposed reforms as *disappointing and unsatisfactory*, with which the Moderate leaders do not agree. We were told in the Simla Imperial Council that if such a provision (of time limit) was included in the constitution of the Government of India, then not only would it not receive the support of the British people, but the entire scheme was likely to break down." This attitude of Vithalbhai shows clearly that Vithalbhai believed that he was on the old traditional lines of the Moderates, and that it was the Moderates who had left those traditional lines, and had adopted a new policy of bending before the Government even when complete co-operation with the Government was contra-indicated. It is instructive in this connection that the Moderates had now ceased to call themselves Moderates — they called themselves Liberals, and reversed the role they played at Surat, in seceding from the organisation which they had themselves reared, and in starting a brand new organisation which they called the Liberal Federation. Vithalbhai obviously could not go with them in their new-fangled ideas of complete surrender to the powers that be, and had therefore no alternative but to ally himself with the so-called Extremists.

Hereafter Vithalbhai had another occasion to express his views on the Montford Reforms in the Second Gujarat Political Conference which ultimately met at Nadiad on the 16th of November. This Second Gujarat Political Conference was presided over by Vithalbhai himself. The Reception Committee for that Conference had met at Nadiad on the 22nd of September 1918, and among the names suggested for the Presidentship of that Conference were, besides Vithalbhai's, the names of Vallabh-bhai, Mangaldas Girdhardas, B. P. Wadia, Maganbhai Patel,

Jamnadas Dwarkadas and G. S. Khaparde. The Reception Committee unanimously elected Vithalbhai, but it was reported at the meeting that Vithalbhai was not willing to accept the Presidentship. Two selected men were therefore deputed to persuade Vithalbhai to accept it. Consequently this deputation waited on Vithalbhai about the 15th of October at Bandra. Vithalbhai told them that he had received letters from Gopaldas, the Chairman of the Reception Committee and Indulal Yagnik, and that they thought that it was desirable to postpone the Conference on account of the famine conditions then prevailing in the district, and that he himself thought that, when there were sharp differences of opinion among the prominent workers, it would not be quite proper to hold the Conference just then. The reply of the deputation was that because there were famine conditions at the time, that was just the reason why several of them thought that this Conference should be held then — they could make proper representations to Government in that behalf also. The long and short of it was that it was ultimately decided that they should meet in a Conference at Nadiad on the 16th of November, and not on the 8th, 9th and 10th, as arranged before, and Vithalbhai consented to preside over that Conference. Vithalbhai hated all pomp and show, and therefore refused to be taken in a procession through the city. In fact, he thought of giving them the slip, and therefore told them that he would travel by himself at an hour convenient to him from Karamsad to Nadiad. Actually he went direct to Nadiad from Bombay and the workers somehow got knowledge of his plans and forced a procession on him. The Conference became a big affair. It met in a specially erected pandal accommodating about 10,000 people, and received a wide publicity. In his presidential speech, he expatiated as much on the wider political issues as on the narrower administrative reforms. To him, he said, political reforms were of the highest importance. He exhorted the people, for all they were worth, to fight relentlessly for the freedom of the country and face all eventualities. The Montford Report had appeared and Vithalbhai's reactions to it appeared in this speech as elsewhere. He asked the people to note that the scheme had now appeared in cold print. It was

necessary to study it carefully. Committees would now sit, he said, to discuss the constitution of the Councils, and it was the business of such conferences to study the political problems involved. In particular, he drew the attention of the Conference to the division between *Reserved* and *Transferred* subjects contemplated by the Reforms Scheme wherein the mutually allied subjects of Agriculture and Land Revenue, formerly treated as joint subjects, were separated — Agriculture becoming a *Transferred* and Land Revenue a *Reserved* subject. He insisted upon some provision forbidding an increase in the Land Revenue during the period of 30 years which was fixed for the *Rayatwari* system as it prevailed in Bombay. If Government faced a deficit in their general revenue, they must not increase land revenue on that account. He characterized as absurd the argument in the Montford report that, because the agriculturists were not likely to be properly represented on the Councils, Land Revenue should be a *Reserved* subject. The proper solution to the problem was to give large representation to the agriculturists. In so far as the Bombay Presidency was concerned, Vithalbhai contended that no subject should be *Reserved* in the Bombay Presidency and that full Responsible Government must be conceded to the Presidency forthwith — Bombay had always occupied a prominent place in trade, commerce and politics, and both the Viceroy and Montagu had been impressed by the progressive activities of Bombay in all spheres of life. He stressed the desirability of giving full control over public servants to Ministers, thus making administration fully responsive and responsible. He deprecated the advocacy for communal representation noticeable in the Report and thought that it would inject poison in the body politic and give a moral blow to the unification of the country. He expressed his resentment at the way in which the Government of India had recently added to the 150 crores, previously given, an additional gift of Rs. 67½ crores to Britain in the name of India. The burden of this so-called gift was bound to be felt by the poor tax-payer of the country and Government were certainly not justified in giving away this huge amount of money without a proper and willing sanction of the tax-payer. He insisted on equal rights

and privileges being given to women in all spheres of life. If women took interest in the activities of the local self-governing institutions all over the country, enviable progress would be recorded in sanitation, hygiene and the like spheres, and the Municipalities and Local Boards would really flourish. He alluded to the misery of the country consequent upon the war and to the peculiar famine conditions of Gujarat, and discussed several subjects of local interest such as influenza and the preventive remedies which people should adopt.

We thus see that though now there was a distinct cleavage between the Moderates and the Extremists, and though Vithalbhai had now parted company with his erstwhile friends, the Moderates, and could be looked upon as an Extremist, he remained a perfect constitutionalist in thought, word and deed.

## Chapter Thirteen

### THE MONTFORD REPORT AND ITS AFTERMATH

THE appearance of the Montford Report roughly synchronised with Vithalbai's departure from the Bombay Council and his entry into the Imperial Legislature. Vithalbai was elected to the Imperial Council in March, 1918. The Montford Report was signed in April and published in June. Vithalbai actually entered the Imperial Council in September. The Montford Report was considered by the Special Bombay Session of the Congress in August, and by the Imperial Legislature in September. Vithalbai expressed his views on it in the Congress in August and in the Imperial Council in September. The Montford Report divided the political leaders of India into two opposite camps — the more conspicuous of the Old Congressmen going out of the Congress and leaving it in the hands of the younger Congressmen of whom Vithalbai was one of the most notable. It has been customary for some time now to take it for granted that the new era during which India has secured her 'Independence' began in 1920, with the appearance of Mahatma Gandhi on the political horizon of India. This may be true, if we take into consideration only the *methods* by which we have tried to secure our 'Independence'. Whether it is those methods that have secured 'Independence' for us, or whether there are several other factors that have contributed to this happy result is, at least, a moot point, and we may not discuss it here. But what we may not forget is that the *objective* of all political agitation in India—the objective of all the fight for what was called Swaraj—underwent an almost revolutionary change in 1918, with the publication of the Montford Report, and not in 1920, with the change in the Congress creed from 'constitutional' to 'peaceful and legitimate' means. Till 1918, even with the Congress-League Scheme, which then was the height of our political ambition, what we were fighting for was 'Self-



Government under the British Flag', and by Self-Government we meant a government as largely as possible *representative* and as largely as possible *responsive* to public opinion. We had never till then asked for a *Responsible* Government in the proper sense of that term. In the Congress-League Scheme, we had asked for four-fifths of the members in the Provincial Legislative Councils being elected and not less than one-half of the members of the Executive Council being Indians, elected by the elected members of the Provincial Legislative Council; but we did not ask for an executive in any way removable by the vote of the Legislature. We were content with the following proviso: "A Resolution passed by the Provincial Legislative Council shall be binding on the Executive Government, unless vetoed by the Governor-in-Council, provided, however that if the Resolution is again passed by the Council after an interval of not less than one year, it must be given effect to." What, if it is not given effect to? Was an alternative executive to take its place? No such provision was contemplated. In the Imperial Legislative Council also, we had asked for four-fifths of the members being elected, and in the Viceroy's Executive Council, one half of the members being Indians, elected by the elected members of the Imperial Legislative Council. There also the Executive was irremovable, and the same provision as in the Provincial Governments was made for the respecting of the Resolutions passed by the Legislative Council. Now this is not *Responsible* Government, though, if it could have been worked with mutual good will and co-operation, it would have ensured a really popular Government *responsive* to public opinion. This is, however, as much as saying that, given the right men to work a constitution, any constitution can work quite satisfactorily. The Montford Report proposed a real beginning in what is truly a *Responsible* Government — not a Government which was merely *responsive* to public opinion; but by resorting to diarchy — by distinguishing between *Reserved* and *Transferred* subjects, it minimised the value of this great advance. It was admittedly an experiment, and to us it did appear to be far too cautious an experiment. As Vithalbai put it: in fact every proposed reform was hedged round with so many safeguards that it looked

as if a system of barbed wire fencing had been set up to keep out an interloper or an enemy. Nevertheless it must be admitted that the Montford Report made a beginning in *Responsible Government* in the true sense of that term, and however much some of our leaders may have pooh-poohed it, none of them hereafter seriously went back to the Congress-League Scheme, and everybody accepted it as the basis and only asked for improvements on it. Even those who apparently rejected it *in toto*, could be found, on closer examination, to have asked only for drastic improvements in it.

Now that our erstwhile masters, the British Bureaucracy, have left the shores of India, we may be in a position to take a fairly dispassionate view of the British attitude to, and their treatment of, India in the period during which they occupied the country. Nobody can deny that the British people first came to this country, like the Portuguese, the Dutch and the French, as so many adventurers in the quest of the fabulous wealth which India was supposed to have possessed. The East India Company received a charter from the British Parliament to trade with India and to have only such domination here as would ensure successful trade. It was only adventitious circumstances, like the internecine warfare among the Nawabs and Princes of the country, and rivalry with the French that ultimately settled them here as the Government of the country. The people in England hardly took any notice of their brethren in India until there was some big row and some division among these *men on the spot*. Absolute trust in the men on the spot had almost all along been a cardinal article of faith with the people in England, and it received a rude shock only when some men on the spot spoke against some other men on the spot. This is what happened when Chief Justice Impey fought against Warren Hastings. And then we had the splendid spectacle of Burke and Sheridan impeaching Warren Hastings in the British Parliament. With every renewal of the Charter there was an inquiry on behalf of the British Government into the workings of the East India Company, and from 1774 onwards, the British Parliament had shouldered the responsibility for the good administration of the territory acquired by the East

India Company. The Charter Act of 1833 laid down that no native of the territories acquired by the East India Company in India, nor any natural born subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour or any of them, be disabled from holding any place, office or employment under the Company. The plain meaning of this provision was that 'there shall be no governing caste in British India.' If Burke and Sheridan put up a strenuous fight against mal-administration in India, Bentinck and Macaulay between themselves introduced many a salutary reform in the social and educational fabric of India. The 1857 War of Independence brought the rule of the East India Company to an end, and the administration of India passed directly into the hands of the Crown, and, in effect, of the British Parliament. Since then the men on the spot grew more and more in importance and the chance of some men on the spot fighting against some other men on the spot became rarer and rarer, though in the fight between Curzon and Kitchner we have one such instance, and who knows whether, if that fight had not been there, Curzon would have left India when he actually left. There were several men among the British people in England who were interested in the good Government of India and some who really looked upon themselves as mere *trustees*, and would have liked India to be governed in the interests of India and with the consent of the governed; but the men on the spot theory always held the ground. Lord Ripon, a man on the spot and one of the most benevolent of the Viceroyes, could lay the foundation of Local Self-Government in India. Lord Dufferin, another man on the spot, could give his blessings however, unwittingly, to the foundation of the Indian National Congress. As W. C. Bonnerjee, the President of the First Session of the Indian National Congress writes in his *Introduction to Indian Politics*, it was Lord Dufferin who told Hume that there was no body of persons in this country who performed the functions which His Majesty's Opposition did in England, and further that, 'as the English were necessarily ignorant of what was thought of them and their policy in Native circles, it would be very desirable in their interests as well as the interests of

the ruled that Indian politicians should meet yearly and *point out to the Government in what respects the administration was defective and how it could be improved*'. It is interesting to note that Lord Dufferin had made it a condition with Hume that his name in connection with the scheme of the Congress should not be divulged so long as he remained in the country. Lord Hardinge, another man on the spot, could get a settled fact unsettled and the partition of Bengal repealed. So we see that, while there were several eminent people in England, like Burke and Sheridan, or Gladstone or Bright or Keir Hardie, who were interested in the good Government of India, and in India being governed with the consent of the people of India, in practice they could hardly do anything substantial in fulfilment of their objective until and unless some proposal in that direction emanated from the men on the spot. Thus it is that we see that the reforms of 1909 were *Morley-Minto Reforms*, and the Reforms of 1918 *Montagu-Chelmsford Reforms*. Now, these men on the spot, apart from Viceroy and Governors of Provinces, were men of the covenanted services forming a steel frame, and as a rule recruited from certain families and certain parts of Britain in which the tradition of service in India had been deep-rooted, and, along with that tradition, certain well-defined prejudices and prepossessions. It was well-nigh impossible to dislodge them from their rooted convictions, with the result that all progress was slow — exasperatingly slow. Leaders of public opinion in India therefore, at least the more sagacious of them, tried their utmost to awaken public opinion in England to the realities of the Indian situation, but what with the general apathy of the average Britisher towards India and what with their pathetic faith in the men on the spot, it had become almost impossible to create any interest in Indian affairs among the people of Great Britain. Their *bona fides* may have been above suspicion; they may have meant well by India; but they could do nothing for her in the teeth of opposition from the men on the spot. We need hardly disbelieve that several of the rarer spirits of England wished that some time in the future India should be left to govern herself — that was their avowed mission,— but even such men felt that that time was not yet. To

say that they only paid lip service to this view and that they never contemplated leaving India would not be quite fair to them, but it is equally true that they would never have left India, had it not been for a combination of circumstances which forced them to do so — not the least important of these circumstances being the pressure of world opinion and the tremendous agitation in India. That there was a gradual advance towards the participation of Indians in the administration of India nobody can deny. As the Nineteen Memorandum put it, 'upto 1909, the Government of India was conducted by a bureaucracy almost entirely non-Indian in its composition and not responsible to the people of India. The Reforms of 1909, (the Morley-Minto Reforms) for the first time introduced an Indian element in the direction of affairs of the administration of India. This element was of a very limited character.' The Legislatures became more representative, but they had no power of effective control over the Government, whether Provincial or Imperial. Some Indian element was introduced in the Executive Councils, but the nomination of these Indian members rested entirely with the Government. England had often expressed through her rulers and statesmen that she was ever ready and willing to help Indians to attain Self-Government under the aegis of the British Crown, but actually she had yet done very little to put her on that path. The Morley-Minto Reforms came after, and we may say, in consequence of, the agitation provoked by the partition of Bengal and the high-handed regime of Lord Curzon. The Montford Reforms came in the wake of the first World War which was, at least ostensibly, being fought for making the world safe for democracy and for implementing the principle of self-determination for nations, and after the Home Rule agitation sponsored by Tilak and Besant. That they were an advance on the Morley-Minto Reforms nobody has denied. Whether they were an improvement on the Congress-League Scheme is another matter. On the whole, again, the fact that they fell short of the demand in that scheme is also undeniable, but it is nevertheless true that they offered a properly *Responsible Government* (albeit truncated), while the Congress-League Scheme and the Nineteen Memorandum asked for a *Represent-*

*ative* Government *responsive* to public opinion. How these reforms came we have to see now.

Edwin Montagu occupied the position of the Under Secretary of State for India for four years, before he became the Secretary of State for India. On the 28th of February, 1912, he made his famous Guildhall speech at Cambridge in reply to Bonar Law's condemnation of the repeal of the partition of Bengal. Bonar Law had contended that, if for nothing else, at least to save the prestige of the British Government, it was necessary to stick to the Partition of Bengal which had provoked such tremendous agitation all over India. Montagu's reply was: "And as for prestige, oh! India, how much happier would have been your history if that word had been left out of the English vocabulary! But there you have Conservative Imperialism at its worst; we are not there, mark you, to repair evil, to amend injustice, to profit by experience. We must abide by our mistakes, continue to outrage popular opinion for the sake of being able to say 'I have said what I have said'... we do not hold India by invoking this well-mouthed word. We must hold her by just institutions, and more and more as time goes on, by the consent of the governed." Such a speech was bound to raise the speaker in the estimation of the Indian people, and as a matter of fact, from that time onwards, the Indian people had come to look upon Montagu as one of their greatest friends in England. His reputation as an able, well-informed, benevolent and courageous statesman was further enhanced when he mercilessly chastised Austen Chamberlain for the Mesopotamian muddle, during the first World War, which was the consequence of an inadequate supply of men and materials from India. Montagu then characterised the Indian Government as 'far too wooden, far too iron, far too inelastic and far too antediluvian to subserve its purpose in modern times.' Chamberlain had to resign, and when he resigned Montague took his place as the Secretary of State for India. This was certainly taken to be a good augury for the political advance of India. True to expectations, within a short time of his having accepted that office, he made the following pronouncement on behalf of the Cabinet — on the 20th August 1917:—"The policy of His Majesty's Government

*with which the Government of India are in complete accord* (the men on the spot are roped in), is that of the increasing association of Indians (the old ideal) in every branch of administration, and the gradual development of self-governing institutions *with a view to the progressive realisation of Responsible Government* (this is the new ideal) in India as an integral part of the British Empire. They have decided that substantial steps (here was the hitch — were the steps proposed *substantial?*) should be taken in this direction as soon as possible, and that it is of the highest importance as a preliminary to considering what these steps should be that there should be a free and informal exchange of opinion between those in authority at home and in India. His Majesty has approved that I should accept the Viceroy's invitation to proceed to India and to discuss these matters with the Viceroy and the Government of India, to consider with the Viceroy the views of the Local Governments, and to receive with him the suggestions of representative bodies and others." In the face of all this, and Montagu's actual coming to India for this purpose, Pattabhi, the historian of the Congress, says: "It may be news to many that *the whole of the Montagu-Chelmsford Scheme, so-called was worked out in every detail by March, 1916.* The fact was that Lord Chelmsford was a Major in the Army in the Territorial Force in India, when the order reached him of his appointment as Viceroy. When he went to England *in March, 1916,* he was shown *the full-blown scheme ready made — a fact which we (who?) learnt only in 1934,* — which was to be associated with his name." How and where Pattabhi has obtained this information we do not know. Nor do we know on what authority he relies for this information. To us the whole of this statement of Pattabhi seems highly exaggerated, if not altogether incredible. Montagu goes on: "I *would add* that progress in this policy can only be achieved by successive stages (there was the rub. Was Montagu speaking on his own behalf or on behalf of His Majesty's Government?). The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be the judges of the time and the measure of each advance (that is why the Simon Commission was an all-White

Commission), and they must be guided by the co-operation received from those on whom new opportunities of service will thus be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility. Ample opportunity will be afforded for public discussion of the proposals which will be submitted in due course to Parliament."

In pursuance of this authoritative declaration, a mission came out to India, with Montagu at its head, to draw up a scheme of constitutional changes to meet the requirements of the Indian political situation. About the end of the year 1917, Montagu and Chelmsford toured the whole country, receiving deputations and granting interviews wherever they went — in Calcutta, Madras and Bombay, among other places. The mission had on it, besides Montagu, Donoughmore, Duke, Bhupendra Nath Basu and Charles Roberts. They were in constant consultation with the members of the Government of India, and on their return to Delhi, where they had begun their work in November, they engaged themselves in a continuous series of conferences. There were meetings of the Secretary of State and those associated with him in the mission *and* the Government of India, meetings with the Heads of the Provinces, meetings with a Committee of the Ruling Princes, meetings of several *ad hoc* committees for the consideration of all kinds of details, as also numerous private interviews and informal discussions. After six months of hard work, the report was signed at Simla by the Viceroy and the Secretary of State on the 22nd April, 1918, and published in June with the assent of His Majesty's Government in India. The first part of the Report consists of an exhaustive survey of the situation which had demanded the new order of things, and the second part, of the proposals of the reconstruction of the Government of the country, based on the co-operation of the people and calculated to meet the needs of the days to come. The first part is euphemistically described as the 'material', and it sets forth the case for Reforms at a considerable length. This portion of the Report is couched in dignified language and contains lofty sentiments which would do credit even to an Edmund Burke. Outside some of the well-known despatches of Munro, Bentick, Elphinstone, James Stuart



Mill and Macaulay, one could hardly meet with such lofty sentiments as the following:—

“We believe profoundly that the time has now come when the sheltered existence which we have given India cannot be prolonged without a damage to her national life; that we have a richer gift for her people than any that we have yet bestowed on them; that nationhood within the Empire represents something better than anything India has hitherto attained; that the placid, pathetic contentment of the masses is not the soil on which the Indian Nation can grow and that in deliberately distributing it we were working for her highest good.”

Again:—

‘Self-Government for India within the Empire is the highest aim which her people can set before themselves or which, *as trustees for her*, we can help her to attain. Without it, there can be no fullness of civic life, no satisfaction of national aspirations which fill the soul of every self-respecting man. The vision is one that may lift men to resolve on things that seemed impossible before.’

The second part of the Report, entitled, ‘The Proposals’, practically left the Government of India very much where it was, and recommended, for the Provincial Governments, a scheme of advance based on the principle of what has come to be known as ‘Dyarchy’, rejecting altogether, as unworkable, the ill-fated Congress-League Scheme.

The four main formalae of the Report were:—

- (i) There should be, as far as possible, complete popular control in the Local Bodies, and the largest possible independence for them of outside control.
- (ii) The Provinces are the domain in which the earliest steps towards the progressive realization of Responsible Government should be taken. Some measure of responsibility should be given to them at once, and the aim should be *to give complete Responsibility* as soon as conditions permit. This involved giving to the Provinces, at once, the largest measure of independence — legislative, administrative, financial — of the Government of India, compatible with the due discharge by the latter of its own responsibility.
- (iii) The Government of India must remain *wholly responsible*

to Parliament, and saving such responsibility, its authority in essential matters must remain indisputable pending experience of the effect of the changes now to be introduced in the Provinces. In the meantime the Indian Legislative Council should be *enlarged* and made *more representative* and its opportunities of influencing Government increased. (iv) In proportion as the foregoing changes took effect, the control of Parliament and the Secretary of State over the Government of India and the Provincial Governments must be relaxed.

In accordance with the spirit of these formulae, definite proposals were laid down for the starting of the Provinces on the road to Responsible Government with the prospect before them of their winning their way to the ultimate goal, hindered though it be, at times, by hills and rough places, but nowhere swept away by floods or landslides."

The Report sincerely wanted the foreign bureaucracy to change its heart, and the Indian Civil Service to step away from its position as the executive arm of the State, and assume in the future the role of the friendly adviser and onlooker. It was anxious to invest the Provincial Councils with a certain degree of responsibility. It also aimed at freeing them, to a considerable extent, from their irksome bondage to the Central Government, and proposed to confer on them some measure of financial, administrative and executive independence, and to make them, in some respects at least, the sole and ultimate arbiters of their own destinies. Some of the functions of Provincial Government were to be *reserved* for administration by the Governors-in-Council and others *transferred* to the charge of Ministers, who though appointed by the Governors were to be responsible to the Legislative Councils. These Councils were to be *enlarged* by the addition of a considerable number of elected members. The proposals of the Congress-League Scheme about the proportion between the Hindu and Muslim members in the various Councils were to be accepted. The Provincial Legislatures were to consist of unicameral houses with a complicated and involved provision for 'Grand Committees' to meet emergent situations. The Government of India was to remain wholly responsible to the British Parliament, though the Legislative Councils at the

Centre were to be enlarged and a larger Indian element was to be introduced into the Viceroy's Executive Council. The Report held that the time had not come when the Central Government could undergo much change without danger and loss of efficiency, and that its liberalization might profitably be left over till it could be responsive 'to a succession of stimuli from outside'. The Imperial Legislature was to be divided into two houses, but not in the way in which the bicameral legislatures were formed in other parts of the world.

The Report contains a dispassionate statement of India's case for Self-Government. The obstacles to Reform, however, are also stated with equal lucidity, and in the end the obstacles triumphed. From the day of the pronouncement of August 20, 1917, the whole of Political India was full of expectations — some pitching their expectations very high, some willing to be content with such advance as might be offered, and some deciding for themselves that nothing substantial would come out of the pronouncement. We, in India, had long been accustomed to lofty pronouncement, like the Queen's Proclamation, which, when translated into action came to an inconsiderable trifle. The Home Rule agitation had raised the pitch very high, and there was in the air an unusual satisfaction at our having hammered out an agreed scheme of political advance, known as the Congress-League Scheme. It was, therefore, natural that the new proposals should be compared with the Congress-League Scheme and should be adjudged acceptable or unacceptable according as they compared favourably or unfavourably with that scheme. In fact, the 1917 Congress, presided over by Mrs. Besant, one of the two big pillars of the Home Rule agitation, adopted the following resolution in respect of the national demand:—

"This Congress expresses its grateful satisfaction over the pronouncement made by His Majesty's Secretary of State for India on behalf of the Imperial Government that its object is the *establishment of Responsible Government* in India.

"This Congress strongly urges the necessity for the immediate enactment of a Parliamentary Statute providing for the establishment of Responsible Government in India, *the full*

*measure to be attained within a time-limit* to be fixed in the statute itself at an early date.

"This Congress is emphatically of the opinion that the Congress-League Scheme of Reforms ought to be immediately introduced by the Statute as the *first step in the progress.*"

So, what the Congress wanted at this stage, was the Congress-League Scheme, *as the first step*, and a definite *time-limit* for full Responsible Government. Motilal Nehru would have been satisfied (so he told Montagu) 'if he could get Responsible Government in 20 years'. C. R. Das anticipated the failure of dyarchy and wanted real Responsible Government within five years, and promise of it just then. Sankaran Nair, Srinivasa Iyengar, Setalvad, Chandavarkar, Rahimtulla, Basu and Surendranath Banerjee accepted Montagu's scheme almost *in toto* as a decided advance over the previous situation, and perhaps in preference to the Congress-League Scheme. In fact, as Pattabhi has noted in his History of the Congress, with the appearance of the Montford Report, the centre of gravity had shifted from the Congress-League Scheme to the Montford Scheme. The 1918 Special Bombay Congress of August, presided over by Hasan Imam and with Vithalbhai as Chairman of the Reception Committee, 'appreciated the earnest attempt on the part of the Secretary of State and the Viceroy to inaugurate a system of Responsible Government, and while it recognised that some of the proposals constituted an advance in some directions, it was of the opinion that the proposals were *disappointing and unsatisfactory*, and went on to suggest modifications which we considered absolutely necessary to constitute a substantial step towards Responsible Government." It asked for simultaneous advance in the Provinces and the Government of India and held that the country was ripe for full Provincial Autonomy. With a view, however, to facilitating the passage of the Reforms, it was prepared to leave the Departments of Law, Police and Justice in the hands of the Executive Government in all Provinces for a period of six years. The regular Session of the 1918 Congress, held at Delhi in December, with Pandit Madan Mohan Malaviya as President (Tilak was the first choice, but he could not accept the office this year) reaffirmed the resolution

passed at the Special Session held in Bombay, but asked for full Responsible Government, without the Bombay deductions, at once, in the Provinces. The harmony that was ultimately secured in Bombay, though certain distinguished Moderates had shown their disagreement by not attending that Session, disappeared at this Session. A split occurred on the 'narrow' issue as to whether Provincial Autonomy must be whole and immediate, or whether the Bombay deductions should still stand. While 'Madras and other Moderates' stood for the Bombay Resolution, the majority favoured the rejection of the Bombay compromise. At this Session Sastri moved an amendment, objecting to the words 'disappointing and unsatisfactory' and asking that the 15 years limit (that limit was proposed for the establishment of full Responsible Government) should be deleted. The amendment failed and the original resolution held the field. Between the Bombay Session of the Congress in August and the Delhi Session in December, the Reform Scheme was on the anvil in the Imperial Legislative Assembly when Surendranath Banerjee, on the 6th of September, 1918, moved the following Resolution:—

"This Council, while thanking His Excellency the Viceroy and the Secretary of State for India for the Reform proposals, and recognising them as a genuine effort and a definite advance towards the progressive realization of Responsible Government in India, recommends to the Governor General in Council that a Committee consisting of all the non-official Members of this Council be appointed to consider the Reforms Report and make recommendations to the Government of India."

The operative part of this Resolution hardly provoked any real controversy. The representatives of non-official Europeans — Hogg and Ironside — spoke and voted against it, partly because they had not yet received a mandate from their constituencies and partly because they felt that the proposals did not sufficiently safeguard the interests of the European mercantile community. On behalf of the Government, Sir William Vincent repudiated the charge of their having ignored these interests. He said that it was 'neither the intention of the authors of the Report nor of the Government of India in any way to sacrifice,

depreciate or ignore those great interests.' All the rest of the non-officials supported this part of the Resolution — some warmly, some coldly and some non-chalantly. Vithalbhai was in the second category. He said: "I have not the slightest objection to the appointment of a Committee consisting of all the non-official Members to consider the Reforms Report, though I must say I do not anticipate much good out of the deliberations of that Committee."

The *raison d'être* of the Resolution, obviously, was not this operative part. Some of the non-officials, among them Surendranath, wanted an opportunity to discuss the Report on the floor of the Council, and it was in this way that they sought that opportunity. Sir William Vincent stated the Government position in these words: "We had promised full opportunities for the discussion of this Report. We were then asked by a leading and influential member of this Council to afford non-official Members of this Council that opportunity." The motion having been supported by a large number of Members of the Council, Government could not refuse the opportunity sought, in the face of their declared policy. And so it was that those who were favourably inclined towards the Montford proposals used the forum of the Council for the expression of their views on them. Surendranath in his opening speech warmly — indeed far too warmly — praised the proposals, but he also added: "The fact of my making a recommendation for the appointment of a Committee implies that in my opinion the scheme is one that should be considered, criticised, amended, expanded." Further: "We want to modify and expand the scheme *in conformity with its essence and spirit*, so that it may satisfy our legitimate aspirations and carry out the gracious intentions of the message itself." Chitnavis, who followed, said: "We are of the opinion that the scheme now before us, though it may be capable of changes and improvements in certain particulars, is a notable advance on the present system of Government, and also promises to be the nearest, though it may *be somewhat gradual and cautious*, approach to the ultimate form promised in the announcement of August, 1917." B. D. Shukul, while admitting that the scheme was 'a step in advance in some directions', and

decidedly 'an improvement upon the existing state of affairs', wished 'this step, *the very first step taken, were more courageous, more forward, and more substantial*'. Khaparde, who appears to have 'insisted on voting for both sides' on the first part of the Resolution, and whose vote was counted only on the *No* side at first, but ultimately eliminated from both sides, changing the voting to 46 *vs* 2 in the place of 46 *vs* 3, started with this remark: "I rise, my Lord, to support this Resolution in the main operative part of it, though I disagree with what my Hon'ble friend described as the preliminary part of it." Kamini Kumar Chanda told the Council that it was common ground that very important modifications would have to be introduced into the scheme, and asked why, although the proposals were generous, they had not worked any real enthusiasm in the country. His own answer was: "All real power is centred in the Central Government, and unless the people are represented *in the Government*, I do not think the scheme will at all satisfy the public." Malaviya, who does not appear to have voted either way on this Resolution, expressed his view thus: "There is no question that they (the proposals) do mark a large and liberal advance on the existing arrangements. At the same time I feel bound to say that I do no share with my friend, the mover of the Resolution before us, the optimism which he assumed in describing the effect of these proposals." He ended his speech with the following peroration: "I am absolutely indifferent as to whether the substantive part, as it has been called, of the Resolution before us is or is not accepted. If it is accepted I do not object to it. If it is not accepted, I do not object to it either. What the Government required to know was the sentiments of the people as a whole towards the proposals of Constitutional Reform. The Special Indian National Congress and the All India Muslim League have held their sittings in Bombay, and both these bodies have pronounced their views, regarding them. Happily they have both come to an unanimous conclusion, and they will no doubt place it formally before the Government. They have both clearly *recognised the value of the recommendations* which have been made. They have also *pointed out wherein those recommendations fail*. They have also made recommendations for changes and additions. And they

have hoped, and I hope they have not hoped in vain, that their recommendations will be considered, and that the final scheme which will be adopted will see an element of real responsibility introduced into the Government of India in order that there should be peace, contentment and ordered progress in the land, power and prosperity to India, and greater power to the British Empire."

Vithalbhai spoke on the second day of the debate, i.e., on the 7th of September. His speech was the first on that day, and the first fighting speech on the Resolution. We might as well quote it *in extenso* here:—

"May it please Your Excellency, I regret I am unable to support this Resolution in the form in which it appears on the agenda. Speaking for myself, I say I have not the slightest objection to the appointment of a Committee consisting of all the non-official Members to consider the Reforms Report, though I must say I do not anticipate much good out of the deliberations of that Committee. But with regard to that part of the Resolution in which the Hon'ble mover puts in a claim that the Constitutional Reforms contained in the Report constitute a *definite advance towards the realisation of Responsible Government of India*, I join issue with him. And my reasons are these. It is only very recently, last week, that the two national organizations of this country, I mean the Indian National Congress and the Muslim League, met in Bombay, held joint deliberations, and came to certain unanimous conclusions in regard to the Reform proposals. In the resolutions that they passed at their sittings, they, in no equivocal terms, held that the Reforms, though they constitute an advance — not a *definite advance*, as the Hon'ble mover has stated in the Resolution,— an advance on the present conditions in some directions — are *not an advance towards the progressive realisation of Responsible Government*, as stated in the Resolution. That is the verdict of the National Congress and the Muslim League. They go further and say that the Reforms taken as a whole are *disappointing and unsatisfactory*. In the face of this verdict of the Indian people, Hindus, and Mussalmans, Parsis and Christians, I fail to understand *how, standing here as the representative of the people, I can*



*conscientiously* assent to a proposition which says in effect, or rather in express terms, that the Reforms constitute *a definite advance towards the progressive realisation of Responsible Government*. Your Excellency, the main object, as I understand, of the Resolution is the appointment of a Committee, and I submit, *it is for the Committee*, who will sit to determine upon the Reform proposals, *to say* whether the Reforms as a whole constitute a definite advance towards the progressive realisation of Responsible Government. If we are going to appoint a Committee, it is no use for this Council first to pronounce a verdict that the Reforms constitute a definite advance towards the progressive realisation of Responsible Government, and then ask the Committee to make recommendations. It may be that the Committee to be appointed might so frame its recommendations that no one who reads them would be justified in saying that the Reforms constitute a definite advance. It may be that the Committee might agree that the Reforms do constitute a definite advance, but I certainly think that to ask the Committee to consider the Reform proposals and express their opinions thereon, after the pronouncement of this Council that the Reform proposals constitute a definite advance, *is to begin at the wrong end*. Your Excellency, it is said that much will depend on the two Committees that the authors of the Report have suggested, *one regarding the Transferred and the Reserved Subjects*, and the other regarding the franchise, constituencies and the rest of it. It may be that those Committees might recommend that all subjects in the Provinces, except one or two, namely, Law, Justice and Police, may be handed over to the Legislature. It may be that the Committee might recommend that only a few, and a very few subjects, shall be transferred to the Legislature. It may be, Your Excellency, that the Committee might recommend that the Muhammadans in particular provinces shall not have a separate electorate, or it may be that they might agree with the recommendations of the Muslim League and the Indian National Congress and say that the agreement arrived at in Lucknow shall be observed and the Muhammadans shall have their separate representation as agreed to. So, I say, before this Council pronounces a verdict on the question whether the

Reforms as a whole constitute a definite advance towards the progressive realisation of Responsible Government or not, I would ask the Hon'ble Members of this Council earnestly to wait and see what those Committees recommend. I would ask the Hon'ble mover also to consider whether it is wise at this stage to commit this Council to any particular view. Speaking for myself, Your Excellency, I am entirely at one with the Resolutions of the Indian National Congress and the Indian Muslim League, and I know that there are several Hon'ble Members in this Council who share the same view. Yesterday we heard our friends Mr. Khaparde, Mr. Chanda, Mr. Shukul and Pandit Madan Mohan Malaviya: all these gentlemen share the view which the Congress and the League have expressed, and whatever differences of opinion there may be among the Congress leaders, I would most respectfully *ask the Hon'ble Members not to hurry*, but to wait, at least, till the decisions of the two Committees to be appointed are published." (Vithalbhai was, in what follows, treading on very dangerous ground, and he was conscious of it. Whether the defence he put up in the rest of his speech is adequate is a matter of opinion, but here it is.)

"It may be contended", Vithalbhai goes on, "*that if that is my view*, how was it that the Indian National Congress and the Muslim League did not wait, and how was it that they expressed so clearly and so explicitly that the Reforms are unsatisfactory and disappointing? (surely Vithalbhai should have explained *why he agreed* with those Bodies and not why those Bodies held the view they did). My Lord, as to that, my reply to Your Excellency is that the Congress and the Muslim League thought that there were *several essentials* which the country expected would be granted by the Reforms, but as those essentials did not find place in the recommendations they, on a consideration of the whole report, came to the conclusion that the Reforms were on the whole disappointing and unsatisfactory. The first and foremost of these essentials, Your Excellency, is *fiscal autonomy*. Your Excellency, the Constitutional Reforms, even if they had gone much further than they have done, are to my mind not worth much. The authors of the Report have recognised the necessity and the urgency of powers in the Indian

Legislature to regulate the Indian tariff, but at the same time, when it comes to a question of recommendations, they leave the whole question to be settled by the Imperial Conference which is to meet after the war. Speaking for myself I say that I regard the denial of fiscal autonomy to India as the very denial of Responsible Government itself.

"Secondly, the country certainly expected, and with due deference I say they expected from the very terms of the announcement of the 20th of August, 1917, that the introduction of Responsible Government would take place simultaneously both in the Provinces and in the Government of India. Unfortunately, however, we find that, so far as the Government of India is concerned, the Report not only says that the power of the Government of India will remain indisputable, but the authors also fail to include among the functions of the Commission, to be appointed twelve years hence, the question of transferring the powers from the Government of India to the Indian Legislature.

"The third point, Your Excellency, to which I should like to invite the attention of this Council is the question of time-limit for the introduction of Responsible Government in the country. I have read the Report more than once, and I have no hesitation in saying.—"

Here the President told Vithalbhai that he had exceeded his time-limit, and asked him 'to bring his remarks to a close.'

Resuming Vithalbhai said:—

"In concluding my observations, Your Excellency, I should like to submit that it would be much better if the two parts of the Resolution are put to vote separately. There are Hon'ble Members in this Council who feel that the Reforms as a whole are not a distinct advance. There are others, on the other hand, who feel that the Reforms constitute a definite advance. In these circumstances, it would be much better if the two parts of the Resolution are put separately to the Council, and if *Your Excellency permits me*, I would propose an amendment that the words beginning with 'and' in the second line and ending with the word 'India' in the third line be dropped."

His Excellency did not give the permission asked for and

hence the amendment could not be moved. But later on, on the suggestion of Vincent, the Resolution was divided into two parts. On the first part Vithalbai and Rangaswamy were the only two *Noes* and the voting was 46 *vs* 2, and on the second part Hogg and Ironside were the two *Noes* and the voting was 48 *vs* 2.

Vithalbai's speech gave Sastri the opportunity he relished of justifying his keeping away from the Bombay Session of the Congress. "As one", he said, "who participated in the meetings in Bombay last week, Mr. Patel is rightly unable to associate himself with the subject of this Resolution", and further, "I hope the Hon'ble Mr. Patel and those who are associated with him will not hereafter talk of the possibility of an agreement and blame us for not accepting their invitation and coming into the organization which they have conducted so as to lead to the Resolution (disappointing and unsatisfactory business) from which he is unable to separate himself now." Vithalbai surely did not want to separate himself from Sastri and others, and he would have liked to have Sastri and his associates with him in the Congress. Perhaps, then, some compromise might have been achieved. This ebullition of temper in Sastri does show that, like Vithalbai, he too had felt the pangs of separation. We may remember here that Sastri did attend the Delhi Session of the Congress and move his amendment in that Session. Here Sastri spent so much time in scoring mere debating points that when he just began 'to deal with the main question', the President had to tell him that his time was up.

Rangaswamy Ayyangar said: "There is no doubt that so far as the scheme itself is concerned, it has come upon the whole country as a disappointment". Jinnah regretted that 'Sastri should have struck an unpleasant note as to the difference between him and Patel.' He said: "I think this is not the place where we can defend, justify or impeach the position of the seceders from the Congress." He admitted the *advance* in the proposals, but questioned whether there was in them 'a substantial step' forward, and pointed out their several drawbacks. Sapru contended that the proposals did constitute a definite advance. He summarised the leading features of the

Reform Scheme thus: "So far as Provincial Self-Government is concerned, we are to get partial power; and so far as the Government of India is concerned, *our sphere of influence is to be enlarged.*" While Sastri started with the vindication of the seceders, Sapru ended with it: "My Hon'ble friend Mr. Patel in the course of his speech referred to certain honoured names, and said that men like Pandit Madan Mohan Malaviya and others had expressed their dissatisfaction and disappointment with certain features of the scheme. They are honoured names in our national life, and I respect them, but at the same time, My Lord, I cannot shut my eyes to the fact that there are other equally honoured names among us who have given their whole-hearted approval to this scheme. I cannot forget, My Lord, that this scheme has received the approval of such a stout champion of the popular cause as the Hon'ble Sir Sankaran Nair. Office may have imposed certain restraints on him, but it has not cooled the ardour of his younger days in the advancement of the national cause. Nor do I forget that it has received the support of a distinguished colleague of ours who only last year was in this chamber, I refer to the Hon'ble Mr. Bhupendra Nath Basu. Nor can I shut my eyes to the fact that it has received the support of one whom I look upon as one of the makers of modern educated India, I mean our distinguished friend, Mr. Surendranath Banerjee. Nor can I forget the fact that it has received the support of such a stout-hearted champion as Sir Dinshaw Wacha. If these gentlemen are not patriots but traitors to the cause, I am willing, My Lord, to stand in the same dock with them."

Sarma failed to see whether there was much difference between Sastri and the Resolutions passed at the Congress with regard to the Government of India, 'If we are to judge from the speeches he delivered some little time before the Congress held its sittings in Bombay'. Sarma believed that the proposals did represent 'a distinct advance on the present constitution', but he maintained that the advance was not 'substantial', 'if the test be whether it will meet the existing situation or enable the people to work out their destiny'. Wacha offered fulsome praise to the authors of the Report, but did admit that modifications

were necessary in the scheme. Sir William Vincent made capital of the fact that the Montford proposals went beyond the proposals made by Gokhale *'two years ago.'* Let us remember that Gokhale died in February 1915, and Sir William was saying this on the 7th of September, 1918!!! A passage-at-arms between Jinnah and Sir William, half jocular and half serious, we may quote here for the delectation of our readers. Sir William, in his speech, had come to the question of the proposed changes in the Government of India. "It has been said", he remarked, "that the Government of India is left as autocratic as ever, and that the Members of this Council will be left in the same position of irresponsibility, — I hope I am citing the words correctly,— as at present..."

Jinnah interposed: "Irresponsible critics."

Vincent: "Very well. *That attitude does perhaps correctly describe my Hon'ble friend's attitude...*"

Jinnah: "In this Council, yes."

Surendranath Banerjee's reply speech, in which, by the way, he had a small tiff with Jinnah — Jinnah suggesting that Surendranath was putting in his mouth what he had not said, and Surendranath silencing him by saying that he had 'got down the words' and that unless Jinnah withdrew those words, he would stick to them — gives the reason why this drama was staged in the Imperial Legislative Council. In the early days of July, i.e., soon after the publication of the Report, Mrs. Beasant, Vijayaraghavachariar, Subramania Iyer and several other distinguished persons had declared in their speeches and their writings that the Reform proposals were 'unacceptable, undiscussable, unworthy of the traditions of the British Government'. The same story was repeated in several conferences — the Madras Provincial Conference, the Bengal Provincial Conference, the Akola Conference — in all these conferences, 'the vocabulary of the English language was put into requisition for the purpose of condemning the scheme.' It was all right for Surendranath to say that there was violent opposition to the scheme in extremist quarters, but a careful analysis of the opposition boils down to this that *substantial and material* modifications were necessary in the scheme before it could be acceptable. The difference,

between the most moderate politician and the most radical extremist was a difference of degree. The real difference lay largely in the language used about the scheme. At this distance of time, at any rate, the whole thing appears almost childish. If only the spirit of mutual give-and-take, which characterized our public men in 1916 had somehow found its way once more at this time into the politics of India, what may we not have achieved? The thought is sickening. Again and again has India failed at the crucial moment — and now we have the two-nation theory and a Pakistan! As we saw the pangs of Vithalbhai and Sastri, we see, in the reply speech of Surendranath, the pangs of Surendranath also at the separation. "To me", said Surendranath, "it was a great wrench; for My Lord, I have been present at every meeting of the Congress, save once since 1886. I have sacrificed ease, comfort, pecuniary considerations for the sake of the Congress. That institution has been cemented with my life-blood and bears testimony to my life work." Vithalbhai asked: "And now are you going to join"? And Surendranath's reply was: "If a rational view prevails, there is no reason why we should not all unite on a common platform in the interests of the Motherland."

The Report was just the beginning of the movement for the new scheme of Reforms. So much depended upon the conclusions to which the Committees that were appointed could come. If there had been some sort of unanimity among the Indian leaders of public opinion, the result might have been far more satisfactory than it actually proved to be. It is hardly an exaggeration to say that the scheme was watered down on account of this want of unity among our leaders.

## *Chapter Fourteen*

### IN THE IMPERIAL COUNCIL

**O**N the 4th of September, 1918, Vithalbhai actually entered the Imperial Legislative Council, assembled in Simla, under the provisions of the Government of India Act of 1915, and 'made the prescribed oath or affirmation of allegiance to the Crown.' This Session began on the 4th, and ended on the 26th of September. The next Session met at Delhi on the 6th of February 1919, and ended on the 21st of March. Vithalbhai played a prominent part in both these Sessions. We have already noticed his contribution in these Sessions, to the debate on the Montford Report, and we shall deal in later chapters with his 'Hindu Marriages (Validity) Bill' and his share in the discussion of the Rowlatt Bills. In this chapter we shall concern ourselves with the rest of the Legislation of these two Sessions mainly in so far as it was influenced by Vithalbhai, as also with his work in the first Session of the calendar year 1920, which began on the 30th of January and ended on the 22nd of March, 1920.

As in the Bombay Council, here too, Vithalbhai utilised, to the fullest possible extent, the opportunities which private members had of asking questions and supplementary questions and eliciting information on all types of administrative detail which appeared to them significant for one reason or another. Of the total of 314 questions put by the different members of the Imperial Council during the year 1918-19, Vithalbhai accounts for 62. At the Simla Session, out of the total of 116 questions, he asked 25, and at the Delhi Session, which followed, out of the total of 198, his share was 37. The questions ranged over a wide variety of subjects. Some of them bore on the topics he had made his own in the Bombay Council, and were motivated by his desire to see whether the Bombay Government was behaving itself, others were calculated to hold the mirror to the



Central Government, so that they may themselves see their misdeeds, and still others helped him to have such information as could be utilized by him for his attacks against the administration. For instance, by a question about the creation of City Civil Courts, he elicited the information that, after all their promises in that behalf, the Bombay Government had not yet sent their proposals in the matter to the Government of India. By another question, he obtained a confirmation of the fact that Section 3 (j) of the Town Planning Act, which he had submitted to be *ultra vires* was pronounced also by the Government of India, to be 'too wide'. He ventilated here also his old grievance against the method of appointing Municipal Commissioners. He exposed the Bombay Government for not having given effect to the Resolution passed in the Bombay Council about the number and location of liquor shops. In the 1920 Session, he obtained the information that that Resolution was vetoed by the Governor, and asked the Government of India whether they proposed to ask the Government of Bombay to reconsider their decision. Of course he was told that it was not proper for the Government of India to interfere in the matter. Most of the information he sought in respect of Trial by Jury, he could not get, because 'the statistics maintained do not furnish the material for supplying the rest of the information asked for.' By a question on the tanning industry, he succeeded, to some extent at least, in alleviating the distress of the tanners. By another question Vithalbhai exposed the discrimination that obtained between the Service Leave Rules as applied to Europeans and as applied to Indians. He asked: "Do Government not propose to do away entirely with the system of confidential reports as it affects all gazetted officers holding positions of great trust and responsibility?", and received the answer that the Government did not contemplate any change in their existing practice, whatever it was. He elicited the information that the Officer personnel of the Indian Munitions Board consisted 'of 365 Europeans and Anglo-Indians, 18 part-time European and Anglo-Indian officers in receipt of pay, and 4 Indians.' He exposed the vile propaganda that was being carried on by the Civil Service against the Reform Scheme, asked Government whether they were tak-

ing any action against them, and received the answer that they did not contemplate anything of that sort. To his question: "Do Government propose to uphold the principle of observing absolute equality between European and Indian members of the Imperial Services, who have received their training abroad, whether they have reached that service by direct recruitment or by promotion?", he received the answer that that question raised 'issues of great complexity and importance' and, 'the Government of India have been giving them their earnest attention, but are not yet in a position to formulate their conclusions which will in any case have eventually to be submitted to the Secretary of State before they are published.' In respect of the Public Services, Vithalbai asked several questions, and exposed the injustice that was being done to Indians *vis-a-vis* the Europeans. He interested himself in the scandals of 21, Cromwell Road, London, and the affairs of the Educational Adviser to the Secretary of State for India, but was put off by the statement that all those details rested with the Secretary of State for India and that the Government of India had nothing to do with them. He elicited the information that 19 bungalows in Poona were 'taken up by Government under the Defence of India Act', and that no compensation had been paid for them till that time. He ventilated the grievances of the Indian clerks about the discrimination made by Government in respect of the quarters provided for them at Raisina and the quarters provided for the Anglo-Indians and Europeans. He obtained from the Government the figures of expenditure on account of the Rowlatt Committee (Rs. 87,020), and the Industrial Commission (Rs. 3,89,559). The Rowlatt Committee figure of expenditure, he was told, did not include the 'charges incurred in connection with the President's voyage from London to Bombay and back.' Vithalbai heckled the Government in regard to the censorship restrictions which brought about the non-receipt by their addressees in England of the *Hindu*, *New India*, *Bombay Chronicle*, and the *Amrit Bazar Patrika*. He obtained from the Government the information that it was only in the Madras High Court that vakils were permitted to appear on the Original Side and that the rule authorising this practice there was made not later than 1863. In regard to the separation

of the Executive from the Judicial functions, he was told that Government did not care to go into that question during the pendency of the war.

On the very first day of his appearance in the Imperial Council, Vithalbhai had an opportunity to show his peculiar gifts. At 12-14 p.m. the Finance Member (Meyer) moved for leave to introduce the Provisional Collection of Taxes Bill. The object of this Bill was to avoid a possible loss to Government of Revenue, which was Government's due on account of the imposition of new taxation or an increase in the rates of taxation, for the periods which elapsed between the introduction and the final passing of the Financial Bills concerned. In practice the Government did collect these taxes provisionally, but there were cases where it was difficult for Government to do so for want of real legal sanction behind such procedure, and difficulties had actually arisen in the attempt to recover with retrospective effect the full amounts due, when they were not provisionally collected beforehand. These difficulties were expected to be further enhanced owing to the alterations made in the procedure for discussing the annual Financial Statement, which in effect lengthened the period ordinarily elapsing between the introduction and the final passing of the Financial Bill. The United Kingdom had adopted for themselves a similar procedure.

Vithalbhai was not worried in any way with the substance of this Bill, but he could not wink at the constitutional impropriety of it. He was the only member of the Council, beside the mover, who spoke at this time on the Bill; he rose in his seat, after the mover had sat down, i.e., at 12-15 p.m. and put forth this objection:

"Your Excellency, there is one point which strikes me in connection with this Bill. Under the Government of India Act, which is a parliamentary enactment, a Bill becomes law only when it is passed by this Council and when it receives the assent of His Excellency the Viceroy. This Bill purports to provide that a Bill shall become law, *before it has been passed* and before it has received the assent of His Excellency the Viceroy. I, therefore, doubt whether it is not *ultra vires* of this Council to pass a measure of this kind in view of the fact that this

Council has no power to override a parliamentary enactment."

Sir William Meyer's reply to Vithalbhai was almost beside the point. He urged the expediency of the measure, but as regards the constitutional issue he said: "The constitutional question is, of course, mainly for the decision of my Hon'ble friend the Law Member. But speaking personally, I may say that I am quite willing to abide by what has been done in the past, of which this is merely an expedient extension, and by the precedent set for us in the United Kingdom by His Majesty's Government and accepted by Parliament there." This reply, as we can see, hardly touched the issued raised by Vithalbhai but the Council, as then constituted, hardly cared for such constitutional issues, and the result was that the motion for the introduction of the Bill was agreed to without further ado.

On the 18th of September, the Finance Member moved the same Bill for consideration, and Vithalbhai raised the same objection. This time Vithalbhai had the valuable support of Sarma, and Vithalbhai himself explained his objection in greater detail. "This Legislative Council", he said, "has no power to pass any measure which would affect any Parliamentary enactment applicable to British India. I would invite the attention of the Council, in support of what I say, to Section 65 of the Government of India Act. Clause (2) of that Section says: 'Provided that the Governor-General in Council has not, unless expressly so authorised by Act of Parliament, power to make any Law repealing or affecting any Act of Parliament passed after the year 1860 and extending to British India (including the Army Act and any Act amending the same). Now I propose to point out how the proposed measure affects the Government of India Act. If you turn to Section 68 of the Act you will find that a Bill has to be passed by this Legislative Council before it becomes an Act, and no Bill has any validity unless, after it has passed, it received the assent of the Governor-General, and the Governor-General has also the power to reserve any Act for the pleasure of His Majesty. That being so, this measure, which purports to provide that a Bill in which a particular clause is introduced shall become Law before it is passed by the Legislative Council, is in

my opinion *ultra vires* of the powers of this Council. I may also point out that the consequences of passing this measure are likely to be very serious. The measure is particularly intended to be applicable to Taxation Bills. Now suppose a Taxation Bill is introduced into this Council, and is given effect to as Law at once on its very introduction, and afterwards a question crops up in a Court of Law, then all taxes realized by virtue of that Bill will have to be refunded."

If Vithalbhai had Sarma's support, the Finance Member invoked the support of Muddiman and Shafi. In effect, the defence was merely this: "What we are doing on this occasion is what has been frequently done in other Acts" (Muddiman); and 'although Bills introduced into this Council become Law when they are actually passed, yet it is within the cognizance (competence?) of this Council to give retrospective effect to any Act which the Council may pass from a given date' (Shafi). How this defence of the measure meets the objection raised by Sarma and Vithalbhai is a moot point, but it illustrates the attitude of the bureaucracy of those days, who, even when thoroughly vanquished, could argue still. Meyer could slur over the objections raised by Vithalbhai and Sarma as 'the objections which have occurred to the *ingenious minds* of two Hon'ble Members of the Council', and insinuate that Sarma was autocratic and the bureaucracy democratic. Muddiman insinuated — and Meyer apparently enjoyed the insinuation — 'that Sarma's knowledge of legal decisions was unfortunately not quite up-to-date.'; and Shafi prefaced his remark, quoted above, by these words: "Now a lawyer of the Hon'ble Mr. Patel's standing must know that."

Vithalbhai spoke in this Council on Shafi's Resolution congratulating the Allied Armies, but his speech was very short, and appears more to have been provoked by Jinnah's assuming the role of the spokesman for Bombay than by any very keen desire to participate in the proceedings. Jinnah had said: "The occasion is one which requires that, *on behalf of Bombay*, I should rise and associate myself with this Resolution." Vithalbhai rose immediately after Jinnah sat down and said: "My Hon'ble friend Mr. Jinnah has usurped *my right* to speak on behalf of Bombay. I represent the whole of the Bombay Presidency here,

returned as I am by the non-official members, Hindus, Muhammadans, (Parsis) and Christians of the Bombay Legislative Council. My Hon'ble friend Mr. Jinnah is returned by the Muhammadan members only." Vithalbhai associated himself with the Resolution, but what is characteristic of him is this, that he did so, 'with the prayer — the same prayers as the authors of the Report uttered in concluding it, namely — that *the principles of Justice and Freedom may be saved to the World* by the splendid endurance and self-sacrifice of His Majesty's and the Allied Armies.'

It may interest our readers to note in connection with this Resolution that Shafi, who moved this Resolution, whom we have known as the man who had twitted Vithalbhai in the debate on the Provisional Collection of Taxes Bill, with not knowing what 'a lawyer of the Hon'ble Mr. Patel's standing' should have known, *had to be reminded* by the President, 'that he should commence by moving his Resolution,' and that he had to admit that he '*did not know* that the Resolution must necessarily come at the beginning, and that a member may not wind up his speech with the words of the Resolution'.

An important debate of the September Session in which Vithalbhai participated was the debate raised on the Resolution about Financial Assistance in respect of the cost of the military forces raised, or to be raised, in India. The procedure adopted in regard to this Resolution was novel in more than one way. The moving of Resolutions was ordinarily left to non-official members, but the Finance Member himself (Meyer) moved this Resolution. Resolutions were normally in the shape of recommendations to the Governor-General in Council. This Resolution contained no such recommendation. And, as a rule, the Resolutions were voted upon by the entire Council, including the Government benches — Government benches almost dictating the voting and deciding the fate of the Resolutions. Here, in moving the Resolution, the Finance Member specifically said that the Government left 'the decision thereon to the non-official Members.' In the Resolution itself there was no mention of the amount or extent of the financial assistance to be promised, though in the speech of the Finance Member thereon it was expected to be more than

£45 millions, spread over three years. This was to be in addition to £100 millions already promised, besides several other charges already borne by India like 'the foregoing of the normal charges in respect of our troops employed abroad.' The Finance Member, in effect, gave a threat to the non-official members that if the bulk of the non-official members did not support the Resolution, the Resolution would be withdrawn, 'and on them would rest the responsibility for withholding the further aid which we desire to tender to His Majesty's Government at this crisis of the war'. And he ended his speech with an innuendo: "When India is legitimately claiming larger political freedom and a higher Imperial status, she must likewise be prepared to assume a larger share of the burdens required for the safety and the interests of the Empire, with which her own safety and welfare are so closely intertwined."

The text of the Resolution as proposed by the Finance Member was: "That this Council recognises that the prolongation of the war justifies India's taking a larger share than she does at present in respect of the cost of the military forces raised, or to be raised, in this country." It was in his speech that the Finance Member gave an idea of the extent of the assistance contemplated and the ways and means for raising that amount. He explicitly stated that the acceptance of that Resolution involved the acceptance of the imposition of fresh taxes, and though he did not exclude the possibility of other taxes, he said that 'in the forefront of such taxation will be a substantial excess profits tax.' Sarma, who said that he accepted the principle of the Resolution, proposed the following amendment: "Provided that no further taxation is imposed, except in respect of excess profits derived during the war." The Finance Member, who wanted to be as accommodating as possible, suggested the following formula for Sarma's acceptance in the place of his amendment: "Provided that such additional taxation as may result from the application of the Resolution is so adjusted as not to press unduly upon the poor, and shall be levied primarily on those who have made large commercial profits during the continuance of the war." Sarma would not accept it. Then Sastri suggested another amendment, asking for the addition of the follow-

ing amendment: "and recommends that such larger share be to the extent and under the conditions and safeguards indicated in the speech of the Hon'ble the Finance Member in moving the Resolution." The Finance Member accepted this amendment, on behalf of the Government, when Shukul, in the course of his speech said: "I must confess that the Resolution in its present form (i.e., without the amendment) does not appeal to me." The Resolution, as thus amended, was passed with 18 Ayes and 5 Noes. Among the Noes were, besides Vithalbai, Malaviya, Khaparde, Sarma and Rangaswamy Ayyangar. It is worth noting that Jinnah did not vote either way. His part in the debate was restricted to raising points of order in regard to whether Sastri's amendment was in order. Wacha voted for, but did not speak, though almost provoked to do so by Shafi. Sastri's was a half-hearted support: "In speaking to the Resolution as I propose to amend it, I wish at the outset to say that Government in bringing this Resolution forward have placed non-official members on the horns of a cruel dilemma. If we accept the Resolution, while we shall be declaring our loyalty to the Empire, we shall at the same time be handicapping the Responsible Government which is to be inaugurated and which is to undertake the expansion of Education and Sanitation and other things on a large scale. If, on the other hand, we reject the Resolution we shall, I fear, be causing an aspersion on our loyalty which will be entirely unjustified and unfounded, and at the same time *inviting risks to the political future of India* which we have so much at heart." The 'merry' Khaparde said: "The Resolution submitted this morning by the Hon'ble the Finance Member is really so good that my heart turns to him and I should like to support him, but unfortunately the head turns the other way. ' Malaviya would have liked this fresh gift to be included in the earlier promise of a hundred million. Sapru recognised without any reserve and without any qualification the obligation of India to stand by the Empire, but confessed that the implication of the Resolution that it involved a certain amount of taxation had given him considerable anxiety. He reserved to himself the liberty of expressing his opinion with regard to any form of taxation when any scheme may be laid before the Council.



With that reservation he supported the Resolution as amended by Sastri.

Vithalbhair confessed he found himself in a very difficult situation. He could not shut his eyes to the many pressing needs and problems of the country. Nor could he shut his eyes 'to the fact that our enemies in India and elsewhere will make a political capital out of our adverse attitude towards this Resolution.' "If this question", he said, "were really to be answered on the ability of India to pay this further contribution, I would and should unhesitatingly say 'No, I shall not support the Resolution.' But then this consideration of our enemies making a capital, a political capital, out of our refusal to support this Resolution troubles me, and I am therefore not in a position to decide exactly what I should do in the *peculiar circumstances* of this Resolution." He added: "Rights and responsibilities, my Lord, go together. *You* have got the power to get any supplies you like; *you* have got the power to get any legislation you like. And why, I pray put the non-official members in this awkward hole?" Further: "If... it is a question of consenting to the power to be given to the Government of India *to tax the poor people*, I for one am not prepared to support the Resolution in the form in which it stands." Lowndes noted that Vithalbhair 'gave us *frankly* the contents of his mind, the pros and the cons.' "The *pros*, Lowndes added, were not a very high ideal. It was only a doubt whether it might not be a good political investment to make a further contribution to England." Lowndes thought that leaving this Resolution completely in the hands of the non-officials was a 'first touch of responsibility' and that Vithalbhair shrank from it. If only Lowndes could have impartially considered the situation, he would have opined a different way. This was a mischievous Government ruse to extract from the non-officials a forced consent to an irresponsible action of theirs in placing a sentimental support of Britain above the actual and pressing needs of the poor people of India, whose trustees they claimed to be.

On the 11th of September, Vithalbhair moved for leave to introduce his Bill 'further to amend the Land Acquisition Act, 1894.' The object of the Bill was: (1) to secure to litigants,

under the provisions of the Land Acquisition Act, the right of appeal to the High Court in all cases; and (2) to restore to them the right of appeal to His Majesty in Council. Under the provisions of the Bombay Civil Courts Act, where a claim below Rs. 5,000 had been decided in the first instance by an Assistant Judge, an appeal lay to the Court of the District Judge. It was held in Bombay that the right of appeal given by Section 54 of the Land Acquisition Act was exhausted by an appeal to the District Judge. The litigant had no further right of appeal to the High Court. Vithalbhai sought to correct this injustice, as he thought that in proceedings under the Land Acquisition Act, *to which the Government is almost always a party*, it was but right that an appeal should be possible to the High Court, 'irrespective of the amount of claim, always of course subject to the provisions of the Civil Procedure Code.' The other change sought was of a more momentous character. Before 1916, appeals to His Majesty in Council were allowed under conditions laid down in Sections 109 and 110 of the Code of Civil Procedure. A Privy Council decision of 1916 upset this right of the litigant. Vithalbhai's proposal was 'to provide that *in proper cases*, a party to the proceedings under the Land Acquisition Act should have a right to appeal to the King in Council.' Shafi supported the motion, and Claude Hill, on behalf of the Government, agreed to the introduction of the Bill, 'on the understanding that the Bill shall not proceed beyond the introductory stage *until we have consulted Local Governments*.' Vithalbhai agreed, and the motion was agreed to.

On the 18th of September, Vithalbhai moved his Resolution *re* the Amendment of various Acts in connection with conflicting Rulings of different High Courts. Vithalbhai's object was to secure 'uniformity of Law in British India.' On account of different interpretations by different High Courts, Statute Law was being converted into Judge-made Law. Vithalbhai quoted what he called 'a few glaring instances of diversity of judicial opinions existing in different provinces.' These 'few' instances proved to be so many that Lowndes begged Vithalbhai to 'show some compassion to other members by taking this portion of his speech as read.' Sapru opposed the Resolution. He thought

that it was an impossible task, and, in any case, he did not think 'that any useful purpose will be served by accepting this Resolution', and he added: "I do certainly think that the Legislative Department may be asked to employ its time much more usefully than in removing such a multitude of differences between Judges which it can never do and which, I hope, it will never undertake to do.' Lowndes looked upon it as 'a counsel of perfection', such as he could naturally expect from Bombay, but he added that it was a counsel 'altogether impracticable of fulfilment.' At the end of his speech, he made the following proposal to Vithalbai: "I would even suggest to my Hon'ble friend opposite that if he could select out of the — I really forget what it was — 50 odd cases perhaps that he mentioned to the Council, if he would select one or two of them or possibly, shall we say, 50 out of them, for amendment, if he introduces 50 little amending Bills, on the points which he thinks are of sufficient importance, I have no doubt he will be doing a great service to his country." Lowndes, however, did not stop there. Perhaps, he was afraid that Vithalbai may in fact bring in these amending Bills. He, therefore, continued: "I would only venture to suggest that he must not ask my Department to undertake the drafting of any such Bills before next March." Wacha showed his appreciation of Vithalbai in the following words: "I hope my Hon'ble friend Mr. Patel will bear in mind the very practical suggestions that the Hon'ble the Law Member has made, and I do also hope, Sir, that with the facility, energy and courage which my Hon'ble friend Mr. Patel has displayed on other questions, he may by and by be able to introduce Bills which may perhaps earn for him the fame of an Indian Justinian and inscribe his name as a legislator on a fair and everlasting monument." Vithalbai then withdrew his Resolution. The question he raised here, however, has to be considered some time. In effect, it is a case for codified as against case law. Let us hope that under our new constitution it becomes possible to codify all our law — perhaps the Hindu Code Bill is a step in that direction.

On the 24th September, Vithalbai moved the following Resolution: "This Council recommends to the Governor-General

in Council to rule that all legislation necessary to give effect to the reforms indicated in the Local Self-Government Resolution, dated the 16th May, 1918, shall be undertaken by the Provincial Legislative Councils to be constituted under the Chelmsford-Montagu Reforms and not by the existing Provincial Councils." Sarma had moved a similar Resolution the year before, and the Government had opposed it, on three grounds, according to Vithalbhai, and mainly on two grounds, according to Sankaran Nair, the member in charge. The grounds as understood by Vithalbhai were: (1) 'that the Bills which Local Governments had already prepared were prepared after long and careful consideration'; (2) 'that they did not know what the Reforms were going to be, and (3) 'that it was open to any member of the Local Legislative Council in which the Bill was introduced to move for postponement of the further consideration of that Bill. Sankaran Nair's two main grounds were No. 3 as above (only the postponement was to be till the publication of the Reforms Report) and (2) 'that if any Bill was introduced into the Council which was repugnant to the spirit of the Reforms that were likely to be introduced, then it was not likely that the Government of India would accord their sanction to such a Bill.' Vithalbhai submitted that the first two of the grounds he mentioned did not subsist now, and though the third did subsist, it was impossible that a motion of that character would be favourably considered in the constitution of the Councils then prevailing. The real ground, however, which actuated Vithalbhai to bring up this Resolution was that this question should now be considered by popular Ministers as contemplated in the Reforms Report, and he was prepared not to press his Resolution, if he received an assurance from the Government that they would see to it before giving their sanction to such legislation that it was not repugnant to the spirit of the Reforms. Sankaran Nair quoted the instances of the Assam and the Central Provinces Councils where the postponement of such Bills was carried, and added that it was not likely that the Government of India would sanction such Bills as were repugnant to the spirit of the Reforms. At the end of his speech, Sankaran Nair gave a taunt to Vithalbhai in these words: "Then there is one reason to which the Council might not attach great

weight, but to which I have no doubt the Hon'ble Mr. Patel will attach a good deal of weight. The special Session of the Congress which met in Bombay a few weeks ago — my Hon'ble friend Mr. Patel was Chairman of the Reception Committee — objected to the proposed Reforms unless they were considerably modified. We do not know therefore whether those Reforms will ever come into operation if my Hon'ble friend and his friends have their way. That would be an indefinite postponement of the matter, but it may be that that reason will not weigh very much with the Council." Vithalbhair ignored the taunt, accepted the assurance and withdrew the Resolution.

On the 25th September, Vithalbhair moved his Resolution about the Deputation of the Indian National Congress and the All-India Muslim League to England. The text of the Resolution runs thus: "This Council recommends to the Governor-General in Council that immediate steps be taken to submit a *representation to His Majesty's Government* urging that the Indian National Congress and the All-India Muslim League Deputations be permitted to proceed to England without delay." The reason for this Resolution was this: 'Two deputations of the two Home Rule Leagues had started for England in April, 1918. One of them had gone as far as Gibraltar and the other as far as Ceylon. They were armed with the necessary passports from the Government of India, but His Majesty's Government in England cancelled those passports at a very late stage. Vithalbhair produced on the floor of the Council the letter addressed by the Colonial Secretary's Office in Ceylon to the Second Deputation asking them to hand over their passports. The letter reads thus:—'I am directed to state that a telegram has been received from the Indian *Government* requesting that you may be informed that *under instructions from His Majesty's Government* the passports issued to you and the members of your party in order to proceed to England have been cancelled. It will not, therefore, be possible for you or your friends to continue your journey to Europe. Will you kindly return your passports which were endorsed at this office on the 3rd of April, 1918 for the endorsements to be cancelled.' While these passports were cancelled, Vithalbhair pointed out that Dr. Nair, a Sydenhamite from Mad-

ras, was granted a passport, ostensibly on grounds of health — ostensibly, because though the Government of India explained that Dr. Nair was allowed to go for the purpose of his health, Dr. Nair was ‘unmuzzled’, once he got there, and was allowed to go on with his campaign in England with the help of his friends without hitch or hindrance. Vithalbhai explained that he had no concern with what happened to these Home Rule Deputations — except this, that this experience of the Home Rule Deputations had made the Congress and the Muslim League Deputations afraid that they also may have to face the same danger. He expressly said that it was ‘with a view to eliciting information’ from the Government about what their attitude and the attitude of His Majesty’s Government would be in this matter, that he had brought up his Resolution. Khaparde corroborated, in his own inimitably humorous way, the information supplied by Vithalbhai in so far as the second Deputation was concerned (for he was a member of that Deputation). Sir William Vincent, on behalf of the Government, supplied the information about what happened to the Home Rule League Deputations. The facts were, more or less, as Vithalbhai had stated them. Vincent, however, added that His Majesty’s Government had decided on two tests for the issue of passports; (1) ‘whether the object of the journey was a matter of national importance (by which, Vincent thought, they meant Imperial importance)’; and (2) ‘whether it was a matter of cogent private necessity.’ He admitted that a passport was issued to Dr. Nair, but so was one issued to Tilak — both in consonance with the second test. The Home Government had given certain liberties to Dr. Nair, and Vincent thought they would give similar liberties to Tilak. Vincent claimed that Government was ‘entitled to decide whether at this particular moment it can be said that a discussion of these Reform Proposals is a matter of national interest’, held that ‘no purpose of national importance would be served by deputations in the United Kingdom at present’, and repeated the assurance given by His Excellency that ‘he would not only give passports, but all advice and assistance in his power to deputations *at the proper time.*’ He added that in the United Kingdom the war over-shadowed everything then, and that the Reform proposals

were at the time a matter of comparatively small interest to the British public.

Vithalbhai exposed the futility of Vincent's contention that the war overshadowed *everything*, because it was in the midst of the war that the Reforms were formulated. He said: "It is a question of life and death with us, Indians, and at such a juncture we cannot allow the judgment to go *ex parte*." He flatly refused to accept the Government contention that it was for the Government to say what is the appropriate moment for the deputation to go to England. "The Congress and the Muslim League", he added, "maintain, and maintain very rightly, that *it is for them to decide* what the proper time, what the right time, for the deputation is, when they should go and press India's claims before the British public and the British Parliament." Vincent's reply is characteristic of the British bureaucracy as it was then constituted in India. He accepted 'the right of all shades of opinion to be adequately represented in the matter of these Reforms *before the subject is discussed in Parliament*', but characteristically enough, he twisted Vithalbhai's contention that it was for the deputationists *to decide when they should go*, into what looks like their claiming that they had the right *to decide when passports should be given to them*. Neither the Congress nor the Muslim League nor Vithalbhai could contend, in the situation in which India then was, that they had the power to have passports issued to them when they wanted them, but to deny that it was for them to decide when they should go to England and therefore *ask for* passports could be expected only of that alien bureaucracy, and this is what one sees in the reply speech of Vincent. He said: "But when he (Vithalbhai) says (what he actually said is quoted above. What Vincent puts in his mouth is Vincent's twisted commentary on those words) that the Congress party (note that Vincent omits the Muslim League), and they *alone* (Vithalbhai never said that), are to decide *whether passports should be issued now to their delegates* and whether the grounds on which they seek these passports are sufficient or not, then I join issue with him. No person can judge in his own case (!!!). The delegates seek the passports for themselves (of course; should they seek them for somebody

else?). Are they to say that the object of their visit is a matter of national importance? (Why not? was the Government entitled to decide that issue?) Is every private individual to judge for himself whether his is a case of cogent private necessity or not? (Vincent is deliberately mixing up things here). Such a proposition is absurd. (The whole of Vincent's argument is absurd and worse than absurd). There is, and *there can only be*, one authority to decide such a point, and that is the authority by which the passports are issued. (This is autocracy incarnate!). No man can be allowed to judge for himself in a matter of that kind." It is gratifying to note that, with all their differences, all the popular representatives present in the Council at the time voted for the Resolution. Not only Khaparde, Sarma and Shukul, but Surendranath, Sapru, Sastri and Jinnah. The Ayes were 8 and the Noes 34. Among the Noes the *only Indians* one notices were: Sir Sankaran Nair (as a member of the Executive he could not but vote with the Government), Zulfikar Ali Khan, Shafi and Krishna Sahay.

At this stage, we may take some note of the Viceroy's opening and closing speeches of the September Session which began on the 4th and ended on the 26th, as they indicate the atmosphere of the Council. In his opening speech he started with the recounting of the various benefits derived from the April Conference at Delhi in the interest of India's war effort, and went on to adumbrate the Reform Scheme as he understood it. He particularly stressed the fact that the declaration of policy enunciated on August 20th 'was not a new policy devised on the spur of the moment by a Secretary of State fresh to office'; that 'Mr. Montagu simply took up the policy where Mr. Chamberlain had left it'; that 'the British temperament was averse from catastrophic change; and that he regarded that declaration as the touch-stone that must be applied to the actual Reform proposals. What he emphasised was that 'substantial steps' were promised and that 'substantial steps' were provided in the 'proposals', and quoted the words of the Report: "We have carried the advance *right up to the line* beyond which our principles forbid us to go.' "But *within that line*," he said, 'we are prepared to consider criticisms and suggestions.'" He did



not claim any infallibility for the proposals, but asked the Council to note that their task was 'to devise a transitional constitution containing within itself potentialities of advance', that 'such a transitional constitution must, in the nature of things, be peculiarly open to attack', that they were conscious of it, in support of which statement, he quoted the following from the Report: "Hybrid executives, limited responsibility, assemblies partly elected and partly nominated, divisions of functions, reservations, general or particular, *are devices that can have no permanent abiding place*. They bear on their faces their transitional character; and they can be worked only if it is clearly recognised that that is their justification and their purpose." Of communal representation, he said: "I am most anxious that the fullest representation should be secured to the various classes and communities in India; but I am frankly doubtful myself whether the best method for securing that representation is through a system of separate electorates."

In the closing speech of the session, the Viceroy was gratified to note that 'the debates throughout had been informed by that spirit of co-operation which was the keynote of the scheme of Reforms'. He recognised that there was diversity of opinion — diversity indeed was the very law of life, but above diversity, he said, there was a higher law still, the law of unity; and asked the Council 'to reconcile the many divergent interests of India into one whole, and to bring her nearer to the goal'. He allayed the fears of the Muslims in respect of communal representation by asking them 'to plead their cause before the Franchise Committee.' He made much in this speech of 'the entrusting to the non-official vote the decision on India's further financial assistance towards the prosecution of the war.' "The readiness" he said, "with which the non-official Members of this Council rose to their *new-found responsibilities* will stand out as a landmark on the road towards *Responsible Government*." We have already seen how and why that drama was staged, and how the unwary Indian politicians were hoodwinked into draining the scanty resources of India for the benefit of England, who, it was said, hardly needed that money, and at the cost of the poor and the down-trodden masses of the country.

The February-March Session of the Council opened at Delhi with the Viceroy's speech on the 6th February, 1919. In this speech the Viceroy referred to the elevation of S. P. Sinha to the Peerage and to a place in his Majesty's Government, as also to the extension of the term of office of the Members of the Council till the 20th July, 1920. Then he referred to the intimation he had already sent to the Members that 'ordinary Resolutions' would not be taken during that Session — the departure from the usual practice was necessary, according to him, in the interest of facilitating the progress of the Reform proposals. One member, he said, had sent in a protest against this action. We may well conclude that this member was no other than Vithalbhai. He said he would never curtail the privileges of the Council, but this was an exceptional case, and the protesting member was as anxious as he to fall in with the object he had in view. He then referred to the Rowlatt Bills which were to occupy a very large part of this Session, and to the action taken by the Executive in regard to the several Resolutions and Bills that had been passed before the Session concerned. Among them he referred to Vithalbhai's Primary Education Bill in these words: "I have already mentioned in this Council the Bill introduced by the Hon'ble Mr. Patel to enable district municipalities in Bombay to adopt with the sanction of the Local Government compulsory elementary education for children. *That Bill has now become Law*, and I am glad to see that the Government of Bombay propose to behave in a liberal manner to any municipality which desires *and is able to* adopt its provisions." He added: "I have recently given my assent to a Bill of a similar nature but of wider application in Bihar and Orissa, and other Bills are either awaiting introduction or have arrived at various stages in the process of legislation." He congratulated the 'peculiarly backward' United Provinces and the Punjab on the vigorous action they now contemplated for Primary Education. He talked of the training of teachers, complimented Sir Thomas Holland and his co-adjutor on the production of the Report of the Indian Industrial Commission, and dealt at fair length with India's war effort. And when he came to the Reforms, he dealt, almost exclusively, 'with the position of the Services and the English Commercial

Community.' Here one can see how the Reforms proposals were being watered down in the interests of these people. Every effort was made to conciliate them, to the detriment of real Self-Government to India.

The *pièce de résistance* of this Session was the Rowlatt Bills. That subject is so important that we have decided to give them a separate chapter. We shall conclude this chapter with a cursory notice of some minor legislation with which Vithalbai was connected.

On the 19th February, Sir William Vincent introduced his 'Poisons Bill', i.e., 'a Bill to consolidate and amend the Law regulating the importation, possession and sale of poisons throughout British India.' It was largely a consolidating measure, but there were a few important changes which led Vithalbai to move an amendment to the following proposal of Vincent: "That the Bill, together with the statement of objects and reasons relating thereto, *be published in the Gazette of India in English*". Vithalbai's amendment added the following at the end: 'and in the local official Gazettes in English and in such other languages as the Local Governments think fit.' Some of the changes proposed were such as were likely to interfere with legitimate industries like those of tanners and hide merchants. It was therefore quite necessary that the persons concerned should be in the know of what was being done. Such things, however, hardly attracted the Imperial Council as then constituted. Vithalbai had carried there too his habits of minute study of every problem, however minor, which affected the people. Khaparde was his only supporter for this amendment. Vincent noticed that there was not 'any particular enthusiasm' about the amendment, but deferred to the wishes of Vithalbai and Khaparde, and accepted the amendment.

On the 26th of February, Vithalbai moved for leave to introduce his 'Indian Electricity (Amendment) Bill. The objects of the Bill were: (1) to secure to every local authority proper opportunities to submit its objections against the granting of a licence to a Company of shareholders, and (2) to provide that if any such objection was based on a rival claim for a licence, the Local Government should give preference to the application

of the Local authority unless there existed special circumstances which in its opinion rendered such preference inexpedient. For the first object Vithalbhai had before him the example of Ahmedabad Municipality which 'got very favourable terms for the supply of electricity for its street lighting,' because before 1910 (when the Law was altered) the Local authorities had not lost their power of raising objections. For the second object he had before him the example of the Bandra Municipality which had applied for a licence for electricity within its limits, and he thought it was 'very difficult for a local authority to fight its battle against powerful interests' (Killick Nixons were the other applicant). Claude Hill, the member in charge, waited 'to see if any other Hon'ble Member would address the Council.' None came forward — not even Khaparde. Claude Hill said that Government had no desire whatever, if introduction was permitted, to object to the Bill being referred to Local Governments. Of course he reserved for the Government of India full liberty of action, on receipt of the replies of Local Governments. So Vithalbhai moved that the Bill be published in the Gazette of India *and in the local official Gazettes in English*. The motion was agreed to. This business was finished between 11-30 a.m. and 11-39 a.m. At 11-40 a.m. on the same day Vithalbhai moved for leave to introduce his 'Negotiable Instruments (Amendment) Bill.' The object of the Bill was to set right the difficulty created by a decision of the Bombay High Court on the question whether a cheque expressed *to be* payable to a specified person was a 'negotiable instrument.' According to the mercantile usage obtaining in England as well as in India, such a cheque, like the other four types of cheque, has always been negotiable. *Under the Law*, in England, before 1882, such a cheque was non-negotiable. In that year, the law was altered in England, and such a cheque became 'negotiable', unless it contained words prohibiting transfer or indicating an intention that it shall not be transferred. The Bombay High Court had refused to recognize the custom 'which went straight against the 'positive law' as laid down in the Negotiable Instruments Act.' In fact, the Bombay High Court expressly said: "'If it should be desired by merchants and bankers that a particular usage

should be legally recognised, then their proper course would be to apply for an amendment of the Indian Negotiable Instruments Act, 1881, so as to bring it into line with the latest English Statute of 1882. Such an application, however, would have to be made not to this Court but to the Indian Legislature." So it was that Vithalbhai brought up this Bill. On behalf of the Government, Sir Thomas Holland readily accepted the principle of Vithalbhai's Bill, as the Chambers of Commerce in Bengal and Bombay had also drawn the attention of Government to the possible inconvenience that might arise in consequence of a rigid interpretation of the Act of 1881, and complimented Vithalbhai on having 'explained it so clearly.' Fazalbhoy Currimbhoy supported the motion and it was agreed to.

The Financial Statement for 1919-20 was presented to the Council on the 1st of March, 1919. A general debate on it took place on the 7th, the second and third stages of the discussion opened on the 8th, and in its final form it was presented on the 21st of March. It was a lengthy document covering some 30 printed pages of close letter-press and figures, and Meston, who presented it, instead of reciting the lengthy narrative, ran through its chief features, left it and its many appendices to be studied at leisure by the members of the Council. The principal features of the Budget were a large amount of expenditure on the Railways, a huge amount of military expenditure (representing, in Meston's words, 'just a half of our total Budget of outlay for next year'), and the raising of the taxable minimum for Income-tax from Rs. 1,000 to Rs. 2,000. Very inadequate provision was made for education, sanitation and such other nation-building activities. As Meston himself put it: "The dominant feature of the Budget (probably he meant the Budget discussion) today has been the old story that Government gives too much attention to, and bestows too large a share of its funds on, the material progress of India, and too little on its moral, social, industrial and educational development." Several members slashed it right and left — among them the indefatigable Sarma. Vithalbhai said he looked at the Budget from the tax-payer's point of view. "The tax-payer", he said, "expects that a substantial, if not a greater portion of the money that he pays should go towards

the amelioration of his condition. Now consider for a moment what the pressing problems of this country are... The extreme poverty is one, the proverbial illiteracy is another, and the fearful mortality is the third. Now I put it to this Council to consider whether adequate provision has been made in the Budget to meet any of these pressing problems. We have the estimated revenue of £123 millions. In order to break illiteracy you should find some decent provision under the head of education. In order to check poverty you would expect some adequate provision under the heads of Agriculture and Industry, for, in my opinion, without industrial development the poverty of the country will not vanish. And thirdly, the high mortality could to some extent be remedied by appropriate provision under the heads of Sanitation and Medical (Relief). Now looking to the figures, Sir, you will find that out of this £123 millions, a provision of £4,884,900 is made for education, under the head of Medical (Relief) you find a provision of £1,338,100, under the head Sanitation, £957,200 while under the head of Agriculture you have £101,600, and on Scientific and Miscellaneous, including Industrial, I understand, it is £665,700. All told it amounts to a *magnificent provision* of something over £8 millions out of £123 millions of the estimated revenue of this country. Now, is that an adequate provision, an appropriate provision, for meeting the pressing problems of the day? I say it certainly is not, while the rest of the revenue is distributed on military, railway, interest, posts and telegraphs, mint and the like. The main features of the Budget to my mind are, first, that the military expenditure has mounted up to double the pre-war figure. Now, with regard to this particular point, I may mention, as my Hon'ble friend Mr. Chanda remarked, that in 1914 or 1915 the provision on this head was £22 millions, and I find from the proceedings of the Council that my late Hon'ble friend Mr. Gokhale complained bitterly against a provision of even £14 or £16 millions under the head of Military. So practically one third of the total revenue of India is budgetted for on account of the military expenditure of this country. Then the second important feature in the Budget is that no additional grants worth the name are sanctioned for Education and Sanitation. The third is

that the outlay on Irrigation has been curtailed by £400,000. And the fourth is that Railways, as has been remarked by so many Hon'ble Members, have come in for special favour, the allotment for capital outlay only being £17 millions and something more. This provision exceeds, in my humble opinion, the wildest dreams of the railway magnates themselves. The fifth is that to adjust the balance, it is proposed to raise a loan of 15 millions — not for the purpose of sanitation, not for the purpose of agriculture, not for the purpose of medical relief — but, as I put it, to adjust the balance. The last important feature is the absence of any provision whatsoever to carry out the recommendations of the Industrial Commission. The only favourable feature of the Budget is the concession in regard to a certain class of Income-tax payers. Barring that, the Budget, in my opinion, is, as a whole, highly disappointing."

Vithalbai did not stop here. Before he sat down he asked the Finance Minister to give an explanation on two pertinent points. He wanted to know (1) whether the two Houses of Parliament had sanctioned the 'further contribution towards the war expenditure' which was passed by the Council, and (2) whether the provision, that was made in the Budget under the heads, 'Medical' and 'Police', included the provision for the further increase in the emoluments of these services was sanctioned by the Secretary of State. He was anxious to know whether the members of the Council would be given an opportunity to express their opinion on those proposals.

Sarma characterised this Budget as 'an orthodox Army-Railway-Service Budget.' and hinted that so much money was being spent on Railways and so little on irrigation, because the Government wished 'to meet the trade difficulties in England in putting such large orders (for Railway material), whereas an expansion of irrigation activity would not help the trade.' He effectively demolished the shibboleth given expression to by the Finance Member that India did not make any very large contribution to the navy. "May I say", he said, "that so long as we are merely exporters of raw produce and importers of manufactured goods, and our goods are carried in foreign vessels, there is no meaning in saying that *our commerce* is protected by

the navy. Goods are brought to our shores by people who wish to sell them, and I do hope that there would not be any talk of the navy *protecting our commerce* and indirectly raising the military expenditure and military demands on the Indian Empire." Even Surendranath, who on the whole blessed the Budget, said: "We insist that in the readjustment of the financial burden in regard to military expenditure between England and India, the amplest justice should be done to the interests of India", and pointed out to the bonus of £2 million granted out of Indian funds to the British troops, while there was nothing corresponding given to Indian soldiers. Howard defended the Railway expenditure as of a remunerative character. He particularly referred to Vithalbhai and said: "Think that those who ask us to reduce the railway grants and speak as the Hon'ble Mr. Patel did (not my Hon'ble friend!) of 'Railway magnates battenng on sums beyond their wildest dreams' are, to put it plainly, ignorant of the real position. What they are asking us to do is to 'kill the goose that lays the golden eggs'." To the two specific questions Vithalbhai had put to the Finance Minister, this was Meston's reply: "The Hon'ble Mr. Patel asked me two specific questions. The first was whether Parliament had sanctioned the appropriation of the revenues of India to the extent that was proposed during the next year for the assistance of military operations outside India. My reply is that Parliament *has not yet*, so far as I know, *sanctioned this*. Parliament has not been continuously in session and has been occupied with many grave matters of State since the end of the war. It is quite possible that there has been no opportunity for the Secretary of State to put the matter formally before Parliament. I have no doubt, however, that when he does so, Parliament will accept the gift in the same spirit in which the gift was offered by India. The second question the Hon'ble Mr. Patel put was whether the increased pay for the Indian Medical Service and the Indian Police Service which has been sanctioned by the Secretary of State comes within the present Budget. *I am not able to give him a categorical answer*, because I have not the detailed provincial figures before me, but I have little doubt they are there. If they are not there, they will be put there in



due course." Among the several Resolutions that Sarma proposed in the detailed discussion of the Budget, his Resolution asking for 'Increase of Budget Allotment for Sanitation' evoked quite a controversy, but this was mainly due to a very unwise remark of Ironside. He talked of 'the utter incapacity of the educated classes to grasp the value of sanitation.' Surendranath, Malaviya, Wacha, Sitanath Ray, Krishna Sahay, Shukul — all rose up in arms against him, and though he withdrew his remarks, peace was hardly restored. Meston's reply became sarcastic, but in the end he accepted the principle of the Resolution, and opposed the Resolution 'purely on technical grounds'. All these technical grounds were flimsy and we need not go into them. Sarma gave a suitable answer and showed their hollowness, but ultimately withdrew his resolution. The next Resolution he moved was about the extension and improvement of Primary Education, whereby he proposed an increase of expenditure of Rs. 150 lakhs for primary education. In the course of his speech on that Resolution he said: "I want the Legislative Council clearly to realise that, in spite of the Act which my Hon'ble friend Mr. Patel had the honour of introducing and getting passed in the Bombay Council and similar Acts passed elsewhere, not much seems to have been done because the sinews of war have not been provided." Meston, in his reply, characterised the proposal as unworkable, because the pivot of the system was the trained teacher, and trained teachers could not be manufactured in a day. "If my Hon'ble friend with his proposal for Rs. 150 lakhs, could take me with him to a shop where this product is turned out ready-made for immediate use, I should gladly provide the Rs. 150 lakhs. If he would give me 15,000 teachers for Rs. 1,000 each, I should take them and pay the money down; or even 1,500 teachers at Rs. 10,000 each, I should take them and pay the money down. But I am afraid the product is not available, and so the money could not be spent, and I must oppose the resolution." Incredible, though it may seem, this argument, in this way, was actually advanced by no less a man than Sir James Meston! The Council divided on this Resolution. The Ayes were 18 and the Noes 32. Among the Noes the only surprise is Wacha, the only other Indian being Sir Sankaran

Nair (who had perforce to vote with the Government). During the debate on Sarma's Resolution about the reduction of Budget allotment for Railways, there was rather a queer duel between the Vice-President, who was in the chair, and Malaviya. The Vice-President called upon Malaviya to speak and Malaviya said he would speak *after* Fazalbhoy Currimbhoy had spoken. The Vice-President said: "I am afraid the Hon'ble Member can only speak when he is called on by the Chair." Malaviya's prompt reply was: "I refuse to speak until my Hon'ble friend has spoken." The Vice-President: "I have given the Hon'ble Pandit an opportunity of speaking, and he must not complain if I do not give him another." Malaviya: "I will be within my rights in asking for another opportunity whether you give it to me or not." After Fazalbhoy spoke, the Vice-President said: "I will give the Hon'ble Pandit another opportunity of speaking. But we must naturally observe the rules under which we meet here. I refer him to Rule 11 of the Rules for the discussion of Budget Resolutions. But on this occasion I will give him another opportunity." Malaviya: "I submit with due respect, Sir, that I do not violate any of the rules. A member is entitled to speak when he has a chance." The Vice-President: "I cannot hear the Hon'ble Member on a question of order. The rule says distinctly that Hon'ble Members will speak in the order in which the President may direct." Malaviya ended this controversy by opening his speech with this remark: "Well, Sir, I will not say anything more about it at present, save that I think that Members have a right to speak at the time they think fit." We have given this episode here, as much for the delectation of our readers, as for the purpose of indicating the atmosphere in which Vithal-bhai had to work in the Imperial Council.

The Budget was finally presented to the Council on the 21st of March. The only substantial change in it was the inclusion in it of a sum of £33,000, to form the nucleus of a new Public Health Fund. This beneficial result we may attribute to the 'influence' of the non-official members of the Council, for Mes-ton almost said as much. What he said is this: "We fully appreciate the importance attached by non-official Members of this Council to the necessity of strengthening the equipment of

Government for dealing with epidemic diseases, such as the recent disastrous outbreak of Influenza, and we consider it desirable to emphasise, by a small initial grant, an acceptance of the principle that our central machinery for dealing with these matters should be developed."

This was the last day of the Session and it ended with the closing speech of the Viceroy. The principal topic dealt with in it was the Rowlatt Bills. We shall therefore take note of it in our chapter on those Bills.

As in the Bombay Council, so in the Imperial Council, Vithalbhair acquired the reputation of being a patient, painstaking and critical student of all the details of administration and of the constitution. But the atmosphere of the Imperial Council was very different from that of the Bombay Council. In the Bombay Council he had succeeded in getting round him a number of friends. Here he had hardly any friend. The 'merry' Khaparde shared his views, but it was difficult to take Khaparde seriously at any time. Malaviya and Jinnah were hosts in themselves. Sunrendranath and Wacha lived on their past and were obsessed with loyalty to the British Empire. Sastri, Sapru and other Moderates looked upon Vithalbhair as a radical Extremist, and it is true that as the Moderates, who called themselves Liberals now, became more and more Moderate, Vithalbhair, whose association with the Congress was becoming closer and closer every day, became more and more a radical Extremist. In fact, there was hardly any homogeneity among the non-official members of the Council. There was no Gokhale among them. Meston talked of the first Council under the Minto-Morley Reforms of which he was a member as a 'very interesting gathering full of emotion and excitement, and he added: "The leadership of the opposition was in the capable hands of Mr. Gokhale, whose inspiring influence and control over the non-official side of the Council was undoubtedly the dominant characteristic of that gathering." No such leader being in the Council now, the gathering had become a motley crowd. In the Bombay Council the story was different. Vithalbhair was well on his way there to become the undisputed leader of the opposition. In the Imperial Council, as then constituted.

it was an impossibility. For one thing, not only were the non-officials in a microscopic minority, but even the Indian element, as Indian element, was almost negligible. And on the top of that, the Montford Report had so completely divided the few Indians that were there in the Council that the wonder was not that they did not agree on so many questions, but that they did agree on several and voted together whatever their differences.

The first Session of 1919-20 met on the 3rd, and ended on the 25th of September. Vithalbai was away in England during this period and therefore could not take any part in the work of this Session. He was, however, once again in the Council for its second Session, or the first of the calendar year 1920, which began on the 30th January, and ended on the 22nd of March 1920, and made his appearance felt from the 18th of February onwards. The number of questions he asked during this Session was 116. This was what Muddiman pointed out to him in one of his replies to him on the 17th of March, wherein he said: "It is material to point out that out of the 378 questions of which notice has been received during the present Session, 116 or over 30 per cent. have been received from Mr. Patel. I may add that if all other non-official members had displayed the same thirst for information, the total number of questions for the Session would have been nearly 4,000." During this reply, Muddiman also gave the information that up to the 10th of March, His Excellency had disallowed 12 *whole* questions of which 6 were Vithalbai's, and 27 *part* questions of which 16 were Vithalbai's. One of the questions, which he repeated in one form or another several times was about whether 4 Indian members (one more than the minimum three) were recommended by the Selbourne Committee for appointment to the Governor-General's Executive Council, provided the 4th had definite legal qualifications. The first reply he received was that Government did not believe that that was the intention of that Committee, and when Vithalbai drew their attention to Selbourne's speech to that effect in the House of Lords, Marris wanted notice of that question. On the 22nd of March, he extracted an admission from Marris that Lord Selborne had said in his speech on the Government of India Bill that 'there may possibly be four Indian

gentlemen on the Viceroy's Executive Council if the Law Member is also an Indian'; that Lord Sydenham had also said the same thing there; and that Lord Sinha expressed a similar view in one of his speeches in Bombay. And yet Marris would not budge an inch from the position he had taken. His final reply was: "The Government of India, My Lord, do not know what was in Lord Selbourne's mind, and they have no authority to interpret or expound his thought or of those of the other gentlemen to whom the question refers. They think it obvious that no member of the Committee (not) even the Chairman, has authority, without the concurrence of his colleagues, to bind the Committee as a whole to any authoritative statement, especially in a remark made in the course of the debate. The Government of India only take their stand upon the formal utterance of the Committee as a whole".

The first Bill in which he took some interest in this Session was the Cutchi Memons Bill moved by Jaffer, where his part was restricted to this — that he said that he had no objection to the Memons being governed by Muhammadan Law if they chose to be so governed, but that he would not force a new Law on an unwilling people, and that there were some of these Memons who did not like the change. The most important of the minor Bills in which he was interested and leave to introduce which he had already obtained was the Indian Electricity (Amendment) Bill. Here he was thrown overboard by the Government which had previously given him some encouragement. On the 17th of March, 1920, he moved that this Bill be taken into consideration. There were two objects at which the Bill aimed. The first was simply to restore the old law which existed till 1910 and which was that when an application for a licence was made to the Local Government by any person or company of shareholders for the supply of electricity within any municipal or local board area, the Local Government was bound to consult the body concerned; and the second was to secure to the local authority preference in respect of a licence wherever its objections to the grant of a licence to an outside person or company of shareholders was based on its own claim for such a licence. He analysed the answers received from the Local Governments, and

showed that 9 out of 12 Local Governments supported the first part of the Bill (the restoration of the position before 1910); and while six supported the whole Bill as it was (Bombay suggesting a slight amendment, which he was prepared to accept, in the second part), there were only three Governments which said that they did not want the Bill at all. It was quite clear that the majority of Local Governments were in favour of the whole Bill. Claude Hill, who was the Member-in-charge till then had given him encouragement and he had thought that the further progress of the Bill was assured, but a surprise was sprung upon him when Sir Thomas Holland rose, immediately after Vithalbai had resumed his seat, to object to the Bill. Holland objected to the Bill on the following grounds: (1) The Act was going to come up shortly for a general revision and there was no necessity to undertake a special revision just at this time; (2) The proviso in the Bill might have a deterrent effect on capital — 'with this proviso before them no local authority need do more than sit tight and wait on private enterprise — they will thus get worked out for them *gratis* a scheme of a difficult and technical nature'; (3) with the greatly increased radius to which electric power (not merely electric light) could be carried economically, the day of small installations was finished; (4) the English Act on which the old Indian Act was modelled was quite out of date and unworkable (so the English Capitalists had said); and (5) it was not fair to assume that those Governments that had merely offered no objection had seriously and thoroughly considered the merits of the Bill. Holland ended his speech thus: "I find myself frequently in sympathy with Mr. Patel's views. I admire the way in which he tickles the soft spots of the Government, and I am sure he will agree with me privately, if not in public speech, that as Bandra has now secured its licence, his real mission in the Imperial Council has been forestalled, and there is now no longer any necessity for this Bill." Claude Hill said that for two reasons his sympathy went out very largely to Vithalbai. Vithalbai was entitled to believe, he said, that his Bill would be an improvement on the existing Electricity Act, but it was completely demonstrated that afternoon that in following the English precedent he was not follow-

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ing the better but the worse. "The second reason", he said, "why my sympathy goes to my friend Mr. Patel is, that he is justified in complaining of some confusion last year. As I was Member-in-charge of the Public Works Department he was referred to me and we discussed the Bill. Then when it comes to the Council he is suddenly confronted with a change of venue. In accordance with this change my friend Sir Thomas Holland will be in charge of the Bill and the understanding which was hinted at by Mr. Patel and which he hoped would be arrived at in regard to this Bill does not find fruition." In his reply, Vithalbai complained: "When I cite the English Law, we are told that the English Law has been found unworkable; that it has worked to the detriment of industrial development. When I cite the opinions of Local Government in favour of my Bill, my Hon'ble friend Mr. Crum comes forward and says 'Local Governments know very little about these things.'" He asked Holland, if he could see his way at any rate, to accept the first portion of the Bill, to which a strong objection was not taken by anybody, but the Vice-President said that he could not 'put a motion *to take into consideration* in two halves.' "If we get over this fence", he said, "I shall be very happy to put the Bill section by section." Seventeen voted for and twenty-four against. The motion was thus lost.

Speaking on the Financial Statement for 1920-21, Vithalbai suggested that some one must be held responsible for the loss of 60 crores which India had sustained owing to the policy which had been adopted in the matter of the Paper Currency Reserve and the Gold Standard Reserve. He also expressed the view which he always held that no Budget which takes no note of the pressing problems of the day could in any circumstances be called a satisfactory Budget. He noted that out of £134 millions of the tax-payer's money, the Budget had provided some 10 to 11 million pounds for the vital needs of the country. He therefore could not but say that the Budget was 'entirely disappointing and unsatisfactory.' Coming to the military Budget, he protested against the huge expenditure that was proposed for that Department, particularly under the head 'Miscellaneous Services.' He most strongly protested against the sale of the

reverse Council Bills. He suggested that a committee of officials and non-officials should be immediately appointed to see if the pay and status of Postal clerks could not be placed on the same footing as those of the telegraphists. When he proposed that a provision should be made for the appointment of a committee to examine all the statutes of a repressive nature, the Vice-President ruled him out of order. He then entered a strong protest against the Simla exodus and the provision made for Building operations in Simla, as also against the large increases 'in the pay, pensions and allowances of certain highly paid officials.'

To the motion of Hailey, made on the 11th of March, to refer the Imperial Bank of India Bill to a Select Committee, 'with instructions to report on or before the 20th of March, 1920', Vithalbhai moved an amendment, asking that all words beginning 'with instructions, etc.,' (as noted above) be dropped. What he wanted was that the usual period of a minimum of three months should be given to the Committee and that the Council should not give the special order for the report being made earlier. He thought that there were a good many points involved in the Bill. There was the question of the constitution of a Central Board on which there should be at least half the number of Indian representatives. A similar question had to be considered — that of the constitution of local boards. Another important question was whether there should be a separate gradation at all for the European and the Indian staff, also a further question that there should be no importation of Englishmen till a larger element of Indians had been trained up for the higher administrative posts in the service of the new Bank. Questions like whether the new hundred branches proposed to be opened should not be manned exclusively by Indians, whether restrictions should be put on the right of the shareholders to inspect the Bank registers, whether the Bank should be allowed to do exchange business — these and other questions had to be very patiently considered. The Bill had hardly been before the public for a week. The full scheme was published on the 12th of January. "And", he added, "the Council will be surprised to hear that the scheme was found printed in June last, and it was placed



before the shareholders on the day of the meeting, that is the 12th of January." He went on to say: "I do not know why all this secrecy? I cannot understand it. Why not do things straight... Let the Select Committee be appointed now and let that Select Committee report as usual according to the usual procedure. The Bill will then come up in September."

In regard to the statutory provision for Indians among the personnel of the Bank, Hailey's reply to Vithalbai was that Government would be reluctant to proceed with a measure which provided by statute for discrimination between Indians and Europeans. Hailey also pointed out that the right of inspection was provided for in the Bill, and that the shareholders themselves had not asked for the right of dealing direct in exchange. His reasons against the delay of this legislation was that the scheme had been pending for many years, partly because of inter-provincial jealousies and partly because of undue caution on the part of the Government of India and of the Secretary of State, and now that they were within reach of consummating the amalgamation they had been after so long, they would not be justified in delaying it for some months — that would unsettle the market for shares, the shareholders would not know where they were and the management of the banks would not know whether they were or were not to make arrangements for an increased staff, or new buildings for their branches. Several members of the Council supported Vithalbai's amendment — among them Sarma, Malaviya, Surendranath and, last but not the least, Wacha, with the result that Hailey's opposition gave way and he said: "We should be very unwilling to give the impression that we contemplated something, which we did not wish to place fully before the public." He accepted Vithalbai's amendment and the motion as amended was passed.

Of the Resolutions Vithalbai moved during this Session, perhaps the most important was that about amnesty to political offenders. He moved this Resolution on the 24th of February. The wording of the Resolution was: "This Council recommends to the Governor-General in Council that he may be pleased to give the fullest effect to the letter and spirit of the Royal Proclamation in regard to clemency to political offenders." In the

course of his speech on this Resolution, he quoted an extract from the speech of Col. Wedgwood on the third reading of the Government of India Bill: "This Bill is not enough. India is not vitally interested in this Bill. India is infinitely more vitally interested in the repeal of the Press Act, of the Seditious Meetings Act, the Rowlatt Acts, and all the un-English Acts with which we have had to hold down India. India is much more interested in *an amnesty for political offenders*, for those hundreds of men who still lie in jail in India or who are banished all over the world... For goodness' sake, when this Act comes into force, when the new constitution is granted to India, see that it is accompanied by a full amnesty for all political offenders..." A few days after this speech, came the Royal Proclamation. The Proclamation was not exhaustive *about the ways* by which all bitterness could be obliterated, but it referred to one of the ways — and that was general amnesty to all political prisoners. He admitted that general discretion was given to the Viceroy that in extending the general clemency he should consider the question of public safety at the same time. But Vithalbai maintained that this was a discretion which had to be very wisely exercised. Vithalbai quoted the cases of Horniman, the Savarkar brothers and Kazi Abdul Gaffar as of those who had deserved and had not been given amnesty, also figures of persons still rotting in jail in several provinces who could have been released consistently with public safety. Then he quoted an incident that took place at Jullunder only a few days back. The District Magistrate, Mr. Hamilton, refused to renew licences under the Arms Act to several people because the applicants had joined the Indian National Congress at Amritsar which passed 'certain seditious Resolutions.' Vithalbai ejaculated: "That is indeed an effective reply to the Royal Proclamation! I hope there are not many Hamiltons in the I.C.S." McPherson said that he was authorized by His Excellency to say that *he had no objection whatever to the acceptance of that Resolution by the Council*, if it be presented *purely as a recommendation* (what else was it?) of a general nature for mercy. He tried to show, however, that Government had all along been following the policy enunciated in the Royal Proclamation and then he launched an attack on some of those

who had benefitted by that policy: "The Council is well aware of the generosity which His Excellency displayed as soon as ever the Royal message came into his hands towards certain well-known leaders like Drs. Kitchlew and Satya Pal in the Punjab, and the Ali Brothers. The response to this generosity was not, most will admit, very gratifying. The gentlemen in question went off in hot haste to Amritsar, and there many of them distinguished themselves by the violence of their invective against Government." Vithalbai was glad that Government had decided to accept his Resolution, but he denied that Kitchlew and Satya Pal and the Ali brothers had made objectionable speeches. He further maintained that full effect to the letter and spirit of the Royal Proclamation had not been given. Further he taught McPherson a lesson when he exposed him for his presumption in proclaiming that the Royal Proclamation was nothing more or less than a continuation of the policy adopted by the Government of India and that the Proclamation was not spontaneous, but the result of consultations between the Government of India and the Secretary of State. McPherson dared not reply to this attack against him, and satisfied himself by asserting that Vithalbai's figures of released offenders were not quite correct. Of course, the Resolution was put and accepted.

On the 19th of February, Vithalbai supported Khaparde's Resolution asking for a Committee of all the non-official members to consider and report on the rules and regulations framed and to be framed under the Government of India Act, 1919. Government had, of course, appointed a Committee, but as Vithalbai complained, the Council did not know the names of the members of that Committee, and, in any case, it was a nominated Committee — not an elected Committee. It transpired from their speeches that Surendranath, Sinha and Jaffer were among the members of that Committee. Marris maintained that nobody was kept in the dark, but the Committee could not be an elected Committee, because the responsibility for the rules was with the Government, and all that Government could do was 'to call in advisers of its own selecting.' Only 4 voted for Khaparde's motion.

Earlier in the day Barnes had moved a Resolution asking for a Committee to consider Imperial Preference. Vithalbai was of

course opposed to it. He maintained that almost all the public men of India were protectionists and so were the officials, at least till then. He wondered how the Government of India had suddenly developed a taste for Imperial Preference (Barnes interposed to say that was not so — they simply wanted a Committee to review the facts). Further he went on to say: "With whom are we going to enter into this Union for Imperial Preference? With the self-governing Dominions? Now these self-governing Dominions, South Africa, East Africa and the rest of them, have not been treating us even as human beings. We are outside the pale of civilization in their eyes, and are we going to consider the question of Imperial Preference, of entering into a union with these States?" Crum proposed an amendment giving this Committee the duty also of considering the best methods of the future fiscal policy of India. Sarma supported this amendment. Vithalbai himself had a Resolution to be moved asking for a Committee 'to suggest such tariff arrangements as seem to it best fitted to the needs of India as an integral part of the British Empire.' So Sinha asked whether Crum's amendment meant the same thing in fact and substance as Vithalbai's Resolution. It was not the same, but as Barnes put it, it had to some extent solved the difficulties to which Vithalbai had referred. So the Resolution as amended was passed.

On the 20th of February, Vithalbai moved the Resolution referred to above. He wanted a Committee of an equal number of officials and non-officials, and he wanted them 'to investigate the question of fiscal policy to be adopted hereafter' and to devise and suggest tariff arrangements. The Joint Committee had recommended the grant, by convention (not by a statute), of liberty to the Government of India 'to devise those tariff arrangements which seemed best fitted to India's needs as an integral portion of the British Empire.' Vithalbai had therefore kept that phraseology in his Resolution. Vithalbai contended that the well-founded belief, to which the Joint Committee also had made a reference, that the fiscal policy of India was dictated in the interests of Great Britain from Whitehall was supported once again by the Resolution moved by Barnes. He was not quite sure of what amount, actually, of fiscal autonomy was

vouchsafed to India, but whatever of it was vouchsafed, was vouchsafed he thought, to the *Government* of India, which was responsible to Parliament and not to the people of India. Further the interpretations put upon those recommendations admitted a wide variety of opinion. He therefore wanted to bring the matter to a head and to test what powers India had really secured. It was for this purpose that he wanted the Committee. Fazalbhoy Currimbhoy thought that Crum's amendment to the earlier Resolution had ensured the Committee's going into the question Vithalbhai was keen on; and Vithalbhai said, if he could be assured that that Committee was entitled to go into the whole question, he would withdraw his Resolution; but Currimbhoy admitted that that Committee was not the proper body 'to consider the whole question.' Sarma moved an amendment asking for the dropping of the words 'consisting of an equal number of official and non-official members of this Council.' Barnes spoke against the Resolution as well as the amendment. He did not believe that his own Resolution could result in making the fiscal policy of India depend upon Whitehall. Vithalbhai in his reply said that the fact that, at a moment when the Government of India should have been considering tariff proposals in the light of the recommendations of the Selbourne Committee, a Committee had been appointed to consider Imperial Preference, was itself sufficient evidence to show that Indian trade policy was still being dictated by Whitehall. He accepted Sarma's amendment. The Resolution, as amended by Sarma, was put to the vote and lost (Ayes 14, Noes 40.)

Vithalbhai brought up the question in a different form, on the 10th of March, by moving a Resolution asking for a grant of Rs. 1 lakh for a commission to make the inquiries by visits to important commercial centres, etc., and to devise and recommend the necessary tariff arrangements, Currimbhoy sympathised with the object of the Resolution, but thought that it had come too soon; and Barnes said that what Vithalbhai had said would be most carefully considered. As to the financial provision necessary if a commission was decided on, Barnes said that the Finance Member had assured him that the provision of a lakh or any other sum would not be wanting. He wanted Vithalbhai to

withdraw his Resolution on this assurance, but Vithalbhai refused to withdraw it. It was put and lost.

On the 24th of February, he gave his half-hearted support to Chanda's Resolution asking for the appointment of an Indian High Commissioner for India. His support was half-hearted, because he had his doubts about the usefulness of the post, so long as the High Commissioner was to be controlled by the *Government* of India, which was not controllable by the people of India.

On the 23rd of February, Vithalbhai moved the following Resolution: "This Council recommends to the Governor-General in Council that the terms of reference to the Provincial Financial Relations Committee under the chairmanship of Lord Meston should empower the Committee to examine the question whether the Central Government could not be financially independent of the provinces and self-supporting without the help of any provincial contributions." Sarma had a similar Resolution, but it definitely recommended that no financial contribution should be taken from the provinces. Vithalbhai wanted a Committee to examine the question. Vithalbhai quoted from a speech of Col. Wedgwood in which he had visualised 'a genuine Federal Government of India in which the provinces will be financially independent of the Central Government, and the Central Government financially independent of the Provinces.' When Wedgwood asked Montagu to address himself to the argument that provincial contributions were not necessary in view of the fact that the Indian Government itself could raise its own revenue without any contributions whatever, Montagu had replied: "I would really not like to commit myself to a view as to the taxable capacity of India. That is a subject I would wish to leave to the Government of India." If Government had made no inquiry in this matter, Vithalbhai urged that the Committee which was about to go into the question of provincial contributions should be asked to make this inquiry. Hailey felt that most members of the Council sympathised with the principle underlying the two Resolutions, but he said that the proposal to levy contributions from the provinces must not be banned as an improper or unconstitutional idea. He quoted from a speech of Gokhale on the

question where he had said: 'The Government of India should have about one-third or one-fourth of its revenue derived from fixed contributions made by Provincial Governments.' So there was nothing inherently wrong in the idea of taking contributions from the provinces. It was purely a matter of calculation whether they should be taken at all. Turning specifically to Vithalbhai's proposal, Hailey said that the exact question which Vithalbhai had put forward, namely, the extent to which Imperial finances could be arranged on the basis that no contributions should be required, was not explicitly included in the terms of reference to that Committee. That could not be done, because financial limits for expenditure could not be laid down unless the administrative policy also was laid down and that was an impossible task for the Meston Committee. Hailey noted in his reply speech that the general course of the debate was in support of Vithalbhai's Resolution, not so much of Sarma's. Any way Sarma's Resolution had 13 Ayes in the division and 39 Noes, and Vithalbhai's 19 Ayes and 35 Noes.

On the 10th of March, Vithalbhai moved his Resolution about the appointment of an Indian as Chief Reforms Commissioner. His Resolution raised two issues: (1) provision for the appointment of an Indian as Chief Reforms Commissioner, and (2) provision for the travelling and other expenses of the members of the Advisory Committee already appointed and 'hereafter to be appointed'. There was already in existence an Advisory Committee charged with the duty of considering drafting rules and regulations under the Reform Act. It had also to advise Government on matters arising out of the Reforms. Vithalbhai wanted that Committee to be strengthened by representatives of every province and representatives of all major interests. Asking for the appointment of an Indian as the Chief Reforms Commissioner, he charged Marris, at the time occupying that post, with colossal ignorance on important questions connected with the proceedings of the Joint Committee: "I ask this Council seriously to consider whether the Reforms Commissioner, the person who is in charge of the Reforms office should or should not have known what the Chairman of the Joint Select Committee said in his speech on the subject of the number of Executive

Council Members of the Government of India." Another item of the ignorance of Marris was this: "He said he did not know the personnel of the Indian National Congress deputation." Marris asked Vithalbhair to remember the old proverb about the unwise-ness of swapping horses when you are crossing a stream. The Resolution was, of course, rejected.

Earlier in the day Vithalbhair had supported Jaffer's Reso-lution asking for a grant of 5 lakhs for the Ayurvedic and Yunani Tibbi College, Delhi, for building, equipment, etc. In the course of his speech on that Resolution, he said: "If we had the Ayur-vedic and Yunani systems of medicine encouraged in times gone by, and if we had enough medical men trained in those systems, we could have combatted to some extent the results of the influ-enza epidemic in which about six million people died only the year before last."

On the 18th of February, Vithalbhair moved an amendment to Sarma's Resolution which asked that the headquarters of the Government of India should be permanently located in one place and that a suitable centre may, if necessary, be selected for the purpose. Vithalbhair's amendment was that the words 'and that a committee be appointed to select and recommend a suitable centre for the purpose' be substituted for 'and that a suitable centre, etc.' While, on the part of Sarma's Resolution, namely, that the headquarters should be permanently in one place — may be Delhi, Pachmarhi, Salsette or any other place — Vithalbhair was in complete agreement with Sarma, he thought it desirable that the choice of that place should be considered by a Committee. Crum had an amendment which left the whole question (including whether there should be one place or no) to the Committee. Crum eventually withdrew his amendment, be-cause he accepted the Government version of the position, that what His Majesty had done they could not upset. Vithalbhair thought that the Home Member was entirely on a wrong basis. Any way neither his nor Sarma's Resolution necessarily asked for a transfer from Delhi: "If you can all the year round stay in Delhi, as two hundred thousand people stay and live all the year round, if you can do that, by all means keep your headquarters at Delhi. What we object to is the



Government of India going about from place to place." Vincent's reply to Vithalbai — in which he said 'I do not think he (Vithalbai) was putting the position very fairly when he said *he* had not excluded Delhi as a possible location to be chosen for the Government of India by the Committee', and again: "It was perhaps a little *disingenuous* to suggest that Mr. Patel had not contemplated the exclusion of Delhi *altogether*" — this reply of Vincent to Vithalbai appears to us characteristic of the British Bureaucracy which could never understand the Indian point of view. Vithalbai's Resolution was lost (Ayes 6 and Noes 52).

On the 10th of March, Vithalbai moved the following Resolution: "This Council recommends to the Governor-General in Council that a provision of Rs. 10,000 be made under the appropriate head in the Budget in order to meet the expenses of a Committee of officials and non-officials to be appointed to inquire into the grievances of the clerical establishments of the Postal Department." Khaparde had a similar Resolution, but it asked for Rs. 25,000 and included telephone establishments in the inquiry. Khaparde had another Resolution, moved simultaneously with this, asking for Rs. 25,000 for the betterment of their pay. Vithalbai showed that a minimum of Rs. 80,000 would be necessary to satisfy their minimum demand, which was, that they should be put on the same footing as the telegraphists and that they should, like the telegraphists, be paid retrospective time-scale. That meant that Khaparde's provision would not be adequate. Vithalbai thought therefore that the first thing to be done was the appointment of a committee to investigate their demands with a view to their being placed on the same footing as that of the telegraphists. He showed that the disparity between those two establishments was very great and the work expected of the Postal establishments, if not more onerous, was at least as onerous as that of the telegraphists. Vithalbai pointed out that these postal clerks had now organised, or were organising themselves, and that it would not be wise to disregard their unanimous demands. He also reminded the Committee that the revision already announced was regarded by them as highly disappointing. Clarke, on behalf of the Government, accepted 'the principle' of the Resolution and said: "Let us have a Committee to go

into the question of putting the pay of the postal clerks on a proper footing," but he spoke violently against the demands of the Postal clerks to be put on the footing of equality with the telegraphists. The Vice-President tried to see whether on the basis of this assurance any of the Resolutions could be withdrawn. Neither Khaparde nor Vithalbhai could give their consent at this stage, and Khaparde made his speech. And then Barnes appealed to both Khaparde and Vithalbhai and requested them to withdraw their Resolutions, as by consenting to appoint a Committee, Government had given them the substance — why should they worry about what money was spent on the Committee? Vithalbhai said that the main issue, the issue of issues, was whether the postal clerks would be put on a footing of equality with the telegraphists. If the Committee would have the power to go into that question, he said that he would be satisfied. His Resolution was rejected and the division was 11 Ayes and 35 Noes.

On the 9th of March, Vithalbhai moved his Resolution about the withdrawal of financial assistance to Military forces. His main grounds were (1) that the £45 million contribution was offered on the supposition that the war would last till the end of 1919 — actually the war practically ended in November 1918, (2) that the payment of the contribution was to be reconsidered if (a) the agricultural conditions became worse, (b) if exchange affected adversely and (c) if India had to fight on her own frontiers. (a) and (c) contingencies had occurred and therefore the question was open for reconsideration, apart from the previous argument that the war having ended in 1918 the contribution should be waived altogether. Wacha's amendment was that from the balance that remained to be paid the cost of the third Afghan war be deducted. Wacha, however, did say that there was evident equity and justice in having the whole of the contribution waived under the changed conditions and that he substantially agreed with Vithalbhai. Hailey explained the position in regard to the effect of Vithalbhai's resolution and Wacha's amendment. Vithalbhai's Resolution meant no more than the 23.6 millions that was already paid. Wacha's amendment meant £850,000 more. Vithalbhai thought there was not much difference between Wacha's

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amendment and his own Resolution, and said that he would give his vote for Wacha's amendment. Hailey made some slight changes in the Resolution which were accepted by Wacha and other members of the Council, and the Resolution as amended was adopted.

## Chapter Fifteen

### THE HINDU MARRIAGES (VALIDITY) BILL

ON the 5th of September, 1918, the second day of his entry into the Imperial Council, Vithalbhai moved for leave to introduce his Hindu Marriages (Validity) Bill — a Bill to provide that marriages between Hindus of different castes be declared as valid. Under the Hindu Law, *as interpreted in Courts of Law*, parties to a Hindu marriage had to be of the same caste, otherwise the marriage was invalid *unless it was sanctioned by custom*. Suits, therefore, by either party for restitution of conjugal rights, or, by the wife for maintenance or inheritance, or, by children for inheritance, succession or possession were not maintainable. Serious hardships ensued as a consequence to several individuals. Vithalbhai sought to remove these hardships. To prove that the grievance was not imaginary or merely theoretical, he cited two glaring instances from Bombay. The first was the case of *Kashi vs Jamnadas* and the other was *Laxmi vs Kalian Singh*. In the first case, a girl of 16 was married to a young man of another caste. They lived together for 25 years and had eight children by the marriage. After a conjugal life of 25 years, this husband discarded his wife. For nine years, this Hindu lady, true to her Hindu traditions, avoided going to Court. But old age and starvation ultimately compelled her to seek redress, and she filed a suit for maintenance. The Court held that, *as the parites did not belong to the same caste*, the marriage was invalid, under the Hindu Law. She could not get *any* maintenance even as her husband's *Dasi* or kept mistress, as, for this claim, the law required *unbroken* living together, and with the modesty of a Hindu lady she had refrained from going to Court for nine years. 'No principle of civil contract, representation, estoppel, *factum valet*, or acquiescence could help her, and she was left without any remedy whatsoever. The facts of the other case were: *Kalian Singh*, a Rajput, had married *Laxmi*, a Brahmin. *Laxmi* was *taken away* from her husband's house and was not allowed to

stay with him. Kalian Singh brought a suit for restitution of conjugal rights. The Court held that, *though there was a marriage in fact*, there was no marriage in law, *as the parties did not belong to the same caste*. Kalian Singh was therefore not entitled to the restitution of conjugal rights. The immediate reason for Vithalbhai's Bill was cases like these. The hardships in such cases were self-evident, but at the back of Vithalbhai's mind was not only the desire to meet such hard cases, but to promote, if possible, by removing these legal or rather Judge-made difficulties, the cause of inter-caste marriage among Hindus. This Bill was substantially different from the Basu Bill which had agitated the country some years ago. That Bill aimed at civil marriage — not a marriage sanctioned either by the Hindu Shastras or by the Hindu custom — that type of law, we now have and is known as the Gour Act. Then, again, the Basu Bill — not so the Gour Bill — allowed the possibility not only of inter-caste marriages among Hindus, but contemplated inter-racial marriages also. Vithalbhai in his Bill was following the line of least resistance. There was ample authority for such marriages in the Hindu Shastras, and it was not impossible to say that custom had not altogether forbidden it, as there were a few cases of such marriages throughout the ages, though from the 16th century onwards such cases were few and far between. *Anuloma* marriages between higher caste males and lower caste females were definitely allowed by the Hindu Law as laid down by the Shastras, and though the *Pratiloma* marriages or marriages between lower caste males and higher caste females were looked down upon by the Shastras, the fact, that the Shastras had taken notice of them, shows conclusively that they also did exist in ancient times and were tolerated. By lowering the demand, Vithalbhai probably thought that he would succeed in not alienating the sympathies of the more moderate of the orthodox section of our people. But in this he was sadly mistaken. The opponents of the Bill hardly made any distinction between his Bill and the Basu Bill, and even Sir William Vincent started with calling the Basu Bill 'a somewhat similar measure', though he immediately half corrected that statement, by calling it 'more correctly, a measure on a similar subject.'

Before going into the full narration of how the Bill fared in the Council, we may find it useful to understand what exactly was Vithalbhai's attitude to Social Reform in general and to the caste system in particular. Because that will help us to see this attempt of his in its proper perspective. Vithalbhai's political associates at this time were largely those who belonged to the Tilak school of politics, and these political Extremists were as a rule social reactionaries. At any rate, they did not believe in social reform going concurrently with political reform. Political reform, they thought, must precede social reform. Again, they could never tolerate interference of an alien Government with the social structure of the Hindu society. Legislation was not, according to them, the way to bring about any reform in society, and certainly not before they achieved full responsibility for that legislation. A man is known by the company he keeps, and one might have therefore expected that this association of Vithalbhai with these men of the Tilak school would abate his ardour for social reform, if he had any. But Vithalbhai was made of a different stuff altogether. In politics, he had joined hands with them, but he did not belong to that party — he belonged to no party whatever — and certainly did not share their views on social reform. Another influence in his life now was that of Mahatma Gandhi. We may not go so far as to call Gandhiji a social reactionary, but, though he upheld the cause of the Depressed Classes, he was a strong upholder of the Hindu Caste system, which was given the grandiose name of *Varnashrama Dharma*. At this time, in particular, he looked almost like an obscurantist, at least in so far as the caste system was concerned. It is therefore refreshing to read what Vithalbhai said about Gandhiji in his presidential address at the Nagpur Social Conference. There he gave him credit for his pronounced views against 'untouchability', but pointed out that 'untouchability' was not an excrescence, but an integral part — a logical outcome — of the caste system. He said there: "I consider it extremely unfortunate that our revered leader, Mahatma Gandhi, has ranged himself on the side of reaction in this vital matter. It is something to be thankful for, that in the case of the classes that Hindus in their arrogance have called depressed, Mahatmajji

is not content to let the laws of Heredity override the laws of Humanity. He has not asked the 'untouchable' to wait for a new birth for his uplift. He has not given him only the consolation of theology. He has permitted him to hope that justice may yet be done to him in this world." Further he added: "It is to be hoped that Mahatma Gandhi's support will not prolong the anachronism of caste." For he added: "Untouchability is only one logical extremity of the vicious caste system. The problem is not isolated. You cannot detach it and deal with it alone. The same psychology that is responsible for it is behind the other distinctions, whatever may be the theology with which they may be buttressed. Inter-dining, inter-marriage, etc., may not be necessary for National Unity and Ideals of Brotherhood, but the psychology that stands in the way of these does interfere with both. And if you think that that psychology may be changed without preceding or consequent relaxation of the vexatious and obsolete prejudices, you are sadly mistaken. I feel that in the new order, where we seek the revaluation of all values, our individual lives must become living protests against these arrogant superstitions that have reduced religion to a bundle of meaningless fads."

This was Vithalbai's answer to Tilakites as well as to Gandhiji. The whole of this address succinctly gives Vithalbai's position *vis-a-vis* the question of Social Reform. We may, therefore, as well, give a few more extracts from that precious document. Speaking about the inter-relations between social and political reform he said: "We are called upon to co-operate among ourselves and so purify our society that autocracy and absolutism, arrogance and selfishness and all the corruption that we cry out against, may not be pointed out to us in our own institutions. Our social relations must be based on justice, freedom and consent, if these are to be the features of our political institutions. It is a vain delusion to think that democracy can be anything but a dream, if we support, in the same breath, invidious and outrageous social distinctions, based on the mere accident of birth. Faith in the doctrine of *Karma* and reincarnation can no more justify the disintegration of society into an ever-increasing number of water-tight sections, with their

order of precedence predetermined, than the state of subjection in which we find ourselves. We cannot wait, with pious resignation, to be born free men in our next incarnation, only because our struggle for freedom in this life must upset the complacency of the British Empire. Why then must we have a more tender regard for the complacency of the Brahmin?" It is worth while noticing here that in this address Vithalbhai spoke of the weapon of social boycott for political differences as a new danger: "I have referred at length to the fanciful doctrines of Religion that have interfered with our social intercourse. I must also warn you against the danger of the still more fascinating doctrines of politics that will create fresh trouble unless they are nipped in the bud. I refer to social boycott on political grounds, of which we have had stray demonstrations with disastrous consequences. I would urge you not to let politics, any more than religion, interfere with the amenities of social life." His views on the methods of achieving social reform, particularly, the amelioration of the Depressed Classes are expressed thus: "The problem of social reform will be solved not by fussy philanthropy but by the creating of habits of self-reliance and the spirit of self-sacrifice. Educate the man you call 'depressed', and he will soon make it as impossible for you to dismiss him with contempt as you are making it impossible for the white exploiter to dismiss you with contempt. What is needed is not condescending kindness, but the encouragement of manly independence. I have seen, of late years, young men with generous impulses binding themselves together in Seva Samities to do social service. It makes me happy to see the new 'spirit that inspires our younger generation to think more of what service they can perform in their own persons than of theories of social reform. It would be a grievous mistake to disparage reform movements on that account. It is noble to relieve human distress wherever it may be found; but it is at least as noble, if not nobler to vindicate the dignity of the human soul. Those whom God made free and equal, no man can divide and degrade without blasphemy."

In this Presidential speech of his we get what we may call the quintessence of his creed in respect of Social Reform. We may



notice that the centre of this creed was the demolition of the caste system. The most important of the Resolutions passed at that conference, under his guidance, was: "In the opinion of the Conference, the institution of Castes is detrimental to social and political solidarity and national progress, and therefore this Conference urges all to make every endeavour towards its abolition."

There have been many men who have held such radical views on the caste system and several who have expressed them on the public platform, but when one throws a searchlight on their own conduct, one may come across quite a different story. Raja Sir Rampal Singh who participated in the discussion of this Bill of Vithalbai said, for instance: "I am no *believer* in the caste system of Hindu society, and it is *my firm conviction* that as long as Hindus will remain a caste-ridden people there is very little prospect of their rising in the present day civilization and of their occupying an exalted position amongst the nations of the world." "But" he added: "side by side with having such beliefs and convictions I must confess, and I feel no remorse in giving expression to that confession, that I am an observer of caste rules as far as possible. There is great disparity between the views I hold in this respect and the line of action I follow." The Raja was at least frank enough to confess what he did. There are several among us who do exactly what the Raja did, but would not be so frank as the Raja was. Vithalbai was a man of convictions, and what he believed and professed, he translated into action, or rather what he believed and did, he professed. Vithalbai was born in a *patidar* family. The *patidars* have always been governed by very rigid social customs and conventions. He was himself a victim to them. He had seen for himself how those customs and conventions stunted the intellectual growth of men and women, and when he began to interest himself in politics, he saw more vividly than ever before, how the caste system, with its narrow inhibitions, had poisoned the whole fabric of society, and effectively handicapped not only the social, but even the political, progress of the country. His first open revolt against the stupid and revolting social practices, that is well known, came in connection with the caste dinner which his elder brother Narsinhbhai proposed to give on

the 12th day of his father's death (in 1910). Vithalbhāi had the valuable support of his younger brother Vallabhbhāi on this occasion. Both the brothers pleaded and pleaded in vain before their elder brother and the relatives that had gathered round him. They offered to pay any amount that Narsinhbhāi and other relatives considered reasonable towards any charitable or social uplift activity they chose, in memory of their father, if they agreed to stop this practice of giving caste dinners on such occasions. Neither Narsinhbhāi nor any one of their other relatives was in a mood to accept the views of Vithalbhāi or Vallabhbhāi. They said that they had all along accepted without reserve all the social obligations that entailed on them on account of their having lived and having to live in the social surroundings in which they had been brought up. They were adamant on doing what they thought was obligatory on them, and Vithalbhāi and Vallabhbhāi were equally adamant on the other side. They refused point-blank to connect themselves in any way with this perverted practice, and declined to bear any of the expenses connected with it. Narsinhbhāi told them that, if they stuck to their guns, they would have to renounce all claim to a share in their ancestral property. They did not mind doing so. It may be noted here that, from that time onwards, both these brothers — and Vithalbhāi more particularly — stopped going to their ancestral home. Even when they had to visit Karamsad for any of their public activities, they took pretty good care to see that they were public guests and not residents of their own home. It is almost certain that neither of them spent even a single night in Karamsad since this incident.

In his daily life, Vithalbhāi had thrown overboard all the petty conventions of the Hindu way of living. Ever since he started on his public career in Bombay, he lived at Bandra in the Tata Blocks — the one just opposite to the one occupied by Natrajan. His valet-de-chambre or rather man-of-all-work — cook, boy and the rest of it — was an old native Christian. He was one of the most loyal servants that Vithalbhāi had in his whole life, and he served him faithfully until Vithalbhāi left for Delhi in 1925. Everybody who called on Vithalbhāi — friends, relatives or other visitors — had to be received and

treated by this Christian servant. At the expense of the more orthodox of them, he enjoyed many a joke. He was very particular in offering bread and butter and tea to them, and asked his Christian servant to place these victuals before them. Some of them hesitated to touch them, and then he would ask his Christian servant, whom he called 'Hari Shankar Sastry', just to tease them, to press them to eat what was served.

Vithalbai's interest in the 'Harijans' and work among them began much earlier than that of Gandhiji. Gandhiji himself has recorded very vividly, in his own words, the scene he witnessed at Godhra, where he had gone to preside over the first Gujarat Political Conference in 1916: "I witnessed", he has recorded, "an unforgettable scene at the Harijan quarters in Godhra, which place I visited in 1916 for its political conference. There was a Harijan Conference too, held at that time, and I had invited the audience to come to the Harijan quarters and hold the conference there, if they were sincere in their professions. Whom should I see there if not Vithalbai Patel, who was then a member of the Legislative Council dressed in the peasant garb with a Sadhu's topee on his head! He mixed with the Harijans with the greatest freedom, and I know that he evinced the greatest interest in the Harijan cause. With him the sweeper was as good as any other person, no matter what his caste might be. He never concealed his opinion or practice in order to please the orthodox."

During his active life in the Bombay Legislative Council, Vithalbai was as much occupied by the social reform activities — particularly those that were organised by the Arya Samajists — as by his work in the Council. It was in connection with those social reform activities that he came into close touch with Sheth Ranchoddas Lotewalla and became his life-long friend. At that time Lotewalla was well-known as a great social reformer and an eminently public-spirited citizen. He was actively connected with all the Arya Samajist activities, and with a view to the advocacy of social reform, he had started a daily paper called *The Hindustan*. Vithalbai had a good deal to do with the policy of this paper, as Vithalbai had an immense influence on Lotewalla and Lotewalla gave the highest

importance to Vithalbai's views on political as well as social questions.

Such was the background of Vithalbai, the Social Reformer, when he introduced his Hindu Marriages (Validity) Bill in the Imperial Council. While he was alive to all the many-sided problems of Social Reform — he was himself instrumental in widening the field of its activities by including, under it, in the Nagpur Conference, 'besides the items of Social Reform hitherto advocated by the Conference, additional measures to promote the Industrial, Economic, Educational and Sanitary interests of the Indian people in rural areas',— the problem of problems which baffled him and attracted his greatest attention was the caste system among the Hindus with all its inherent defects — not the least of them being the prohibitions and the inhibitions in regard to inter-caste marriage, limiting the choice of partners in life to a very narrow range. Who knows if this immense interest of his in this problem was not due to his own experience of married life, and his determination not to marry again after the death of his wife! He does not, however, appear to have favoured inter-racial marriages, because, while he wanted to widen the field of choice for partners in life, he also wanted to reform the Hindu Society and to break down its pernicious Caste system. That is why his Bill did not go on the lines of the Basu Bill. Advanced Social Reformers were not quite satisfied with the Bill, because it did not touch several other problems connected with marriage, like the necessity of putting down some definite limits for marriageable age, the insistence on monogamy, with its concomitant, fair facilities for divorce, and the like. But, as in politics, so in social reform, Vithalbai was more of an Evolutionist than a Revolutionist. Those who look minutely into his views as well as his actions would recognize that with all their flair for extremism, his proposals always smacked of a certain gradualness — he would hasten, but hasten slowly. He was nothing, if not practical. The grandiose and remote ideal was not for him. 'One step enough for me', said Gokhale, 'every time',— quoting from Newman — and Vithalbai, though his step may be a little longer than Gokhale's, on the whole, held a similar view.

So this Bill was the first cautious step that he took in his attempt to destroy the caste system among the Hindus. And now watch and see how the Bill fared in the Council. After citing the two cases from Bombay we have detailed above, Vithalbhai proceeded to say that there were several similar cases in the other provinces also, but he would not weary the Council by citing them, and added: "Apart from these hardships in individual cases, marriage forms the substratum of the whole order of civil life, and upon the contracting of the best possible marriages depends the happiness of home, the strength and self-respect of people and the self-reliance and progress of the nation. All unnecessary obstacles to such marriages must of course have evil effects, and obstacles on the ground that the parties do not belong to the same caste, are detrimental in more ways than one.. They seal up the compartments of caste. They maintain the process of continual inbreeding and generate defective, helpless and despondent progeny. The evils of child marriage and forlorn widowhood, of sales, purchases and exchanges and even hires of girls to be temporary wives, are due to them. They perpetuate castes, some so small as containing eight persons, and they are responsible for incestuous marriages, polygamy where there is a superfluity of girls, and homeless immoral life where there is a dearth of girls. These and other evils act and react upon one another, and all evils are strengthened to multiply further evils." He asserted that even the orthodox people felt the necessity for a change in the law, but they could not create a local or special custom which a court might recognize, and that the younger generation, whose outlook had been widened, definitely resented the evils consequent on these prohibitions. The evils were particularly great in the smaller castes. He recognized that there would be no immediate improvement on the passing of the law, but suggested that the law was the greatest obstacle. The law was positive. "Even if a caste resolves", he said, "— and I know of at least one caste which has so resolved — to give liberty to its members to have marriage relations with other castes, such marriages run the risk of being declared illegal, and the children of such marriages run the risk of being declared bastards, incapable of inheritance". He then stressed

the fact that it was permissive legislation he was asking for. The Bill, he said, would restore the autonomy of caste, at any rate, and remedy an obvious wrong. He then pointed out how this Bill was an improvement on the civil marriage, as it affected the Hindus. It would obviate the necessity of Hindus having to go against their conscience and to declare that they are not Hindus, if they cared for inter-caste marriage. And he wound up his speech thus: "It is in the interests of justice and morality and of public policy that the law ought to discourage the living together of men and women as husband and wife without legally sanctioned marriages, and ought to give them all facilities and inducements possible to enter into the sacred relations of marriage with all its moral and legal obligations."

The Bill was opposed by Manindra Chandra Nandi, Shukul, Raja Rampal Singh, Sita Nath Ray, Rangaswamy and Malaviya; and supported by Khaparde, Sastri, Sapru, Jinnah and Sarma. Surendranath, though in favour of the Bill, thought that the Bill should be withdrawn at that time, in the interest of the Bill itself. Vincent and Lowndes, between them, placed the position of the Government on the Bill, before the Council. Of these two, Lowndes, who understood the Bill better, was undoubtedly the more sympathetic. Nandi protested that the Bill, if enacted into law, 'will make for disintegration, and is likely to act prejudicially to the vast interests of the Hindu Society.' Shukul was 'opposed to the very principle underlying the Bill.' "By encouraging inter-marriages", he said, "between the different castes it will destroy the sacramental character of Hindu marriages", and appealed to the principle of non-interference, embodied in the Queen's Proclamation, as also to the two previous rulings of the Government —, one 'with a similar motive', introduced by Sir Henry Main in 1872, and the other, Basu's Special Marriage Amendment Bill. Reginald Craddock, in his reply on Basu's Bill, had declared: "The Government could not interfere unless and until two things were proved, namely, first, that such custom constituted an *outrage* on the fundamental laws of humanity, and second, that an *overwhelming majority* of the persons professing this faith approached the Government and asked for the Reform." Shukul asserted that

neither of these two tests were satisfied with reference to this Bill, and therefore Government was not bound to accept it. The two instances cited by Vithalbai could perhaps be looked upon, according to Shukul, as amounting to some 'personal inconvenience and hardship', but they could hardly 'be said to amount to an outrage on the fundamental laws of humanity'. Well! If a wife married for 25 years and bearing eight children for her husband not being entitled to get even a bare maintenance from her husband in her old age is not an outrage on the fundamental laws of humanity, we wonder what would have been such an outrage in the eyes of Shukul and the like. And then in regard to the second test, if that test could be satisfied, Vithalbai need not have come to the Council at all. It was because the sufferers could not prove that custom — the custom not being widely prevalent — in a court of law, the Judges refused to help them — though the law as laid down by the Shastras was largely in their favour. That is the way all beneficial social legislation was thwarted by these pillars of orthodoxy. Now, at least, when the alien Government has left the shores of India, and the Queen's Proclamation is out of the way, let us see if there is any chance of support from these pillars of orthodoxy, for the right kind of social legislation. One has only to look at the way in which the Hindu Code Bill is being treated by them — the President of the Congress himself — Pattabhi Sitaramayya — behaving as if he was a social reactionary! Khaparde supported what he called the principle of the Bill, but to our mind his support was more nominal than real. He said: "I believe my friend the Hon'ble Mr. Patel in seeking to legalise these marriages is only trying out a time-honoured policy of Hindu Law, namely, to absorb our neighbours and even to forgive people of our own race who have been led out of the fold." But he added very soon afterwards: "When the Bill comes up again, I will move an amendment to say that people who will contract marriages of this kind *will lose all rights of inheritance in their natural family.*" We have already quoted the views of Raja Rampal Singh. He admitted that the Bill had 'the support of reason and logic,' but that sentiment was against it. "Is it wise", he asked, "is it expedient in the present times to give cause to

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the Hindu public to raise an agitation that the Hindu religion is in danger?" Sita Nath Ray was horrified to find that "according to Mr. Patel's Bill, it would be quite valid and quite legal for a *Sudra* to marry a *Brahmi* girl (this horrified him more) and *vice versa*", and said: "I cannot believe that before caste distinctions are absolutely swept away the Hindu community would tolerate such a measure". He was very keen on Government's maintaining 'an attitude of strict neutrality.' Sastri supported the Bill. He would have preferred members not having discussed the principles of the Bill at this stage, but as they had, he thought it necessary to state his views also. He thought that the claim that the Bill sought 'only to revive an ancient practice', which had fallen into desuetude, was only partially true, as, while the Shastras did sanction *Anuloma* marriages, they discountenanced *Pratiloma* marriages. Then he thought that it would have been *wiser* for Vithalbhai to have asked for civil marriages and not sacramental marriages — that would have ensured our not shocking the religious sentiments of the masses, and at the same time our securing several desirable modern features of a marriage like a suitable marriageable age, the principles of monogamy and divorce. Of course, he expected the Select Committee to go into these questions. He gave an effective reply to the contention that Government should remain neutral on such questions. He did not *altogether* approve of this attitude. He referred to Craddock's second test first, and said: "That the majority of the people affected should consent to it is a demand which it is impossible to satisfy in legislation of this kind." This was only a permissive measure, and the Government of India itself had not always borne those principles in mind. Referring to the other principle he said: "I am not aware what *inhumanity* the Caste Disabilities Removal Act attempted to prevent or the other Act of 1872 (the Brahma Marriage Act) to which this Council gave sanction... I do not suppose that there was any violation of *the fundamental laws of humanity* at that time which the Government of India thought it necessary to remedy... Even ordinary measures of social amelioration might be opposed by large numbers of the community, and still a civilised Government would be bound to



give relief to those that obviously suffer from disabilities imposed by the majority." Sastri would have very much liked Vithalbhai to have withdrawn his motion this time and to have it considered by the fuller Council after the Reforms, but he said that if Vithalbhai pressed his motion, he was bound, in obedience to his convictions and to the dictates of his conscience to give him his hearty support. Rangaswamy brought in Manu, Yajnavalkya and the Gita to condemn the principle of the Bill, and protested against leave for the introduction of the Bill being granted. Malaviya, of course, opposed the Bill — his main ground being that the Hindu public had already given its verdict on such legislation only about six years before then, when Basu's Bill was on the anvil. Sapru gave his 'cordial and warm' support to the Bill. It passed his comprehension why Hindu sentiment should feel shocked by such reasonable measures. The Judges had already made several changes in the Hindu Law, in consonance with modern ideas. This measure, in particular, was not an invasion on orthodoxy. "It is really meant for the protection of those who are not prepared to subscribe to all the conditions and tenets of orthodoxy. If orthodoxy is entitled to protection, so are those who do not subscribe to orthodoxy." Sapru made capital of 'the fact that some Hindu States, governed by Hindu Rajas, had taken the lead in this matter', and cited Indore and Nepal as the States where inter-caste marriages were legalised. Surendranath said he was in sympathy with the objects of the Bill, but this was not the right time to introduce it, and Jinnah made a very fine fighting speech in favour of the Bill, and took Surendranath to task for being afraid of agitation. Personally he would have liked to go much further. "Let those who wish to contract marriages unfettered by the shackles of caste or any other shackles do so. It is not obligatory under this Bill that every Brahmin should marry a Sudra, nor is it necessary that every Sudra should marry a Brahmin. This is purely permissive." And further: "Is the Government going to stand by and allow the majority to oppress the minority? And remember that this minority is the creation more of the Western education for which you yourselves are responsible. Are you going to deny liberty to those whom you have educated? Are

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you going to deny liberty to those whom you have trained up in Western ideas, and are they to remain the victims of this caste shackle? I am a Mussalman. This a question which I know concerns the Hindus, but as a Member of this Council I have to record my vote, and I cannot simply sit quiet and record it one way or the other. I am as much interested, My Lord, in coming to the rescue of the Hindu minority suffering today because of this law as anybody else would be interested in coming to the rescue of a Mussalman minority if it was suffering." Sarma was 'in hearty agreement with the principles underlying this Bill', but he believed that unless there were radical changes and alterations in it, he feared that it might do more harm than good. He would have liked Vithalbhai to put off the Bill till the New Reforms Council came into existence, but if Vithalbhai did not see his way to withdraw it at that stage, 'I must, inasmuch as I believe in the principles underlying it, vote for the Bill.'

On behalf of the Government, Vincent said that Government were prepared to accept the motion for leave to introduce the Bill, and would be glad to get it circulated for public opinion being obtained on it. He further said that they considered it unwise to throw out such a measure without ascertaining Hindu opinion on the subject. Further: "We reserve an absolute right to support it or oppose it later on," and "The Government will be largely guided by the opinions of those primarily affected by the measure in dealing with it at a subsequent stage."

Lowndes removed a possible misunderstanding among the Members of the Council about the exact position of Government in this matter. He said: "That the Government will be guided by the opinions they receive and the views they hear is quite certain. But my Hon'ble colleague, Sir William Vincent, *did not say that the fate of the Bill would depend upon the majority of the opinions received.*" He then pointed out the essential difference (which had been slurred over in the debate) between Basu's Bill and this Bill: "Mr. Basu's Bill purported to validate, or to make possible, marriages between Hindus and non-Hindus, whereas, as I understand Mr. Patel's Bill, it only deals with the question of inter-Hindu marriages." And then, Lowndes, who was as good a student of Hindu Law as any Hindu

lawyer in the Council, cleared up the position about inter-caste marriages as laid down by the *Shastras* and as laid down by custom. What he said was this: "So far as marriages between a *Hindu man* of one caste and a *Hindu woman* of a lower caste are concerned, they were allowed by the *Shastras* in India during the whole of the best period of Hindu history. They were not only legal but they were recognised as such by every great writer on the subject." Here Malaviya intervened and said: "That is not correct." Lowndes replied: "I believe it is quite correct." Malaviya retorted: "For 3,000 years it has not been so." Lowndes replied: "My Hon'ble friend is very brave, and my Hon'ble friend Mr. Ayyangar was braver still, *though I fancy with a very slight knowledge* of the subject. He ventured to quote Manu as laying down that such marriages were improper. Now, Manu, as my Hon'ble friend *ought to know*, is probably a conglomeration of texts belonging to a great number of different periods. I can point out to my Hon'ble friend Mr. Ayyangar and to the Hon'ble Pandit passages in Manu which directly recognise the legality of such marriages and the succession of property under them. It is not certain to what period the later texts belong, but they are clearly not of the same period as the others. Manu, it is true, contains one or two texts — to one of which the Hon'ble Mr. Ayyangar referred — disapproving of such marriages, but Manu is hardly an authority as the work contains texts both ways. But apart from Manu, take the Benares school of writers. I start with the *Mitakshara*, and the *Mitakshara* recognises the legality of these marriages. That is somewhere about the eleventh century. The doctrine goes on right down to *Mitra Misra* one of the latest commentators in the beginning of the 17th century who also recognises their validity. Take the Southern India school. We have got exactly the same thing there. From the writers of the 13th century right down to the 17th century, the validity of these mixed marriages is directly recognised. Take even the school of Bengal. Here we have the *Dayabhaga*, which was definitely, very definitely Brahministic, I had almost said a recrudescence of Brahminism — the whole foundation of which was the getting away from the secular views of the time,— even the *Dayabhaga*

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recognises the legality of these marriages. Therefore, I think, *the Council ought to understand* that when we hear talk of the foundations of the Hindu religion being disturbed, *it is not the foundations of the old Hindu religion, but the foundations of modern custom which has supplanted the old religion since the 16th century.* And this, I submit, is a point of considerable relevance.”

In his reply speech, Vithalbai supplemented the remarks of Lowndes by drawing the attention of the Council to a newly passed piece of legislation in Kolhapur, in the preamble to which it was clearly recognised that in ancient times inter-caste marriages were common. He further pointed out that under that Kolhapur legislation it was open to the parties concerned to give 14 days' notice to the Registrar and to undergo the form of marriage and enter into a legally valid contract. So any two persons of different castes from British India could go to Kolhapur, stay there for 14 days and marry. He asked his opponents what answer they had to this. In answer to Sastri, Sarma and Surendranath, he said he was perfectly willing to bring this Bill again in the new Council, if this attempt failed, and if he got re-elected on the new Council. The motion was agreed to and it was also agreed that the Bill should be published in the Gazette of India in English and in the local official Gazettes in English and such other languages as the Local Governments thought fit.

The Bill when published evoked quite a sensation. Social reformers, on the whole, welcomed it, but opined that it did not go far enough. This was true. Vithalbai had followed the line of least resistance. He had left the Hindu Marriage Law, as laid down by the Shastras almost intact — perhaps with one little difference that, whereas it was doubtful whether the Shastras could allow a *Pratiloma* marriage, Vithalbai's Bill had made no distinction between an *Anuloma* and a *Pratiloma* marriage. It must, however, be noticed that Vithalbai had not specifically asked for the restoration of the old Hindu Law. The existence of that law in which there was ample sanction for inter-caste marriages was merely an argument in favour of the Bill. Vithalbai did recognise that in the Select Committee

provision had to be made for all the contingencies consequent on the reform introduced. In order to obviate all the legal difficulties consequent on this change, the reformers would have naturally preferred these marriages being civil marriages and not sacramental marriages. It is, however, very doubtful whether Vithalbai would have readily accepted this view. He probably felt that that was not the way to reform the Hindu marriage system—that would, in effect, create an additional caste, whereas he wanted the caste system to disappear altogether. One or two suggestions the reformers made he readily accepted. For instance, he said, he himself would lay down suitable marriageable age limits, would see that parties to such marriages should not be minors, and would also favour the introduction of the principle of monogamy. Complicated questions about shares in the joint family property and other rights of inheritance had to be considered in the Select Committee, but some of these defects have been inherent in the Hindu Law and Vithalbai at this time was not proposing a revision of the whole Hindu Code.

While there was an outcry in orthodox quarters that the Hindu religion was in danger, and reformers suggested radical improvements, some of the most eminent leaders of India blessed the Bill as one of the right steps towards the progress of India. In reply to a letter which Mr. R. G. Pradhan, at the time, Editor of the *Bharat Sevak*, a monthly magazine now defunct, wrote to Rabindranath Tagore, Tagore wrote the following:

“Sir,

“In reply to your letter, dated the 8th of December (1918), I hasten to reply that the Hon’ble Mr. Patel’s Bill has my heartiest support.

“It is humiliating to find that some of our countrymen are opposing this Bill under the notion that it will injure Hindu society if it is passed. They do not seem to consider that those who are already willing to accept social martyrdom should not have any further coercion, passive or active, from any governing power, to oblige them to observe against their will such conventions as are not based upon the foundation of moral laws. To say that Hindu society cannot exist, unless it has victims

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who are forcibly compelled to live the life of falsehood and cowardice, is tantamount to saying that it should not exist at all. Moreover, such an implication is a libel against the spirit of Hinduism, which all through its history has been accommodating differences of creeds and customs, allowing mixture of castes and making new social adjustments from the time of the Mahabharat until now, when an alien Government has nearly succeeded in petrifying our social body with its rigid laws, depriving it of life's flexibleness and thus hastening its fatal stage of senility. No doubt society everywhere looks upon with suspicion and treats with hostility those men who choose to think and act for themselves, who have an invincible love for intellectual and moral freedom. But the community which goes beyond all limits of endurance, which takes every step to make it impossible for such men to live within its pale, the men who have the courage and honesty of their conviction and are therefore best fitted to fight for truth and righteousness, is doomed to breed interminable generations of slaves. Where society is terribly effective in its weapons of persecution, it is shameful to appeal to a foreign Government to stiffen by its sanction a social tyranny, to rob people of their right to the freedom of conscience, and in the next moment to ask from the same Government a wider political emancipation. Those who feel no compunction in invoking the organized power of the State to compel or help by its connivance a weak minority to submit to the worst form of social slavery, can certainly not be held as fit to claim a larger share of such power.

Yours faithfully,

(Sd) Rabindranath Tagore"

"Shantiniketan,  
December 19th, 1918

And here is what Lajpat Rai wrote from New York:

"It is with a sense of shame and humiliation that I have read of the opposition to Mr. Patel's Hindu Marriage Bill. It will be a great blow to our prestige and good name abroad if this extremely small measure of reform based on actual legal

necessity is defeated on foolish sentimental grounds. They are poor champions of Hinduism who urge its rejection in the name and interests of Hindu *Dharma* and Hindu Society. It is true that in their ranks are some whose sincerity is beyond question; but the majority of those who are opposing it are men who are ready to indulge in every kind of free life for themselves, but who grudge it in the case of others, specially to the other sex. They are still harping on the time-honoured authority of the *Shastras* and customs, forgetting that the authors of the *Shastras* have made a liberal provision for necessary changes in social life and customs in accordance with the needs of place and time (*Desha Kal*). The *Shastras* themselves contain abundant evidence of these changes. The great *Rishis* were too wise to forget that static society is an impossibility. Any tendency to make it static leads to stagnation, sterility and eventual extinction. Bold must be the man who can honestly maintain that the social life of the Hindus (of all sections and classes) has been the same even for a century at a time. Compare the customs of one period with those of another, and of one province with those of another province, and the process of change that has been going on for centuries becomes clearly visible. The *Shastras* made ample provision for the legal recognition of these changes. It is the rigidity and absurdity of the Judge-made law of the British Courts that has brought about the existing *impasse* in the marriage laws of the Hindus. A change such as is contemplated is an absolute necessity. Opposition to it is based on short-sighted partisanship and false notions of *Dharma*. The opponents of the Bill do not see the mote in their own eyes. They are probably the worst offenders against the so-called *Varnashrama Dharma*. But to be frank, where is the *Varnashrama Dharma* now in India? It is sheer dishonesty to oppose this reform on the ground of its being dangerous to *Varnashrama Dharma*, while the latter is a mere caricature of its original self. Unless we propose to live for ever and ever in our present degraded condition, it is absolutely necessary that our ideas of *Varnashrama Dharma* should be radically changed. Political democracy is a myth unless it is based on social and economic justice. The present caste system and the resultant

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restrictions on the liberties of men and women in the matter of marriage do not tend towards social and economic justice. The sooner we remodel our social and economic life on the broad basis of equal opportunity to all men and women, regardless of caste, colour, creed and sex, the better for our political future. Delays in social reconstruction must of necessity retard the realisation of our political hopes."

Lotewalla, the Managing Director of the *Hindustan* received the following reply to his request to Aurobindo Ghose for his opinion on the Bill:—

"In answer to your request for a statement of my opinion on the inter-marriage question, I can only say that everything will have my full approval which helps to liberate and strengthen the life of the individual in the frame of a vigorous society and restore the freedom and energy which India had in her heroic times of greatness and expansion. Many of our present social forms were shaped, many of our customs originated, in a line of contraction and decline. They had their utility for self-defence and survival within narrow limits, but are a drag upon our progress in the present hour when we are called upon once again to enter upon a free and courageous self-adaptation and expansion. I believe in an aggressive and expanding, not in a narrowly defensive and self-contracting Hinduism. Whether Mr. Patel's Bill is the best way to bring about the object intended is a question on which I can pronounce no decided opinion. I should have preferred a change from within the society rather than one brought about by legislation. But I recognise the difficulty created by the imposition of the rigid and mechanical notions of European jurisprudence on the old Hindu Law which was that of a society living and developing by an organic evolution. It is no longer easy, or perhaps in this case, possible to develop a new custom or revert to an old—for the change proposed amounts to no more than such a revision. It would appear that the difficulty created by the legislature can only be removed by a resort to legislation. In that case, the Bill has my approval."

On the 25th of February, 1920, Vithalbai moved that the Bill be referred to a Select Committee, consisting of Lowndes, Vincent, Muddiman, Sapru, Chanda, Sastri, Khaparde, McPher-



son, Sinha, Kincaid and himself. He said that the object of the Bill was to validate inter-sub-caste marriages (which were declared legal by some courts and illegal by others), as well as inter-caste marriages (which were declared illegal by most courts, though the *Anuloma* marriages at least were definitely accepted by the Shastras). He wished that a marriage under his Bill should be essentially a Hindu marriage, not a civil contract. As the Bill was before the public for 18 months and as they had before them the opinions (1) of Local Governments, (2) of the highest Judicial officers and (3) of the Hindu community, the question of deferring the consideration of the Bill any longer did not arise. Scanning the opinions received, he showed that there were two Local Governments which were opposed to the Bill, two entirely in its favour, two expressing no opinion, three opining that the Bill be deferred, and five suggesting that officials should not vote on the Bill; that there was no High Court, or Chief Court, or Court of Judicial Commissioner which was opposed to the Bill, and that, excepting the Bombay and Calcutta High Courts — who (which) did not express any opinion — all the highest judicial courts were in favour of the Bill, and that the Bill had 'found support from a very great majority of the Hindus, numerically speaking.' He contended that he had in his favour, the whole of the Sudra community, the entire non-Brahmin community and a large number of the liberal-minded members of the Brahmin community. He was prepared to admit that the majority of Brahmins were against the Bill, but he could not understand how any one could say that the majority of Hindus was opposed to the Bill. In support of this view of his, he quoted (1) the Registrar of the Chief Court of Burma: "Such opposition as there is against the proposed measure appears to emanate from Brahmin circles"; (2) the summary given by the Bombay Government of the opinions of the non-official members of the Bombay Legislative Council: "The opposition roughly consists of the religious leaders and their following and the more orthodox sections of the *Brahmin community*. The supporters are mostly 'Reformers', a few Brahmins and *educated non-Brahmins generally*", (3) the opinion of the District Judge of Poona (Percival): "In view of

the strong opposition, especially among the *Brahmin community* of Poona and elsewhere, Government will no doubt decide, to be conspicuously neutral in respect of the Bill''; and (4) a Resolution of the Non-Brahmin Conference in Madras: "This Conference gives its hearty support and approves the principle embodied in the Hon'ble Mr. Patel's Bill regarding the validity of marriages between different Hindu castes." (the Secretary of this Conference had added: 'This resolution embodies the considered opinion of a very large section of the non-Brahmin community of the Presidency. Taken in conjunction with the support given to the Bill by the South Indian Liberal Federation it practically amounts to a full endorsement of the principle of inter-caste marriages by the non-Brahmin Hindus'). After quoting these opinions Vithalbhai added: "The fact is that it is mainly one community, the vocal community that is in power, who kicks up a row and seems excited, and the Local Governments feel as if the whole Hindu community is against my Bill.' Vincent moved an amendment 'that the Bill be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes (Chairman) and all the non-official members of this Council.' He said that the Government of India regarded the Bill as a liberal measure with which individual members of the Government had every sympathy, but that they must hasten slowly and therefore should have a definite pronouncement of the views of non-official members on the Bill. Vincent thought that, at least *as a matter of tactics*, Vithalbhai should have avoided attacking Brahmins. He thought that it was right and also desirable that Muslims and other non-Hindus should sit on this Committee, but said that he did not seek to force them to do so. The Muslim members of the Council preferred not to sit on the Committee. Nandi, Rampal Singh, Sita Nath Ray and Rangaswamy Ayyangar once more opened their batteries against the Bill. Sarma supported the Bill, but he wished Vithalbhai had alluded in his speech to the questions he had raised in the earlier debate, because, unless those changes were made, and in its present form, the Bill was unacceptable. He also thought that Vithalbhai's remarks 'about the Brahmins and the non-Brahmins' were rather unhappy. Surendranath put

up a passionate defence of the Brahmins, but supported the principle of the Bill. Sastri said that to claim that the majority were in favour of the Bill was to go against facts, but that it was an unnecessary claim: "We are a minority, and as a minority we come to this Council for relief." He supported the Bill and the amendment of Vincent. Chitnavis supported the Bill with the remark: "If the Bill is ultimately passed, the Hon'ble Mr. Patel will have the credit of being looked upon as an apostle of Social Reform, which is gradually but surely taking hold of the public mind." Chanda, Khaparde, Majithia — all supported the Bill, each in his own way. Sinha made a fighting speech in support of it. Vincent once more explained the Government position which at best can be looked upon as indicative of lukewarm support. Vithalbai admitted that he had made a *tactical* blunder in criticising the Brahmins, but he could not persuade himself to believe that the non-Brahmins by a majority were against the Bill. He would have preferred the Committee he proposed, but accepted Vincent's, as he would not risk losing both. Vithalbai presented the Report of the Select Committee on the 22nd of March 1920, the last day of the Delhi Session.

## *Chapter Sixteen*

### THE ROWLATT BILLS

THE passing of the Rowlatt Bills through the Imperial Legislature marks a definite departure in the methods of political agitation pursued in India. They gave Mahatma Gandhi his first real opportunity to test his Satyagraha or Passive Resistance movement on an all-India scale. The Rowlatt Report, on which these Bills were based, was out at about the same time as the Montford Report, and the Bombay Special Session of the Congress of 1918 had 'condemned the recommendations' made in the Report, as in the opinion of that Session of the Congress they were calculated to 'interfere with the fundamental rights of the Indian people and to impede the healthy growth of public opinion.' The Delhi Session of the Congress, held on the 26th December, 1918, besides reiterating the Bombay Resolution, had expressed the view that they 'would prejudicially affect the successful working of the constitutional Reforms.' That Session went further and urged on the Government the immediate necessity of the repeal of all the earlier repressive measures also — including the Press Act, the Seditious Meetings Act, the Criminal Law Amendment Act, the Defence of India Act and the Old Regulation of 1818 and similar other obsolete Regulations which were revived from time to time whenever the Government found it inconvenient to have their way under the ordinary Criminal Law of the land. The talk of Passive Resistance was in the air all along and various Provincial Congress Committees had seriously considered the desirability and feasibility of adopting it, ever since August and September 1917, but nothing like a final decision was taken until the Rowlatt Bills, then popularly known as Black Bills, were published. The Bills were published on the 18th of January 1919, and came up for discussion on the floor of the Council in February 1919 — the first of them — the Criminal Law (Emer-

gency Powers) Bill — on the 6th and the second — Indian Criminal Law (Amendment) Bill on the 10th. While they were on the anvil in the Council, Gandhiji proclaimed his decision to start his Satyagraha campaign if those Bills passed, and undertook an extensive tour to popularise his programme. Several people did not understand why Mahatmaji should have chosen this comparatively narrow issue of Rowlatt Legislation for the inauguration of his gigantic Satyagraha movement, when he could have far more intelligibly made Self-Government proper the basis of his campaign. Even now, and even in the Congress camp itself, there are several people who have not grasped the essential strategy of Mahatmaji in this respect. Passive Resistance or Satyagraha could be successful only if the law or laws which you resist are unquestionably unjust *and* accepted as unjust, first, by *everybody* who offers the Resistance, secondly, by *everybody*, whether a Resister himself or no, who looks into the question with an unprejudiced mind, and thirdly, by a very large majority of the people. The Montford Reforms could not be such an issue. They may not have come up to the standard of a large section of the Indian public, but they were admitted by many as a real advance and at least as the outcome of a sincere effort on the part of those who formulated them. The release of the Home Rule internees or even of the Ali Brothers could not, in the nature of things, be an issue that could capture the hearts of a really large public. Here was, however, an issue that appeared to Mahatmaji to have satisfied all his requirements. The Rowlatt Bills, as he understood them and as a very large majority of the Indian people understood them, were calculated to stop all political agitation in the country, and were meant for that purpose. They were a piece of coercive legislation such as even revolutionary Ireland had not to endure in her worst days, which, in fact, surpassed in its rigour the repression involved in all the Crimes Acts of that unfortunate country. The injustice of this legislation was transparent, and it had come, so to say, as almost the last straw on the camel's back — in the wake of the Criminal Law Amendment Act of 1908, the Press Act of 1910, the Defence of India Act of 1915 and the revival of several obsolete regulations like the Regulation of 1818. The entire

country had looked upon this legislation as absolutely unjust — Moderates and Extremists alike. Here then was an opportunity for Passive Resistance being successful *only if it could remain non-violent*. Mahatmaji's tour aimed not so much at bringing home to the people the injustice of this legislation, as to teach them to be perfectly non-violent in the face of provocation. On the 24th of February, 1919, Mahatmaji only announced that he would lead his Satyagraha movement, if the Bills were passed; on the 18th of March he published the following pledge in that connection: "Being conscientiously of the opinion that the Bill known as the Indian Criminal Law Amendment Bill, No. 1 of 1919, and the Criminal Law Emergency Powers Bill, No. 2 of 1919, are unjust, subversive of the principles of liberty and justice, and destructive of the elementary rights of an individual on which the safety of India as a whole and the State itself is based, we solemnly affirm that in the event of these Bills becoming Law and until they are withdrawn, we shall *refuse* civilly to obey these laws and *such other laws* as the Committee, hereafter to be appointed, may think fit, and we further affirm that in the struggle we will faithfully follow truth and refrain from violence to life, person or property." The pledge was all right so far as it went, but which were the laws to be disobeyed and how? The laws must be enforced before they are disobeyed. As a matter of fact, the Rowlatt legislation was dead as a door-nail from the time it passed; no action was taken on it anywhere in the country. In fact, the Government had announced that they meant it to be what they thought would be a defensive weapon in their armoury against Revolutionary and Anarchical crimes, to be used only when occasions arose. Mahatmaji could not wait till then. The process of education in Satyagraha had to begin much earlier. In order to equip the Passive Resisters with the stamina to resist when the time came, Mahatmaji thought it best to inaugurate the movement with a fast, with what he thought was a process of purification. In fact, it was a process of education, for he did not want the would-be Resisters to sit at home and observe a fast. He proclaimed a *hartal*, which meant cessation of all routine work all over the country, *and public meetings* on a day to be fixed by him which was to be

observed as a day of fast, prayer and penance. The date originally fixed was the 30th of March 1919, but subsequently it was changed to the 6th of April. The change not having been notified in Delhi in time, the Delhi *hartal* was held on the original date, i.e., on the 30th of March. On that day Swami Shraddhanand, who led the procession, showed what Satyagraha essentially was. Some European soldiers threatened to shoot him. The Swami bared his chest and asked them to shoot. The Satyagraha worked on them, and they refrained from carrying out the threat, but the day did not pass off quite smoothly elsewhere. At the Delhi railway station there was a fracas resulting in 5 deaths and several casualties. The 6th of April demonstrations were on the whole more successful. What followed hereafter was neither Satyagraha nor anything connected with the Rowlatt Legislation pledge. If Gandhiji and the country had restricted themselves rigorously to the Rowlatt Legislation pledge, the results might have been different. The Amritsar fracas of the 10th of April was caused by the anxiety of the crowd to know the whereabouts of the Congress workers — Dr. Kitchlew and Dr. Satyapal,— who had been spirited away to some unknown place, presumably by the Punjab Government. The Ahmedabad fracas was occasioned by the news of the arrest of Gandhiji when he refused to obey the order not to enter the Punjab or Delhi. In fact he was only turned back from a way-side station by a special train to Bombay. The Punjab, Gujarat and, to a certain extent, Calcutta were thus involved in violence, but not in direct connection with the Rowlatt Legislation pledge, and yet as Gandhiji saw that it was almost impossible to restrain people to non-violence, he suspended the Satyagraha movement. Government gave him another opportunity very soon, but of that hereafter.

We shall now proceed to see the whys and wherefors of this Legislation. The Rowlatt Legislation had its roots in two factors which have played such a prominent part in the political life of India between the days of the first partition of Bengal (we say first, because, with Pakistan we have Bengal partitioned once more, and this second partition, though it has resulted in consequences far more disastrous, we have gulped down with much

more equanimity) and the days of the Montford Reforms. The first of these two factors was the undoubted existence of Revolutionary and Anarchical crime, prominently in Bengal, but also in the Punjab and Maharashtra; and the second was the inveterate habit of the British people to couple every measure of political reform with a piece of repressive legislation which, in effect, often, if not always, nullified the good the reform measure was expected to do. Let us first look at the first factor. In all countries which are governed by an alien people, there must always be a large number of men anxious to get rid of the foreign yoke as early as possible. Among these people there will be some who would go on constitutional lines if they could. Such people were ultimately won over in India towards the Indian National Congress and, later, to the Home Rule Leagues. On the other hand, there will always be others — firebrands — who will never be satisfied with the slow, depressing progress of constitutional methods, particularly when the constitutional methods receive a severe setback and show themselves to be almost ineffective. In particular, wherever there is a grave injustice which constitutional agitation cannot remove, not even alleviate, and the more extreme people cannot open their mouths, there is always a danger of subterranean crime. And this happens particularly in those parts of the country where the people have not forgotten the power they once enjoyed, when they were the rulers and not the ruled. In India, during the Mogul Rule, all real power was wielded by the Bengalees in Bengal — be they Hindus or Muslims, and the British people had taken over the administration from them. In the Punjab, it was the Sikhs who ruled before the British dispossessed them of their power. In Maharashtra the Chitpavan Brahmin had not yet forgotten that the Chitpavan Peshwa ruled over Maharashtra and more than Maharashtra, just before the British 'sat on their necks.' In these three provinces, therefore, the yearning for freedom from the foreign yoke was at its highest. The firebrands of these places could hardly be satisfied with the interminably slow method of constitutional agitation, and when some gross injustice was perpetrated in their province, they invariably resorted to some violent methods, and obviously such methods could only be underground.



After the 1857 War of Independence, the first considerable rebellion in India was that of Vasudev Balwant Phadke of Maharashtra — a Chitpavan Brahmin. That was in the Eighteen seventies. He raised a sort of guerilla army of *Mangs*, *Ramoshis* and other criminal tribes of Maharashtra, raided a few places and engaged himself in some dacoities, but before he could achieve any substantial result he was arrested (in 1879) and sent to Aden to serve his sentence of transportation for life. The first political murders were those of Rand and Ayerst in 1897 by the Chaphekar Brothers — also Chitpavan Brahmins, of Poona. They were occasioned by the mismanagement of the Plague situation and the atrocities committed by the British soldiers in and round about Poona.. The crime was discovered and the culprits were hanged. After this, and a long time thereafter, came the murder of Jackson at Nasik, also engineered by Chitpavan Brahmins. That was a part of the post-partition agitation. In the Punjab till 1914, except for some isolated cases, such as the agitation resulting in the deportation of Lala Lajpat Rai and Sardar Ajit Singh, there was hardly any trouble of this nature, and when it arose it was due to the fact that the Punjabis who returned to the Punjab from the various war theatres were thoroughly dissatisfied with the differential treatment they had received at the hands of the British, and the *Komagata Maru* and *Budge Budge* riot incidents, for which the British officials were as responsible as the Punjabis who had returned to India, had added fuel to the fire. Even if we take Sir Michael O'Dwyer's report to be correct, the entire trouble in the Punjab could be traced to the *Ghadr* movement, which was organised not in India, but on the Pacific Coast of America in 1911, by Har Dyal and his associates. The *Ghadr* newspaper was started in 1913. That year three Indian delegates from Canada came to India to arouse public opinion against the Canadian immigration laws. Their agitation was apparently at least quite constitutional, and in the eyes of Indians, quite justified. Michael O'Dwyer talked of various 'seditious movements' (not revolutionary) in the Punjab, but even according to him they began in 1907, i.e., after the Partition agitation that had spread all over the country. Since 1914,

or the beginning of the war, repression was evident in the Punjab in a violent form, with the result that the several thousands of men who now returned to the Punjab secured local adherents among the permanent inhabitants of the province, and a general rising was planned. The account of this rising, as given by Michael O'Dwyer, is as follows: Rash Behari Bose (the name shows that he was a Bengalee and not a Punjabi) and Pingle (a Maharashtra Brahmin) were among the principal Revolutionary leaders. They planned a mutiny on the 19th of February, 1915. The programme was, that on that night the *Ghadr* party should concentrate on the various cantonments where they expected to find adherents among the troops, and, with their aid, should raid the arsenals and magazines, secure the necessary arms and raise the standard of mutiny. All that was to happen *on the night* of the 19th of February. At 4-30 on that afternoon the C.I.D. raided the *Ghadr* Headquarters at Lahore, seized several of the leaders and also the firearms, bombs, bombing materials, incendiary literature, maps, lists of troops and the Revolutionary Flag. Let us remember that this was effected *before* the Defence of India Act was passed (March, 1915), and that that Act was not necessary for the disclosure, the Act of which O'Dwyer had such a high opinion. O'Dwyer did not make so much of these revolutionary activities. To him they were but 'temporary phases' of 'the seditious activities', 'which were in force before the war', and 'will remain in force after the war.' So when he supported the Rowlatt Bills, he was concerned, not so much with Revolutionary activities as with 'seditious activities'.

Coming to Bengal: There was no revolutionary or anarchical crime in Bengal till 1905. In fact, when Barin Kumar Ghose went from Baroda to Bengal, in 1903, to awaken Bengal to the atrocities of Government, he could not succeed. He had to wait till after the partition to rouse them to anarchical crime. With Lord Curzon's introduction of the Universities Bill in 1904, a virulent type of discontent began in Bengal, and what that Bill started was completed by the Partition of Bengal, and though 'the settled fact' of partition was unsettled by His Majesty when he visited India in 1911, the evils that started then were still

left behind. No body can deny that Bengal was seething with anarchical crime since the first bomb was thrown in 1906, and yet as Sir Verney Lovett, speaking in defence of the Government, said, and as was pointed out in the Rowlatt Report (in paragraph 174), 'it was only when the Bengal conspiracies had enjoyed a two years' run, *when two English ladies were murdered*' that the first preventive Bill of these later years was enacted'. So long as the anarchical crime affected only the Indian Police, the Government did not bother so much about it!

So the fact that Revolutionary and Anarchical crime was prevalent in India from, say, the year 1906, particularly in Bengal, but not restricted to Bengal, the Punjab and Maharashtra contributing to it, may be taken as undisputed. One may perhaps wonder, however, if this did not reach its dangerous proportions because of the comparative inefficiency of the Police. We must realise that, under the British rule in India, the Police Department, until comparatively recently, hardly attracted the best intellect of India. The superior officers were all European, with an inadequate knowledge of the psychology of the people, and the lower officers were recruited from the uneducated or ill-educated masses whose claims to promotion and higher emoluments depended entirely on their capacity to fawn upon their superiors. If they did not discover Revolutionary or Anarchical crime with that alacrity which we well might ask of an efficient Police Department, their success in unearthing ordinary crime was hardly much greater. As Sarma suggested in the course of the debate on the Rowlatt Bills, the remedy for the state of things in Bengal was 'to make the police in general' and the Bengal police in particular, more efficient.'

To turn now to the second factor: The Morley-Minto Reforms were preceded by the Criminal Law Amendment Bill of 1908, and succeeded by the Press Act of 1910. The Defence of India Act of 1915 naturally stands on a different level, but the use that was made of it for purposes quite different from those for which it was intended, showed that they contemplated full use of it, while the air was thick with the coming of the Montford Reforms. And now that the Montford Reforms were actu-

ally on the anvil, they were anxious to enact this Rowlatt legislation. In Ireland, the British people had done almost the same things. With every land reform which they introduced there, they also introduced coercive legislation like the several Crimes Acts, which nullified what little good they were likely to achieve by their reform. The fact is that the British public, with its party Government, has been accustomed, through ages, to this system of sail and ballast, and the British Government, whatever its character — whether Conservative or Liberal or Labour — must concede something to the opposition. The Rowlatt legislation was thus a concession to the Sydenhamites who had been showing their undisguised opposition to the Reforms contemplated in the Montford Scheme.

The first reference to the Rowlatt Report in the Imperial Council was made, on the 19th of September, 1918, by Sir William Vincent in his speech on Khaparde's Resolution asking for the appointment of a Committee to inquire and report on the effect of Press Legislation in India. In opposing that Resolution, he said: "In reply to a public demand we appointed last year a Committee to inquire into the existence of sedition and the measures necessary to cope with it. What has been the result? Wherever the inquiry has shown that complaints of grievances are ill-founded, the report is immediately rejected by a certain section of the public and the press." And again: "A perusal of the Rowlatt Committee's Report, which we shall have an opportunity of discussing, I hope, in a few days, will reveal to Members of this Council what the dangers of an unbridled press mean." Khaparde also made a reference to the Rowlatt Report in the course of his reply in this debate: "Unfortunately the Rowlatt Commission — or rather, I should say, I suppose, the Sedition Commission — was not an open inquiry.. There is a Resolution which I am to move, which comes on for hearing on the 23rd of this month, with regard to this matter, and I shall then explain myself at greater length." Sir William Vincent got a snub from the Vice-President, who presided on that occasion, when he taunted Khaparde with inconsistency in asking for an Inquiry on one subject and in his very next Resolution saying 'hold the result of another inquiry (the Rowlatt

inquiry) back !' and Khaparde said that he asked for an *open* inquiry and not an *in camera* inquiry — the Vice-President justifying Khaparde and in effect telling Vincent that he was wrong in charging Khaparde with inconsistency. This Resolution of Khaparde was lost with 15 Ayes and 37 Noes — Vithalbhai, of course, being one of the Ayes. He did not, however, make any speech and remained content with a silent vote in its favour.

On the 23rd of September, 1918, Khaparde moved the following Resolution: "This Council recommends to the Governor-General in Council that the consideration and disposal of the Report of the Sedition Committee of 1918 be kept in abeyance, and that a thorough and searching inquiry be undertaken by a mixed committee of an equal number of officials and non-official Indians into the working of the Criminal Investigation Department, including the Central Intelligence Department." Khaparde pointed out that the Rowlatt Committee had held their sittings *in camera*, that the names of the witnesses were not disclosed, their statements were not produced for inspection, that such information as the Council wanted for verification was withheld from the Council, that certain persons who were specially mentioned in the Report were not sent up for examination, that persons whose conduct was gone into were not produced before the Commission — nor were they represented by Counsel, that there was no effective cross-examination of witnesses — that, in fact, the inquiry was an *ex parte* inquiry and therefore difficult to accept, and, what was worse the whole of the judgment was not there — various passages were omitted and only indicated by stars. He further pointed out that in the whole of that Report there was no investigation made as to the causes which made 'these misguided people to go into wrong ways'. Further he said: "Much stress has been laid, I know, on the circumstance that the Committee was composed of five eminent Judges, so they really are, and I quite bow to their great authority, their great experience and their great learning. But when we ask them to judge and give a report upon a case like this, it is like asking a singer to make music without his instruments; it is like asking a painter to give us a good picture but to take

away from him all his brushes, all his paints and all his colours." While Khaparde spoke at length about the Rowlatt Committee and their report, he did not speak a word in his opening speech about the second part of his Resolution asking for an investigation of the C.I.D.

Vincent gave the following reasons for the appointment of the Rowlatt Committee: "We were aware of the existence of a widespread conspiracy extending over India and beyond the borders which aimed at the overthrow of the British Government. I do not refer merely to open manifestations of which we had instances at Singapore, in the Punjab, and elsewhere, or to the prevalence of revolutionary outrages in Bengal, but I refer also to the persistent underground working with ramifications throughout India by which constant attempts were made to seduce loyal subjects of His Majesty from their allegiance.. I say, My Lord, we were aware of this conspiracy, but for various reasons we were unable to make public the information in our possession... For the present we have certain machinery to deal with this class of crime under the emergency measures passed for the war, but this legislation is of a temporary character (so Government wanted this type of legislation to be of a permanent character!!). In these circumstances, the Government decided, at the instance, I ought to say, of the Bengal Government, to appoint a thoroughly impartial Committee to inquire into the extent of these conspiracies (so now we have *conspiracies* and not a conspiracy) and into the necessity for any special measures, outside the ordinary law, to cope with them." And then he began his special argument in which he recounted the special qualifications of the members of this Committee: (1) Justice Rowlatt, (2) Basil Scott, (3) Coomaraswamy Sastri, (4) Provasch Chandra Mitter ('and what Member of this Council will question his integrity or ability?'), and (5) Verney Lovett. Verney Lovett, who was a Member of the Council, as well as of the Rowlatt Committee, placed that Committee's position before the Council, and explained how that Committee did its **work efficiently and impartially**. Sastri said that he would not vote for the first part of the Resolution, that he would not 'ask for the shelving of this Report', but when measures would be

brought before the Council to carry out the recommendations of the Committee, he would scan them closely. But if the second part of the Resolution had been brought forward 'as a separate and independent proposition' or if the President in the course of the proceedings put it 'as a separate and independent proposition', he said that he would rather vote for it. He dilated at length on the C.I.D. dogging the footsteps of men like himself, Gokhale and even Sir Vitthal Das Damodardas Thackersey (for the reason that his name had a *Das* in it, and that was suspected to have a Bengali sound). It was Surendranath who pointed out that in the mind of Sydenham and others of his way of thinking, the Reform proposals and the Rowlatt Report were linked together. He added: "The Reform proposals are to Lord Sydenham and his party gall and wormwood, they are poison, and this Report they regard as an antidote." His view was that if the Council were assured that they would have the opportunity to discuss the recommendations of the Rowlatt Committee, there was absolutely no reason for the acceptance of that part of this Resolution. He was in favour of the second part, but thought that the time for that inquiry was 'not now.' Sapru would not 'discard the findings' of the Committee, but 'as regards the recommendations,' he said, 'I myself have considerable doubt as to the propriety or efficacy of some of the recommendations, but I do not think this is the occasion when I can go into those recommendations.' In regard to the second part, he wholeheartedly supported Sastri. Michael O'Dwyer recited the whole of the *Ghadr* story and eulogised the C.I.D. Shafi dealt with the Resolution 'from the point of view of a lawyer and a lawyer alone.' He could have well understood Khaparde's 'moving a Resolution in connection with any action that the Government of India actually proposed to take on the Rowlatt Committee's Report.' But he thought that the first part of the Resolution should be rejected because 'it is entirely premature.' The second part he would reject, because the complainant himself had not supported his complaint. The Resolution, as it was worded, embarrassed Jinnah. He would not accept the Government contention that the matters dealt with in the report were 'not political matters, but crimes.' He said: "They are politi-

## THE ROWLATT BILLS

cal matters and very much so." He added: "You cannot ask us to help you to prevent crimes when you lay down the policy without consulting us. If you want us to co-operate with you, then associate us with you and give us a certain amount of control, responsibility in the policies which you are laying down for the Government of this country." Further he said: "With some of the recommendations of the Rowlatt Committee I may agree, but there are others which I am quite sure no civilized Government will accept, no civilized Government will ever dream of putting those recommendations in the form of laws." He ended his speech, however, with the hope that Khaparde would 'not press his Resolution in the form' in which he had put it. Lowndes intereved to castigate Jinnah for his disrespect to the Committee and also for the purpose of expressing Government's opposition to divide the resolution in two parts. Khaparde agreed with Lowndes in looking upon his Resolution as an undivided whole, with the result that besides himself, Shukul was the only member who went into the Aye lobby. The result of the division was: Ayes 2 and Noes 46. Vithalbai took no part either in the debate or in the voting on this Resolution.

On the 16th of February, 1919, Sir William Vincent moved the Criminal Law (Emergency Powers) Bill. He said that for some time before the war (1914-18 war) the Government of India were faced with the difficulty of dealing with a number of revolutionary conspiracies or rather (he corrected himself) with one revolutionary conspiracy of which there were several subdivisions, that the movement was effectively scotched by the Government under the powers conferred on it by the Defence of India Act, that this legislation would take more or less the place of the Defence of India Act, that it was not 'nearly as wide as that Act' and that it could not be used against any activities other than seditious activities, 'even though they may endanger or tend to endanger the public safety. The Bill was divided into five parts. *The first part provided for the speedy trial of offences. It could be brought into operation only when the Governor-General in Council was satisfied that scheduled offences were prevalent in the whole or any part of British India, and that it was expedient to provide for their speedy trial. This*



part enabled such offences to be tried by a strong Court consisting of three High Court Judges, *without commitment and with no right of appeal*. It also provided for trials being held in the locality or near the locality where the offence was committed, and also for trials *in camera*. It allowed statements of persons *not examined as witnesses to be used in evidence* in certain circumstances. It allowed accused persons to give evidence on their *own behalf*. The *second part* of the Bill dealt with *preventive measures*. The powers of the Local Government, when this part was to be brought into operation, could be exercised only in respect of persons *reasonably believed* to be or to have been concerned in such area in any movement *likely to lead* to the commission of offences against the State. In such cases the Local Government could either order the person so concerned *to furnish security or to notify his residence, or to reside in a particular area or to abstain from any act specified or to report himself to the Police*. The only safeguard provided against the abuse of these powers was the constitution of an *Investigating Authority* (including one judicial officer and one non-official Indian) which could examine the material upon which orders against any person were framed. The Bill also provided for the constitution of *Visiting Committees* to see to the welfare of such persons. *Part three* gave power to the Local Government, where there was *reasonable ground* for believing that a person has been concerned in a *scheduled offence*, to direct the arrest of such person and his confinement in such place and under such conditions as they thought it fit to prescribe. The same so-called safeguards, as in Part two, of an Investigating Authority and Visiting Committees applied to this part also, and this part could come into operation when the Governor-General in Council was satisfied that *scheduled offences had been committed or were being committed to such an extent as to endanger the public safety*. *Part four*, applied the provisions of part three automatically to persons already known to have been concerned in revolutionary crime and who were under restriction under the Defence of India Act by reason of that connection. *Part five* was mainly ancillary and contained the schedule of offences.

Vincent was at some pains in trying to convince the Coun-

cil that the Bill did not aim at Patriots, that it aimed at Criminals, that it did not aim at the suppression of politics and that it aimed 'rather at the purification of politics'. Vincent did not omit placing the Sydenhamite view before the Council, for he said: "My Lord, there are many who are watching the *conduct* of this Council on this occasion with great interest; it will *be regarded by many as a test of capacity* — whether the Members of the Council have the courage to do what is right in assisting the Government in its first duty, the maintenance of the public tranquility. Will the Members be found wanting, and *give a right* to any one to say that their attitude on this question indicates *their unfitness for Responsible Government*."

Vincent, without going into any of the usual formalities, introduced this Bill and moved that it be referred to a Select Committee, with instructions to report on or before the 6th of March, 1919. The Select Committee consisted of (1) Lowndes, (2) Malaviya, (3) Shafi, (4) Muddiman, (5) Sastri, (6) Nawab Ali Chaudhari, (7) Kincaid, (8) Khaparde, (9) Surendranath, (10) Fagan, (11) Vithalbai, (12) Verney Lovett, (13) Du Boulay, (14) Emerson and (15) Vincent.

Vithalbai, who had taken no part in the debates on Khaparde's Resolutions connected directly or indirectly with the Rowlatt Report, now stood up as soon as Vincent ended his speech moving his Introduction of the Bill, and moved the following amendment:—

"That the consideration of this Bill be deferred till six months have elapsed after the expiry of the term of office of this Legislative Council."

Vithalbai started his speech with the statement that no sensible Indian could be charged with having any the slightest sympathy with anarchists or anarchism, and that the interests of the people and the Government were identical in the matter of putting down anarchists and anarchism. But he added that the difference was 'in the methods, in the ways and means as to how to put down these anarchists and anarchism.' Further he said: "In every country, My Lord, revolutionary crime is really the outcome of what I may call political and administrative stagnation; if the political advancement of a country is

really very slow and does not keep with the times, this sort of crime is bound to raise its head and disturb the peace of the country. What is then the remedy? The remedy, I submit, does not lie in repressive measures, but I am strongly of opinion that the remedy lies in the removal of the standing grievances which bring revolutionary crime into existence. We are all very glad that the Reforms are coming. The very publication of them has a good deal to do with the creation of a smooth atmosphere to some extent, and I am absolutely certain, My Lord, that when these reforms actually do come, *particularly with the modifications suggested by the leaders of public opinion* — I mean the main modifications — I have not the slightest doubt in my mind that revolutionary crime will almost disappear. It is said by the Hon'ble Sir William Vincent that anarchists are opposed to reforms, they will have nothing to do with Mr. Montagu or the Viceroy or their Reforms Report; that what they want to do is to terrorise the Government and make it impossible. Well, I assume that that is so. But I say that for revolutionary crime to advance, a sort of general discontent — I should say an atmosphere of general discontent — is absolutely necessary. But let me assure Your Excellency and this Council that as soon as the Reforms are granted — why, their very publication has done a great deal — as soon as they are introduced, the general atmosphere of discontent will give place to an atmosphere of contentment, with the result that revolutionary crime will tend to disappear." He pointed out that his amendment only asked for postponement, and that even the Rowlatt Committee had not contemplated that their recommendations should be put into effect under any circumstances, that the circumstances had altered, and, even at the time they reported, Revolutionary crime had ceased to exist. He believed that the passage of this measure at that juncture would materially affect the reception of the reforms in India. And then he added: "My Lord, I cannot disguise the fact that the whole country from one end to the other is entirely opposed to this measure, and I am absolutely certain, and I shall be very very sorry to see it, that the passage of this Bill will stir up, in fact the introduction of it has already stirred up, a tremendous and unprecedented

agitation in the country at a time when great changes are in sight. Surely Government intends that the Reforms should be given a fair trial, and I am afraid that that intention of Government will not be fulfilled if at this juncture this measure is passed. I must say that I am not at all surprised that the Government have thought it proper to introduce this measure at this juncture. *It is one of those blunders which a Government not responsible to the people is likely to commit in moments of excitement.* What I am, however, surprised at, really, is that a Bill of this kind should have been brought forward at a time when people really expected the introduction and discussion in this Council of measures which would bring them more liberty, more contentment, measures which really conduce to the greater well-being of the people in matters political, in matters social, and in matters industrial." At this time, Vithalbai did not go into the merits of the measures. What he wanted to emphasise was that they were inopportune. He wanted the Reformed Council to discuss measures of this type, and that is why his amendment had taken the shape it did. In passing, Vithalbai here showed up the impotence of the Council as it was and the all-powerful nature of the Executive, by referring to the extension of the term of the Council by executive order — the Council not even being consulted in the matter. He wound up his speech thus: "As I said, I do not wish to go into the merits of the Bill. It would be sufficient for my purpose to say that we are mightily afraid of it, and we think that all our constitutional agitation for any reforms whatsoever will die if these Bills are passed into law."

Surendranath complained against the inopportuneness of the Bill, as well as of the principles which underlay some of its provisions, and added that it was the mature and deliberate judgment of the Moderate or Liberal party that the Bills, if passed, would cripple all political activities of the country and bring about the stagnation of Indian public life. He confessed that there was a fringe of the population who supported revolutionary ideas, but that they could be counted by hundreds. "They are", he said, "a handful as compared to the myriad millions of our vast population", and asked "are the sins of the few to be visited upon the heads of the countless millions of the

people of India?" He pointed out that the Defence of India Act was then in force and would be in force until six months after the conclusion of the peace, and that the negotiations for peace would take at least three or four months, and that meant that at least up to the 31st December, 1919, no such law as was proposed in these Bills was needed. Again, it was open to Government to revive the Defence of India Act by ordinance and make it continue till June 1920. He referred to the well-known dictum of Burke about conciliation preceding coercion, and taxed Government with having reversed the order of things. Chanda entered 'a most emphatic and earnest protest' against the Bill. In his speech he referred to the state of things in Ireland to which Asquith and Morley had alluded, and gave some extracts from their speeches. This from Asquith: "The best way to get rid of the *Sinn Fein* is to grant Self-Government to Ireland. This will make short work of *Sinn Feiners*." And this from Morley: "If I know anything in this world, it is the record and working of the Irish Coercion Act since 1881, and that the Irish Crimes Act was the most egregious failure in the whole history of exceptional legislation." Chanda doubted whether the Council had the power to pass this law, and quoted, in support of that view, the following from the Rowlatt Report itself: "In making suggestion for legislation we have not considered at all whether it could be argued that such legislation is in any respect beyond the competence of the Governor-General in Council. We have no authority to lay down the law on any such point, and any provisional assumption as the basis of our proposals would only cause embarrassment." Jinnah's grounds of opposition were: (1) it was against the fundamental principles of law and justice — namely, that no man should lose his liberty without a judicial trial in accordance with the accepted rules of evidence and procedure; (2) this was a wrong remedy for the disease — namely, these revolutionary crimes; (3) judicial powers assumed by the Executive are likely to be abused and have been abused in the past; (4) there was no precedent or parallel for such laws in any other civilized country; (5) this was a most inopportune moment; (6) the measures were of a permanent character; and

(7) 'If these measures are passed, you will create in this country from one end to the other a discontent and agitation, the like of which you have not witnessed, and it will have, believe me, a most disastrous effect upon the good relations that have existed between the Government and the people.' Jinnah admitted that the powers given by these measures could deal more effectively than otherwise with conspiracies, but "what guarantee", he asked, "is there for the innocent?" He went on: "Then you will ask, don't you trust the executive? My answer is that I certainly cannot trust the executive, because I am a firm believer, — I do not care how many Rowlatt Committees will decide and recommend — I am a firm believer that no man's liberty should be taken away for a single minute without a proper judicial inquiry." He then took up some of the so-called preventive measures and exposed the iniquities that lay patent in them, and showed how hollow the so-called safeguards were. He went so far as to say that with the passing of these measures there would 'be an end to political life and freedom in this country.' Malaviya started with asking for 'papers or returns' relating to the Bill, 'any minute which may have been recorded' by Government and 'any correspondence that may have passed' between the Government and the Secretary of State. He was told that there were 'no papers or returns *in the custody of the Secretary to the Council*', and the President told him that he would tell him (Malaviya) the next day whether he could grant his request, and the next day he told him that the papers could not be given but that the Secretary of State was asked to agree to the publication of the Bill under Rule 23 and that his reply was in the affirmative. Malaviya then pointed out that all the ordinary rules of procedure were thrown overboard in the introduction of this measure and without the slightest justification being offered for the step. Then he went into the history of revolutionary or anarchical crime in India and squarely put the ultimate responsibility for them upon the Government, both Provincial and Imperial. Scanning the summary of the Rowlatt Report itself he showed how revolutionary tendencies and crimes had not been discovered in every province equally and how it had been effectively dealt with wherever it occurred. In view of that Report he asked

Government seriously to consider whether there was any justification for 'passing an all-India legislation' of that character. Then he went into several details of the Bill and showed how subversive of all principles of justice most of them were, and submitted that the Bill be dropped. Rangaswamy said: "Drunk deep in the methods of the British administration and assimilating the true spirit of justice, we cannot but oppose such a piece of legislation." Further he pointed out: "We have seen how all the assurances that the Press Act and the Defence of India Act would be used only against anarchism and enemy action, respectively, have been set at naught by the executive, and how these Acts have been used to put a stop to political and constitutional activities." Shukul pointed out that there was a real danger that the Bill would seriously threaten the liberties of the innocent people, and wound up his speech thus: "If the Government do not heed this and let the Bill proceed, there will certainly follow a violent agitation the like of which India has never witnessed before, and the responsibility for the same will then be yours, My Lord, and not ours." Verney Lovett asked the Members of the Council to lead and not to follow the people and to explain to them the facts that underlay the Rowlatt legislation. Sapru said: "My Lord, the path of duty being clear, I have decided that I must oppose this Bill and support the motion which has been put down before this Council by my Hon'ble colleague, Mr. Patel." He had no hesitation in saying that the Bill was 'wholly wrong in principle, unsound in its operation and too sweeping and too comprehensive, indeed far more comprehensive than many of us are prepared to admit at the present moment.' He objected to such a Bill being ever kept permanently on the Statute-Book and he thought that it was most inopportune. Khaparde emphasised the point, which Sapru also had made and several others, that this legislation was *ultra vires*. He maintained that it was the business of the Police and the C.I.D. to collect the requisite evidence for the convictions of the revolutionary criminals, and if they could not collect it, that pointed to the inefficiency of the Police and not to any inefficiency or defect of the law. He was sure that if these Bills passed, they would prevent political discussions being

held in India. Even Chitnavis spoke against this Bill. He said: "There is a general consensus of opinion in the country that these Bills cast an unmerited slur on provinces where no such anarchical or revolutionary tendencies prevailed." Shafi supported Surendranath's amendment, which, in effect, came to the same thing as Vithalbai's. What he said is this: "Adopt the course suggested to you by my friend the Hon'ble Mr. Surendranath Bannerjea. What does that course amount to? It amounts to this, that the Select Committee shall report to this Council six weeks after the passing of the Reforms Act in Parliament, on the Bills which have been introduced in the Council today." The Raja of Mahmudabad also spoke against the Bill: "The Bill, as it stands, is in my humble opinion and in the opinion of those whom I have the honour to represent, inopportune, unsound, uncalled for and un-British." Krishna Sahay said: "It is because I believe that the passage of this Bill through the Council will blast all our anticipations, all our hopes, that I raise my voice against the motion and support the amendment moved by the Hon'ble Mr. Patel." Currimbhoy protested against the principles of the Bill itself, but he added: "If still Your Lordship's Government think it essential that a Bill of this nature be introduced, I would appeal to Your Lordship's Government to accept the Hon'ble Mr. Patel's amendment of deferring this Bill until the Reform Councils are formed." Raja Rampal Singh, Mir Asad Ali and Sitanath Ray supported Vithalbai's amendment in eloquent speeches, and then Lowndes, on behalf of the Government, admitted frankly that they had 'practically the whole opinion of the non-official members' against them. He said that Government had every *desire* to respect non-official opinion, but he said: "If we are asked to surrender our own judgment, maturely and carefully come to, on a very difficult question of policy, it is impossible for us to do so, even to the *unanimous opinion* of non-official Members, *who are not in* the position of responsibility in which the Government is." The argument which stalked airily in his speech was: "The Commission consisted of an English Judge, sitting with Indian Judges of long experience and great weight, with a non-official Indian Member as well upon it, and their recommendations were



unanimous. Can we as a Responsible Government refuse to follow them? Can we as a Responsible Government accept as conclusive my Hon'ble friend, Pandit Madan Mohan Malaviya's statement that he does not agree with their recommendations?" He tried to answer the contention in regard to the legal flaws of the Bill, but his defence was feeble, and he had to say: "I think it right to say, speaking for myself as a lawyer who has practised for some years under the English system of Law, that *I have a great dislike to legislation of this kind*, and I would not support it as I do whole-heartedly now, unless I was absolutely satisfied myself that it is necessary." Sarma put it that the broad, naked issue was whether the people should be satisfied under the present circumstances with a rule by the bureaucracy, by the Executive, pure and simple, uncontrolled by the judiciary. If they had to discard the judiciary, that was a confession of inefficiency, a confession of absolute failure. If the Government wanted a constructive proposal, here was Sarma's proposal: Let them put law and order under the control of a representative assembly. Mazharul Haque warned the Government in the following words: "My Lord, Your Excellency's Government is standing on the brink of a precipice. I entreat Your Lordship with all the earnestness I can command to pause before taking the final leap." Sastri thought that the course taken by the Government in recommending to the Council *permanent* legislation involving alterations in the Penal Code and the Criminal Procedure Code went beyond the recommendations of the Rowlatt Committee. He told the Government that when Government undertook a repressive policy, he could say from experience, the innocent were not safe. The man who interfered in politics, the man who went about collecting money for any public purpose, the man who addressed a public meeting, at such times, became a suspect. He said that the proposals of Government betrayed a somewhat *callous* disregard of liberty, and wound up his speech in these words: "I have yet borne no part in this agitation, but if everything goes wrong, if we are face to face with this legislation, how it is possible for me with the views that I hold to abstain from agitation, I for one cannot say."

Vithalbhai's reply speech was short and terse. He said: "So far as we, non-official Members, are concerned, we have made our position perfectly clear. We have with one voice made it clear to you that we are opposed to this measure. We have made it clear that the passage of this measure will put an end to all constitutional agitation in the country. We have also made it clear that the passage of this measure will affect the reception of the proposed Reforms." He wound up by saying: "We have left no stone unturned to convince Your Excellency and Your Excellency's Government that such a tremendous and unprecedented agitation will follow the passage of this Bill that perhaps it will be difficult for Government to meet the situation. In spite of that, if Your Excellency's Government with the assistance of the official majority choose to pass the measure, the responsibility is yours."

All the non-official Indians except Nandi and Nawab Ali Chowdhari (who remained non-voting) voted in favour of Vithalbhai's amendment, the two non-official Europeans voting with the Official Block (Ayes 22, Noes 35). For the similar amendment of Surendranath the voting was: Ayes 21 and Noes 34. Here one of the non-official Europeans (Hogg) voted Aye and thus reduced the Government majority by one. Non-official Indian vote was 21 only, because Vithalbhai, Jinnah, Rampal Singh and Chanda did not vote for Surendranath's amendment, but it received, besides Hogg's support, the support of Nandi and Chowdhari. Chanda withdrew his own amendment, and Vincent now replied on the original or general motion. In that speech he made much of the findings of Chandavarkar and Beachcroft who justified the internment and punishment of 800 out of 806 persons punished under the Defence of India Act, and promised to make such amendments as he could in the Bill, if they could be made without impairing the efficiency of its machinery, and also to consider whether the character of the Bill could be changed from permanent to temporary. The motion that the Bill be referred to the Select Committee was passed with 36 Ayes and 21 Noes — the 36th Aye was Sir Gangadhar Chitnavis, who had voted with Vithalbhai and Surendranath on their amendments.

On the 10th of February, 1919, Sir Willian Vincent introduced the other Rowlatt Bill — The Indian Criminal Law (Amendment) Bill. Before introducing this Bill, Vincent, on behalf of the Government, announced that the Government were willing that the first Bill — the Emergency Powers Bill — should remain in force for a period of three years only after the conclusion of peace. Here he unwittingly disclosed that the Government of India was closely following the British Government's Irish Policy, for he said that there was a precedent for this course in the procedure adopted in the United Kingdom at one time over the Irish Coercion Act. That Act was put in force for three years at first, and extended later for another two years. The implied suggestion was that if things did not improve within three years, Government would extend it for a further period of two years at least. The Second Bill, like the first was based on the recommendations of the Rowlatt Report, but, unlike it, it aimed at making permanent changes in the ordinary Criminal Law of the land. The second Clause provided that any person, who had in his possession a seditious document would, unless he could prove that his possession of it was for a lawful purpose, be punishable with imprisonment up to two years. Clause 3 authorised a District Magistrate to direct a preliminary inquiry to be made by the Police in the case of certain offences. Clause 4 enabled Government to offer protection to an accused person who would be willing to give King's evidence. Clause 5 provided that where a person was accused of an offence against the State, evidence of the fact that he has previously been convicted of a similar offence, or that he habitually and voluntarily associates with any person convicted of such an offence, would be admissible against him. Clause 6 provided that when a man had been convicted of an offence against the State, then the court might order him to execute a bond for his good behaviour for a term not exceeding two years after the expiration of his sentence. If the security was not furnished, the Local Government was authorised to impose drastic restrictions on him: restrictions (1) that he shall not enter, reside or remain in any area specified; (2) shall reside or remain in any specified area; (3) shall abstain from addressing public meetings for the

furtherance or discussion of any subject likely to cause disturbance or public excitement, or of *any political subject*, or for the distribution of any written or printed matter relating to any such subject. Vincent moved, after briefly explaining the changes proposed by this Bill, that it be referred to a Select Committee consisting of Lowndes, Malaviya, Shafi, Muddiman, Sastri, Nawab Ali Chaudhari, Kincaid, Khaparde, Surendranath, Fagan, Vithalbhai, Verney Lovett, Du Boulay, Emerson and Vincent himself, with instructions to report on or before the 6th of March, 1919.

As soon as Vincent sat down, Vithalbhai rose to move the following amendment: "That the consideration of this Bill be deferred till six months have elapsed after the expiry of the term of office of this Legislative Council."

At the outset Vithalbhai thanked the Government for limiting the duration of these Acts for three years only. Vincent corrected him and told him that the first Bill only was to be so treated. Vithalbhai then proceeded to examine the provisions of the Bill: "Clause 2 of the Bill proposes to insert a new Section in the Indian Penal Code, Section 124-B, making the possession of a seditious document penal. The law of sedition in this country, to put it briefly, is this: the Indian Penal Code was drafted in the thirties of the last century; there was no section on sedition inserted then, nor was it inserted when it was revised in 1860; it was for the first time in 1871 that the Section on sedition found a place in the Indian Penal Code, but then it was distinctly laid down that the publication of the words itself, unless it was followed by actual disturbance in the country, would not be an offence. Then again in 1898, further alteration was made, and it was laid down that mere publication of the objectionable words would be an offence. It is now proposed, My Lord, not to be satisfied with mere publication of the words, but the possession of any document containing objectionable words shall also be penalised. The next stage perhaps would be to penalise a person who thinks sedition. Then again, hitherto sedition was restricted to words directed against His Majesty or the Government established by law in this country. But it is now intended to go further and to provide that a person would be punished if the words are directed not only against

His Majesty, or the Government by the law established in this country, but also against officials generally, or any individual officer, meaning thereby that if, for instance, an accused person who has been acquitted by a Magistrate were to contribute an article in a newspaper detailing the circumstances under which he was being treated and the manner in which he was treated, while in Police custody, by a particular policeman, and if these words are likely, directly or indirectly, to affect what is described in the Section as the use of criminal force against that policeman"...Lowndes here corrected Vithalbhai — and said, not *affecting*, but *instigating* the use of criminal force. Vithalbhai accepted the correction and went on: "If these words directly or indirectly are likely to instigate the use of criminal force against that policeman who is alleged to have maltreated that accused person, and if that newspaper comes into the possession, in the ordinary course, of some person who was a subscriber, that subscriber is likely to be hauled up before a Magistrate, and, unless he proves that he came by that document in a lawful manner, he will have to suffer the consequences. That, shortly put, is the Section which we are now considering. The trial will not necessarily be in the ordinary court of law, because we have in considering this Bill, to take into consideration the provisions of the other Bill under which the Governor-General in Council under the provisions of that law will be empowered to declare that in any particular area crimes under Chapter VI have been prevailing including this crime also." Vithalbhai then proceeded to show that by Clause 5 of the Bill in cases under Chapter VI evidence of previous convictions of any offence under that chapter was made admissible under any circumstances. Indeed the Clause went further and said: "The fact of association of an accused person with a person convicted under Chapter VI will also be a relevant fact." Vithalbhai said this was a most dangerous innovation in the law of evidence. Then he turned to Clause 6, detailed its contents, and pointed out that that Clause completely reversed the normal policy of the law. By it the first offender was dealt with, not leniently as before, but very harshly. The most dangerous part of that Section, Vithalbhai pointed out, was that which dealt with public meetings. In the end he said:

"I do think that any attempt to pass this measure will create great agitation, and I trust that Your Excellency's Government will carefully consider the situation."

Surendranath's amendment was similar to Vithalbai's — he wanted the Select Committee to report, not on or before the 6th of March, but 'within six weeks after the passing in Parliament of the Reform Bill.' As, during the debate on the earlier Bill, here also he spoke immediately after Vithalbai. He asked the Home Member whether he would consent to put in the Bill a specific statement to the effect that it would be confined to anarchical and revolutionary crimes. He referred to two Clauses only — Clauses 2 and 5 and how in certain circumstances they would cause havoc. He hoped that this Bill would either be made temporary or altogether dropped. Talking of the second Clause, Sapru ventured to submit 'that not even the Hon'ble the Home Member would be safe,' if there happened to be some enterprising Policeman somewhere about the Council chamber, who might make himself immortal in the history of this country by laying hands on the Home Member. "Then it will be", said Sapru, "for Sir William to call Your Lordship and every one of us in evidence to show that he was holding these documents for a lawful purpose." He submitted that the least that the Government could do was to republish the Bill and have it circulated among the Local Governments and the High Courts and invite public opinion freely. He also asked Government to say plainly that the acts contemplated under this Bill were acts of an anarchical or revolutionary character, and not merely 'certain acts dangerous to the State.' He ended his speech thus: "I will strongly support the motion of my friend, the Hon'ble Mr. Patel and urge upon Your Lordship's Government, out of deference to public opinion in the whole country which has been very much agitated on this question, to republish this Bill at least, if you are not prepared to drop it as I would like you very much to do." The Raja of Kanika viewed this Bill with grave misgivings. Chanda pointed out that an impression was gaining ground in the country that the object of this measure was to put down political agitation. He read to the Council portions of a letter from one of the prisoners in the Andamans

in which the following significant remarks appeared: "We are supposed to be revolutionaries, and so we have been punished; but when it is the declared policy of the British Government to grant Self-Government to India within a limited period, *the work of revolutionaries is finished.*" Chanda urged that such a letter went a long way to show that there was no necessity for any repressive legislation at the moment. Vithalbai had talked of enacting a law for *thinking* sedition. Chanda went a step further and said the Home Member may attempt to put down *dreaming* of sedition. Khaparde whole-heartedly supported Vithalbai's amendment. Malaviya hoped that the Government would 'deal with this Bill in a larger spirit than it did with the previous Bill.' Sarma hoped that, before such a Bill was placed on the Statute-book, wider publicity, greater time and opportunity would be given to the public to criticise and comprehend its provisions, and that legislation would not be rushed through. The whole speech of Lowndes looks like an *apologia*. He depended upon improvements at the Committee stage: "We all want to prevent seditious documents being published, and when we are sitting round the table in Committee... we shall no doubt be able to redraft such sections as required redrafting."

Vincent showed his willingness to make it clear that these Bills aimed at dealing with anarchical and revolutionary crime alone. He also, like Lowndes, thought that Government could meet the non-officials half way in the Select Committee. He was against postponement at the time, but if considerable changes were made in the Select Committee he said they would consider the necessity for further postponement. Vithalbai said he had nothing to say in reply. His amendment was put and negatived. Surendranath's amendment was now placed before the Council by the President, as Surendranath was absent in connection with the Franchise Committee. Malaviya suggested that the Bill should be circulated. Lowndes said that the Select Committee might propose that if they thought it necessary. The amendment was then put and negatived. Chanda had two amendments — the first of which was moved and negatived and the second withdrawn.

The Report of the Select Committee on the Criminal Law

(Emergency Powers) Bill was presented by Vincent on the 1st, and that on the Indian Criminal Law (Amendment Bill) on the 8th of March, 1919. (On the 1st of March, Vincent had got the date for the presentation of this report extended from the 6th of March to the 10th of March, 1919. On the 26th of February he had got put on the Committee Moore and Moncrieff Smith *vice* Lovett and Muddiman who were found to be unable to attend the meetings of the Committee).

Criminal Law (Emergency Powers) Bill came up for consideration on the 12th of March, 1919. The Report of the Select Committee was not signed by some of its members, including Vithalbhai and Malaviya. They had put in their dissenting minutes, but His Excellency the President had ruled that the Members who wished to put in a dissenting minute had to sign the report. So, before calling upon Vincent to make his speech, His Excellency informed the Council of that Ruling. On account of that Ruling the first three motions on the Bill, which challenged the Report on the ground of its incompleteness, were ruled out of order.

In opening the debate at the consideration stage, Vincent contended that Government had fulfilled the three undertakings they had given when the Bill was under discussion before. (1) The operation of the Bill was limited to three years; (2) in the Preamble and in the opening Sections of the different parts of the Bill, it was abundantly clear that the application of the Bill was strictly confined to the activities of revolutionary and anarchical conspirators; and (3) in deference to the wishes of several members, 'substantial' modifications were made in the Bill itself. The first three amendments that were ruled out of order were those of Vithalbhai, Khaparde and Shukul. Vithalbhai obtained some hearing, because he said that he would not discuss the point of order on which the President had ruled. He maintained that the Report of the Select Committee was both an invalid and an incomplete document, (1) because the Ruling of the *Chairman of the Select Committee* that principles of the Bill could not be discussed in the Select Committee was wrong; and (2) because his other Ruling, that it was not within the competence of the Select Committee to recommend to the Council that



the Indian Legislative Council had no powers to enact such a law, was also wrong. His Excellency ruled that the Chairman's Rulings were quite correct, and so Vithalbhai's motion was out of order. Khaparde contended that the Report was incomplete because it was not a faithful representation of what happened in the Committee, as it omitted the mention of several amendments made there. His Excellency ruled that motion also out of order, because those amendments which were omitted were in respect of the principles of the Bill, and the Chairman was right in not including them in the Report. Shukul had moved that the Bill be recommitted to the Select Committee to complete its report. In view of His Excellency's Rulings on the two previous amendments, he had nothing to say now.

When these amendments were thus disposed of, Surendranath proposed 'that the Select Committee's Report, together with the Bill and connected papers, be referred to Local Governments, High Courts and public bodies for criticisms'. Almost all the non-official members made very eloquent speeches on it, but all that was of no avail — the amendment being negatived with 25 Ayes and 36 Noes. In the course of the debate on this amendment, Chanda made the interesting suggestion that the Government should 'remove the mandate and *leave the official members to vote just as they think right*'. Vithalbhai's contribution to this debate was characteristic. He did not bother about any argument on the question. He said: "I am one of those who believe that the only way to improve this Bill is to drop it entirely, and I do not think any amount of opinions received from the High Courts or the Local Governments or any political associations will make this Council a bit wiser. I am, however, prepared — the Council will be surprised to learn — to support the motion of my Hon'ble friend, Mr. Surendranath, and my reasons are only two. The first is, that it is human nature to see that the evil day is postponed, and I should certainly like to see that the day is postponed to September of this year or to any further day. From that point of view I welcome the motion of my Hon'ble friend, Mr. Surendranath. My second reason is, that there is always a slip between the cup and the lip, and if this matter is now postponed it may be that time may bring

wisdom, and the Government might see the unwisdom of passing this measure at any time." While Emerson was talking almost beside the point, and the President, though he had drawn his attention to the necessity of his confining himself to the amendment, was giving him a very great latitude, Vithalbai rose to a point of order, and pointed out that Emerson was talking of the *necessity* of the Bill, while the question before the Council at the time was of its *urgency*. His Excellency practically upheld the point of order. Sarma repeated the suggestion made by Chanda in stronger terms: "If the Government would allow *official* Members of this Council *to vote as they please*, according to their consciences, according to their convictions, then I for one would be prepared to ask that the Council should reject or may reject this proposition of the Hon'ble Mr. Bannerjea." Jinnah repeated it in another form: "I have my doubts, My Lord, as to at least some members of the executive Government as to what they think of this piece of legislation. I also have, My Lord, my serious doubts and I cannot believe that men of the type of the Hon'ble *the Law Member*, men like *Sir C. Sankaran Nair* could possibly have in their heart of hearts really liked this measure or given their sanction. Even, My Lord, as regards *Sir George Barnes*, a member of the Bar, I say I have my doubts." Vincent's speech, on the whole, was conciliating, but he would not budge on the main point: "We have made every endeavour that we can *to meet reasonable opinion*; we have *explained* the reason for this legislation; we have *restricted* its scope to the *narrowest limits*; and we *must* now proceed with it and cannot allow ourselves to be prevented from doing so by any threats of agitation." Malaviya pointed out that this Bill was more drastic than the Irish Prevention of Crimes Act of 1882, which was described by Dillon 'as the strongest measure of coercion that was passed for Ireland.' Referring to Vincent's remark that the attitude of Indian Members towards this Bill might hinder reforms, Sastri said: "It does appear to me that it is ominous that the Government of India should show so much anxiety to conciliate English opinion which is unjust and uncharitable, and so little to conciliate Indian opinion which feels very keenly, that they should be obliged to wait for the reform that has been

promised so many years, while the measure for coercion comes so prompt, so heavily, all too premature." After this amendment of Surendranath was negatived, the amendments of Chanda, Khaparde and Rangaswamy — all asking for postponement in one form or another — were either withdrawn or negatived without any ado. Vithalbai then proposed: "That to the motion for taking the Report of the Select Committee into consideration, the following words be added, 'this day 1921.'" Vithalbai contended that there was an essential difference between his motion and the motions of Surendranath, Chanda and Khaparde, because it wanted the Bill to be taken into consideration, *but* taken into consideration only when there was calm atmosphere in the country. He wanted that this matter should not be considered by that Council, but by the Council to come into existence in 1921 — that would be a Council without an official block determined to carry the measure through — the representatives of the people would be on the Council. "There will be at least two-thirds elective majority on it, and I dare say", he said, "if they see any necessity for a measure of this kind they will pass it." Obviously Vincent could not accept this amendment, and the amendment was negatived. Khaparde then moved 'that the Bill be not taken into consideration until the Governor-General in Council received from Parliament an express authority by an Act of Parliament to pass it.' In a closely reasoned speech, Khaparde maintained that it was beyond the competence of the Council to pass this Bill — that it was *ultra vires*, in so far as it sought to substitute the executive for the judiciary, and the Council had no power, unless expressly so authorised by Act of Parliament, to make any law repealing or affecting any Act of Parliament, passed after 1860. The Act on which Khaparde relied was passed in 1861 which denied to the Council any power to make any law affecting the authority of Parliament, or any part of the unwritten laws or constitution of the U.K., *whereon may depend in any degree the allegiance of any person to the Crown*. The argument of Lowndes in reply amounted to this that this situation obtained in India for over a 100 years, and the matter had not been taken to the House of Lords so far. Khaparde's reply to it was: "That may have

happened because the people affected by it had not the means to carry up the matter to the highest Tribunal of the Empire." Needless to say, the amendment was negatived. Vithalbai had a similar amendment, but he withdrew it. Then the Preamble passed without any amendment being made to it. To the first Clause Chanda moved an amendment asking that, except under exceptional circumstances, the Act should not come into force till six months had elapsed after the formation of the new Legislative Council. That motion was, of course, negatived. Chanda, Vithalbai and Shukul then moved their amendments which virtually aimed at the limiting of the duration of the Act for one year instead of three — Vithalbai's, besides this, asking that this one year should begin from the passing of the Reform Bill, while Chanda's beginning dated from the time the Bill finally passed. Vithalbai put it to the Council to consider whether there was 'really any sense' in making the duration three years: "I consider three years an arbitrary period, and so also is one year. We feel that the period of three years is long, and that when the period of one year is over, you can always come to this Legislative Council and... you can get through an amending Bill in one day and have the period extended if the necessities of the case require it." In regard to the other part of his amendment, he said: "At present, as Your Excellency knows, there is no urgency about it. Let the Act be passed if you want to pass it, but let it come into force after the passing of the Reform Bill in Parliament." Vincent's reply was: "The debates on the present Bill will indicate how difficult it would really be in practice to follow the course advocated by the Hon'ble Member of passing a measure in one day." He, of course, also said that 'the measure was of the greatest urgency.' All the three amendments were negatived, and Clause I was passed. In the second Clause, Sarma moved that the following definition be inserted: "'Revolutionary movement' means a movement directed to the overthrow, by force, of His Majesty's established Government in India." This was obviously a very reasonable amendment, and it was well argued by several lawyer members of the Council. Knowing the Government they did, the non-officials certainly feared that the Government might abuse their

power by misinterpreting the words, but the Government was not prepared to listen to reason. The Council divided on this amendment — the Ayes were 18 and the Noes 33. Now Vithalbhai proposed that Part I of the Bill be deleted. The object of this part was to secure the speedy trial of certain offences. Vithalbhai showed that that object was fulfilled by the Criminal Law Amendment Act of 1908. The only difference between that Act and this Bill was that a procedure for commitment proceedings was retained under the Criminal Law Amendment Act of 1908, while there were no commitment-proceedings under the provisions of this Bill. But he pointed out that the commitment-proceedings contemplated by the Criminal Law Amendment Act were merely *ex parte proceedings* occupying as little time as possible. "You will ask me", said he, "why then did the Rowlatt Committee recommend this measure? My reading of the Report of the Rowlatt Committee gives me the impression that the Rowlatt Committee seems to have lost sight of the fact that the commitment-proceedings under the Criminal Law Amendment Act are *ex parte*." "The only advantage", he said further on, "the accused has under the Criminal Law Amendment Act is that by this procedure of having the witnesses examined before the Magistrate he exactly knows, when he is tried before the High Court, what the charge against him is, what the evidence against him is." Then he added: "I know there is one more provision in the proposed Bill, namely, that the accused may be examined as a witness on oath if he expresses his desire to the Court to be so examined. The Part is intended with a view to securing speedy trial of certain offences, but the provision regarding the examination of the accused is calculated, in my humble opinion, to lengthen the proceedings rather than secure speedy trial." Vithalbhai was ably supported by Jinnah, Malaviya and Sarma. Vincent's reply was: "The gravamen of his (Vithalbhai's) allegation(?) as I understand it is 'you have got this Act XIV of 1908, why therefore should you want a new Act for the trial of offences?' My Lord, the answer is very simple. The procedure under the Bill is entirely different from the procedure prescribed by the Act of 1908. There is no provision in the Act of 1908 for a trial at or near the scene of occur-

rence. Again the Act of 1908 contemplated a commitment-procedure which *might be ex parte*. There was, however, a kind of commitment-procedure; that is one of the defects that the Rowlatt Committee deprecated as tending to delay the course of justice. Secondly, the evidence which may be adduced in trials under this Bill is different from the evidence which may be adduced in trials under the Act of 1908." Further on he said: "The fact is that it was found by experience in Bengal that the provisions of the Act of 1908 were not effective, and it is for that reason that the present procedure has been suggested." Vithabhai challenged this last statement of Vincent, and asked him to quote 'instances of delays having taken place *owing to commitment-proceedings provided for in the Criminal Law Amendment Act of 1908*. Further he said: "So far as I can judge, I find that most of the cases after 1908 were, instead of being sent to a special Bench, sent to the Court of Sessions." Vincent explained that the reason for that was: "We found the special Bench ineffective, the procedure was not suitable." Vithalbhai could not accept that the procedure under that Act was found to be worse than the ordinary procedure laid down in the Criminal Procedure Code and the Evidence Act. Vithalbhai admitted that the usual commitment-proceedings involved an amount of delay; but the Rowlatt Committee had committed an error there. Under that Act there was no double examination *unless the Magistrate chose to allow the accused to be examined*, as the proceedings were to be *ex parte*. Vithalbhai then referred to the suggestion that the number of scheduled offences differed from the number in the schedule to this Bill. Vithalbhai had found that the only two additional Sections in the Schedule to this Bill were Sections 124-A and 153-A. He therefore said: "Well, My Lord, if the intention of Government was to bring the trials under these two Sections also under the Criminal Law (Amendment) Act, the better course for them would have been to bring out *openly and straightforwardly an amending Bill*, asking this Council to consent to the insertion of Section 124-A and 153-A in the Schedule to the Criminal Law (Amendment) Act." Even in regard to rules of evidence, Vithalbhai proved that the special rules of evidence proposed in this Bill were *similar* to the

rules of evidence under the Criminal Law (Amendment) Act. Argument was of no avail in this Council and Vithalbhai's amendment was negatived.

To Clause 3, Khaparde suggested the amendment 'that for the words 'in Council' the words 'in Legislative Council' be substituted.' Vithalbhai had 'a somewhat similar' amendment. He therefore spoke on this amendment. He put it this way: "The amendment merely says — well, if you are satisfied that there is a case for Notification, satisfy us also, and then issue it. It asks for nothing more. When you want to issue a Notification, you kindly come and place all the reports that you have got before us, and let us also be satisfied. We would also like to take part in it. And, after all, you don't lose much by it. You have got a majority and you will always, even if we be unwilling to consent to the issue of a Notification, be able to issue it as you pass this Act against our wishes." Vincent regarded this amendment 'as a not unnatural attempt to control the executive by direct order of the Legislature.' An assembly of the nature of the Legislative Council, Vincent thought, was 'really concerned with questions of policy and principle rather than with the application of the policy, and the responsibility for the application must remain with the Executive Government.' That was so in the U.K. Much more was this necessary in India where the Legislative Council, in matters executive and administrative, could act only as an advisory body. After setting forth this constitutional objection, Vincent proceeded to detail his 'practical' objections to the course proposed in the amendment. "It would involve delay if on every occasion on which this Act is to be applied to the smallest area, we had to have a meeting of the Council, and probably find a month later that we had to re-summon the Council, in connection with another area." Khaparde's amendment was negatived. Then Vithalbhai formally moved his amendment and it met with the same fate. Then Sarma moved his amendment, which, in effect, was more or less the same as Khaparde's and Vithalbhai's and it was also negatived, and Clause 3 was passed. Vithalbhai then moved that the accused person should have an opportunity of being heard before the Local Government ordered 'any officer to prefer a

written information to the Chief Justice against such person.' Vincent opposed it on the flimsy ground that such a provision was not made even in the Act of 1908. He also urged that every such preliminary proceedings defeated the main purpose of this Bill, namely, expeditious trial, and also that here the accused was not going 'before any incompetent tribunal or any tribunal that is not likely to do him ample justice.' Vithalbhai replied that there was no reason why proceedings should be unduly lengthened by this procedure — the appearance of a pleader was not asked for as a matter of right. The amendment was negatived. The next amendment of Vithalbhai amounted to this that the cases which had already been sent up by the police to a Magistrate for inquiry should not be touched by the notification. Khaparde had a similar amendment. Both these amendments were negatived after Kincaid pointed out that there were precedents for the procedure as laid down in the Bill, and that it would be an advantage to the accused to have his case transferred from the Magistrate to the tribunal for disposal. Vithalbhai showed that this was not in the interest of the accused, but no argument could avail. Clause 4 of the Bill was passed without any modification, after Sarma had withdrawn his amendment, and Chanda was assured by Vincent that the substance of his amendment (about bail being allowed in certain circumstances) would be accepted under Clause 19. To Clause 5 Vithalbhai proposed an amendment asking that the accused should have an opportunity to show to the Chief Justice that on the face of the information placed before him there was no case against him. Vincent replied that the Chief Justice could not be in a position to know whether the requirements of the country necessitated a trial under that part or not, and the amendment was negatived. Sarma then moved that the three High Court Judges that were to be appointed under the Bill should be 'permanent' Judges. Vithalbhai had a similar amendment. Sarma's amendment was supported by Surendranath, Sapru and Sastri and opposed by Verney Lovett, Kincaid and Vincent, and met the usual fate. The next amendment was Khaparde's by which he asked for the right of appeal. On being told that it was irrelevant here, he submitted that it should be taken at the end of Clause 17. And so Clause 5 was



agreed to. To Clause 6 Vithalbai's amendment was that 'for the words 'the Court shall' the words 'the Court may' be substituted so that the Court should have full discretion to determine the place of it sitting, and also that the Court should not be asked to record any reasons in writing for making any order it made in this matter.' Lowndes would not accept 'may' for "shall", because, forsooth, it was bad English as it was followed, by 'unless.' He had no objection to accept the other part of the amendment. Vithalbai said that he had not the slightest objection to the arrangement proposed 'if the Council does not object to it.' Sapru objected and therefore Vithalbai's amendment continued to be debated on. Malaviya proposed a modification, which was accepted by Vithalbai, and which, as amended by Malaviya, stood at 'The Court may, after hearing the accused, make an order to that effect' — the words coming after this, namely, 'unless, for reasons to be recorded in writing, it thinks fit to make any other order', being dropped altogether. The house divided on this amendment. The Ayes were 10 and the Noes 34. The next amendment was Khaparde's and it asked for all the expenses of the accused, if the place of trial was different from the usual place, being paid by the Government. The motion was of course negatived. Shukul then moved an amendment, which, in effect, asked 'that the Advocate-General should give his grounds so that the High Court may be in a position to form an independent opinion as to where the case should be finally tried and why.' Khaparde and Sarma had similar amendments. Lowndes, who was following the Irish Crimes Act, *mutatis mutandis*, in this Bill, said that in the Section of the Irish Act on which this Bill was modelled the certificate of the Attorney-General, who corresponded to the Advocate-General in India, was conclusive — in this Bill the Government had made it more favourable to the accused. Chanda's amendment asking for some provision being made for those places where there was no Advocate-General was opposed by Vithalbai himself, and on Vincent's showing that where there was no Advocate-General, the Government Advocate performed his functions, the amendment was negatived. Chanda then moved an amendment which only slightly differed from Khaparde's in one part and in

another asked that the power of the Court should not be interfered with. Here he also was trying to follow the Irish Bill. Du Boulay replied that there was no reason why they should follow the Irish Bill in this particular matter. Clauses 6 and 7 were passed without any modification. Chanda wanted the accused to have the right of cross-examining witnesses. Vincent said that the accused was given this right under the Criminal Procedure Code and that applied to this Bill. In Clause 9 Khaparde and Vithalbhai wanted a specific instruction that the Court should be bound to adjourn if that was necessary to enable the accused to get his witnesses produced. Vincent's reply was 'that *a Court of three High Court Judges* would always adjourn if it was thought that there was any probability of injustice to the accused.' Chanda wanted that the accused should be entitled to get copies of the depositions and exhibits free of cost, to prepare his line of defence. Vincent saw no reason for showing these accused any special indulgence. Then Chanda wanted that the accused should be entitled to have copies of the previous statements of the prosecution witnesses. Vincent saw no reason why any difference should be made in such matter 'between these young revolutionaries and any person accused before the ordinary courts.' All the amendments having thus failed, Clause 9 was carried. No amendments were suggested to Clause 10. To Clause 11, Chanda moved an amendment asking that,— if it was thought necessary to keep any portion of the proceedings from the public, the opinion of the Court on that point should be *unanimous*. Here too, Vincent saw no reason why, if one Judge thought differently from two others, his opinion should have greater weight in such matters; and so the Clause passed as it was. When Vincent moved the next Clause, i.e., Clause 12, Surendranath moved that the Clause be deleted altogether. That Clause provided for the examination of the accused as a witness. Vithalbhai supported this motion. He said: "I understand that in the Act for the prevention of crimes in Ireland there is no such provision, I think I am right. If you are going to follow the procedure laid down there, there is no reason why this provision should be inserted in this particular instance." Khaparde also had moved almost the same amendment. So this amendment was supported by

him, as also by Sapru, Malaviya and Shafi. Malaviya, in particular, pointed out how this provision was hotly debated in the British House of Commons in 1888 and not accepted by them till 1898, and when they accepted that in the latter year, they did not apply it to Ireland, because of the unanimous opposition to it of all Irish members. Lowndes defended that provision as well as Kincaid, and converted Sastri to their view. The House divided on the motion. The Ayes were 14 and Noes 37. Then Chanda moved that 'no inference adverse to the accused shall be drawn from his failure to give evidence on oath.' Vithalbai had also a similar amendment, as also Shafi and Shukul. *This motion was in effect accepted by Government.* The next important amendment was that of Shukul in respect of clause 14. He moved that for Clause 14 the following Clause be substituted: '14, the accused shall be acquitted unless all the Judges constituting the Court concur in convicting him.' Vithalbai had a similar amendment, as also Surendranath and Chanda. Surendranath said that it was a right principle that no man shall be convicted except on the unanimous verdict of all the Judges. And he added: "And, My Lord, I understand that is also the Irish Law. That is a provision of the Irish Criminal Law, and I do hope that my Hon'ble friend the Home Member will see his way to accept this amendment. It is a reasonable amendment; *but I do not find that he accepts everything that is reasonable.*" Vithalbai said: "The amendment is all the more necessary in view of the fact that there is no right of appeal to the man and the trial is not by jury. In the Irish Act referred to by my Hon'ble friend the mover of this amendment, you have at any rate the right of appeal, and yet it has been further provided that — the verdict must be unanimous for conviction. Here there is no right of appeal. I therefore think that, unless the Judges are unanimous, the benefit of doubt, as my Hon'ble friend Mr. Bannerjea put it, must be given to the accused." Vincent's reply was: "Though in the Irish Coercion Act they do have a unanimous verdict of the Judges, this verdict is in substitution of a unanimous verdict of the jury." In India in many parts these offences are not triable by Jury and even where they are so, unanimous verdict is not required. He therefore con-

tended that the procedure proposed in this Bill was in consonance with the practice in India and with the previous law on the subject. The Council divided on this motion. The Ayes were 15 and the Noes 35. At this stage the Council adjourned for dinner. They met again at 9-15 p.m. Vithalbhai's amendment now came up, which asked for the addition of the following to Clause 14: 'but in no case of difference of opinion shall a sentence of death be passed.' While speaking to this amendment, Vithalbhai said: "My Lord, coming events cast their shadows before. We are shortly going to have a first, rather a substantial instalment, we hope, of Self-Government, and it is in the fitness of things that we should copy some of the methods of debates in the House of Commons, at any rate in having night sittings. We are on our trial, and I hope, we shall stand the trial all right and we shall have complete Self-Government in the near future.

"My Lord, coming to the amendment itself, the Council knows that we are taking away the right of trial by jury, we are taking away the right of trial by ordinary Courts of Law, we are doing away with commitment-proceedings and we are creating special rules of evidence. We have just rejected an amendment to the effect that in case Judges are not unanimous the accused should be acquitted.

"Now I come to a more moderate amendment which I place for the consideration of this Council. The point, My Lord, is that if three Judges who sit in the special tribunal are not unanimous as regards the guilt of the accused, the accused should not be sentenced to death, and I appeal to Your Excellency, and to the official members and also to the non-official members of this Council, to consider this amendment favourably in the name of humanity, and I trust the amendment will be received in the spirit in which I have moved it."

*Vincent accepted this amendment*, not under Clause 14, but by a proviso to Section 16: 'Provided that a sentence of death shall not be passed in any case in which there is a difference of opinion among the members of the Court as to the guilt of the accused.'

Vithalbhai then moved that to Clause 15 the following

proviso be added: 'Provided that the Court shall not convict the accused of any offence referred to in Clause (2) of the Schedule or of any attempt or conspiracy to commit any such offence or of any abetment of any such offence unless it is proved to its satisfaction that such offence, attempt, conspiracy or abetment is connected with a particular movement endangering the safety of the State.' Similar amendments were moved by Sarma and Sastri. What Vithalbhair aimed at was that the opinion of the Local Government, that the offence was connected with any movement endangering the safety of the State, should not be binding on the Court trying the accused person. He said: "If the Tribunal comes to the conclusion that, although a man has committed an offence under Section 124-A, Section 148, or any other Section, mentioned in the schedule, that offence is an ordinary offence under the Penal Code, not in any way connected with any movement endangering the safety of the State; then *the Tribunal* must acquit the man." What he meant was: in these circumstances, the Tribunal must stay further proceedings, acquit the accused, and *leave it to Government to proceed further against the accused, in the ordinary Court of law* or not. Vincent's opposition was apparently based on the fact that the procedure suggested by Vithalbhair 'would be destructive of expedition.' "Not only", said he, "would the Court have to decide points which ordinarily come before Criminal Courts, that is, whether the accused is guilty of murder or not, they would have to go into the further and abstruse question as to whether this murder was connected with some revolutionary conspiracies." He also trotted forward his unflinching argument of *three High Court Judges*: "If the Court of three High Court Judges find ample evidence to show that a man has committed the offence with which he is charged, I submit the question whether it was committed in connection with a revolutionary conspiracy or not is not one that you can reasonably ask the Court to discuss or to examine." Sastri reminded Government that the suspicion that had been expressed about this Bill was that in times of excitement and trouble Government might be under a temptation to use it for purposes for which it was not intended. "Our great suspicion", he said, "has been, I repeat it, that this may be used to deal with ordinary

political offences." "Section 124-A and Section 153-A with regard to which our feelings are most tender, Sections dealing with sedition and offences connected with exciting feelings between different classes of His Majesty's subjects, it is just those Sections which are likely in times of disturbance, with the best intentions in the world but with no particular anarchical or revolutionary ideas as in many cases, I think, the officers of the Government are willing to grant, that it is just in those cases that the likelihood is the greatest of people actually being brought up before this trial and rushed through to a conviction without however really coming within its scope." Lowndes put the matter clearly in a way: "The question will be whether particular offences are to be tried *in the ordinary course or by a special Tribunal*, and on *that we propose, rightly or wrongly, that the opinion of the Government should be final*." Further on, he added: "There must be gross dishonesty on the part of a Local Government which wishes to try ordinary political offences by this procedure — gross dishonesty and nothing else." Sapru categorically asked the Law Member if he thought that the Tribunal would have absolutely no jurisdiction to go into that question. Lowndes pretended that he did not quite catch what Sapru said. Malaviya asked whether, if the question of an offence being connected with a revolutionary movement will not be a matter for the Court to decide, that circumstances will yet affect the sentence which a Court may pass upon the person who is tried. Lowndes gave no reply. Vithalbai spoke as follows: "My Lord, before I reply I should like to know whether the Court will have jurisdiction to go into the question whether the offence is connected with a revolutionary movement or not, or whether it must stay its hands and merely find that the man has committed one of the offences mentioned in the Schedule. I hope the Hon'ble the Law Member will make it quite clear whether the Court will be entitled to go into that question at all." The reply of Lowndes was: "Perhaps it may be convenient for me to say that I must decline to be cross-examined in this Council by my brother lawyers." And Vithalbai's retort was: "If that is so, I need not reply. I take it that the Court will be entitled to go into it and, therefore, my amendment is quite justifiable." The Council

divided as follows: Ayes 15 and Noes 35. Sarma's amendment was negatived and Sastri withdrew his. The next amendment of Chanda was *partially met by Government* and agreed to by Chanda and Vithalbai, because Section 231 of the Criminal Procedure Code was incorporated in Clause 7 of the Bill. Clause 16 was amended as suggested during the discussion on Clause 14 and agreed to. Shafi's amendment to Clause 17, asking for the right of appeal to a full bench of the High Court was similar to Khaparde's. On that the House divided with the result that there were 16 Ayes and 36 Noes. Shukul's amendment, which was similar was not put because of Shukul's absence. Sarma's amendment differed from this in the fact that he asked for the right of appeal only where the three Judges were not unanimous. It was in the course of his speech on this amendment that Sarma said: "We are reminded constantly of the Rowlatt Committee's Report as if that Report has the sanctity of the Vedas, the Bible or the Koran." Of course it was duly negatived. Chanda's amendment was similar, but he asked for this right only in cases of capital punishment. Jinnah and Sapru ably supported Chanda, but that was of no avail. In the course of his speech on this amendment, Jinnah said: "*I am beginning to think, My Lord, at the end of these two days, whether it is not sheer waste of public time that these amendments should be formally talked about in this fashion and rejected.*" Vithalbai then moved that for Clause 18 the following Clause be substituted: '18, Depositions recorded under Section 512 of the Code may, in the circumstances specified in that Section, be given in evidence at the trial of the accused under this Part.' Khaparde had a similar amendment, and so had Chanda. All these amendments were negatived. Chanda's amendment asking for a *de novo* trial 'if any Judge not having been present throughout the trial' found him guilty *was accepted in a modified form*. His next amendment to Clause 18 *also was accepted* — that asking for the addition in bracket of the words 'and his release on bail', after 'custody of the accused'. Chanda's amendment to Clause 19, in effect, asking for all reasonable expenses being borne by Government in all cases of sentences for life was, of course, negatived. This brought the debate on Part I to a close. Vithalbai now

proposed that Part II be deleted. He said: "I may say at the outset that some of us might think of attempting to reconcile ourselves to the provisions of Part I, however drastic they may be, but so far as the provisions of Part II and the subsequent Parts are concerned, I must confess that I for one cannot and will never be able to reconcile myself to them, and I venture to think that no Indian who loves his country will ever reconcile himself to the provisions of these parts. My Lord, these provisions are, in the words of Dr. Sapru, in his speech at the time of the introduction of this Bill, 'wrong in principle, unsound in their conception, dangerous in operation and too sweeping and too comprehensive.' They are in my humble opinion, Your Excellency, utterly subversive of the order of things hitherto recognised and acted upon in all civilised countries. They in fact substitute the rule of the executive for the rule of law, and they are, to quote again my Hon'ble friend Dr. Sapru, nothing but 'undiluted coercion', pure and simple. My Lord, I venture to think that the provisions of these parts will strike a death-blow to all legitimate and constitutional agitation in the country, and I for one see in them the grave of all our political aspirations. They will defeat their own purpose, for the reason that they will drive all agitation into hidden channels, with the result, My Lord, that consequential evils will follow as night follows the day. I am respectfully of opinion that the Government which contends that the country cannot be governed, even in ordinary times, without the assistance of such unconstitutional laws as are proposed to be enacted in these clauses forfeits its claim to be regarded as a constitutional Government." He then proceeded to show that Government actually had in their armoury all the provisions, reasonable and even unreasonable, that one could imagine, in the way of preventive measures. What this Bill proposed to do was to make the executive *the sole authority* to decide whether a person's liberty should be taken away. The safeguards provided were illusory and in fact meant nothing. It looked as if they were provided to delude people. Chanda said there were some precedents for some of the provisions of Part I in the Irish Crimes Act and the Criminal Law Amendment Act of 1908, but he challenged the Home Member to tell the



Council if there was any precedent anywhere in the civilized world for such provisions as were embodied in Part II of this Bill. Sarma said: "Pray, My Lord, rescue us from a law which places us at the sweet mercy of a police officer, of a Magistrate, he may be honest or dishonest, he may be honest but foolish, ignorant of the true conditions of the world, unequal to his task and therefore, in the zealous discharge and performance of his task, may land the people and the Government alike in danger." In the course of the debate on this amendment, Verney Lovett, among others, referred to the report of Sir Narayan Chandavarkar and Mr. Justice Beachcroft in support of the Government position. Sapru asked: "May I ask Sir Verney Lovett to read the letters of Sir Narayan Chandavarkar which have appeared recently in the *Times of India*? If Sir Narayan Chandavarkar is to be quoted as an authority for the position that Sir Verney Lovett has taken, may I ask the Council to remember what this learned Judge has to say after having gone through the papers? He has publicly said of this measure that the remedy you are providing will prove worse than the evil it is intended to cure." The division on the motion resulted in 21 Ayes and 35 Noes. So Clause 20 was now moved. Chanda moved an amendment to it asking that the Governor-General should receive the consent of the *Legislative Council* before he issued a notification under that Section. Vithalbai and Khaparde had similar amendments. Vithalbai contended that as under Part II there was nothing like a special tribunal (which could perhaps be some justification for not consulting the Legislative Council), it was necessary that the representatives of the people should be given an opportunity of expressing their opinion on the question whether a notification under Part II should be issued or not. The amendment was negatived, and Vithalbai and Khaparde did not press their amendments. The next amendment moved by Vithalbai was that, for 'scheduled offences, the words 'offences against the State' be substituted. Chanda's was: 'That in Clause 20, for the words 'scheduled offences', the words 'offences under Chapter VI (other than an offence under Section 124-A) and Sections 131 and 132 of the Indian Penal Code' be substituted.' Vithalbai accepted Chanda's wording. Vithalbai's

speech on this amendment was ironical: "My Lord, in the Bill as introduced in this Council Clause 20 contained the words 'offences against the State'. The offences against the State are 10 or 11 in number according to the Indian Penal Code. The scheduled offences, My Lord, are numerous. This change has been made by the Select Committee. We have been told times out of number that the Select Committee have made several alterations in the Bill as it stood when introduced. I grant that they did make several alterations in the Bill; but I contend, My Lord, that all those amendments are on non-essentials. *The only amendment* on any important point is the one that we are now considering.

*"It is a boon that comes to the country from the Select Committee, call it a concession if you like; and I on behalf of the country respectfully decline to accept that boon or that concession. I say, please put us back where we were when the Bill was introduced, and we shall be thankful to the Select Committee and Your Excellency's Government and this Council too."*

The amendment was negatived and Clause 20, as amended by the Select Committee was agreed to. To Clause 21, there were several amendments. When the first of them (No. 88) — that by Chanda — was moved, Sarma asked whether there was 'any chance of Government accepting the principle upon which a number of our amendments are based.' Chanda expressly said that his object was 'to take away the machinery by which you propose to arm the executive with powers of the Judiciary to punish a man yourself and *then* call upon an investigating authority to inquire into the matter.' Sarma said: "A large number of us are of opinion that it would be safer and in consonance with the expediency of the matter if the Government armed themselves with the opinion of the investigating authority *before it passed an order of its own* on the subject." Vincent gave the following information in response to Sarma's request: "I am prepared to accept an amendment on the lines of the Hon'ble Mr. Sastri's amendment No. 89; it corresponds very nearly with the Hon'ble Mr. Patel's amendment No. 90, and provides that the Local Government before making a preliminary order should

lay the papers before a judicial officer. I may say, however, that we do not propose to convert the investigating authority into a judicial authority." Vithalbai asked Vincent, as his amendment was similar to Sastri's, if he had any objection to have his instead of Sastri's. Vincent replied that he had already accepted Sastri's as that seemed to him the most suitable. Chanda's amendment was negatived and *Sastri's was accepted* in a modified form which, in effect, required the Local Government, before it issued its order, to place all the materials in its possession relating to the case of the suspect before a judicial officer qualified for appointment to the High Court and to take his opinion thereon. Vithalbai did not accept that amendment. He said his amendment was quite different. He wanted the previous *approval* 'of the District and Sessions Judge of the district'. His point was that it was no use taking the opinion of a Judicial officer of that standing, *if Government were not prepared to accept that opinion*. Vithalbai's motion was, of course, negatived. Vithalbai's next amendment was: For 'shall abstain from any act so specified, which, in the opinion of the Local Government, *is calculated to disturb the public peace or is prejudicial to the public safety*', substitute 'shall abstain from any act so specified, which, in the opinion of the Local Government, *is likely to lead to the commission of scheduled offences*.' Vincent, in his reply, referred to the discussion of this matter in the Select Committee and Sarma promptly rose to a point of order, questioning the inconsistency of Government in utilising the Select Committee discussions as arguments at one time and at another telling the Council that they were confidential. Vithalbai knew that in the Select Committee Government did not show any inclinations to accept this position, but as it was suggested so often that the intention of the Government in enacting this law was *to deal with revolutionary and anarchical movements only*, he was inclined to hope that Government might accept this amendment. He added: "If the clause is left as it stands, people will be justified in drawing their own inferences." The amendment was of course negatived, because it was apparent that Government wanted wider powers. In Clause 23 Chanda had suggested that the 'means necessary to enforce compliance

with the order' should be specifically noted as 'lawful.' Vithal-bhai suggested that the means should not only be 'lawful' but also 'reasonably' necessary. Lowndes accepted the word 'reasonably', but not the word 'lawful.' To Clause 25 there were a number of amendments asking that the investigating authorities should not be compelled to hold their inquiries *in camera*, that they should be given discretion in the matter — Chanda's Khaparde's, Shafi's, Sarma's and Vithalbhais. The wording of Vithalbhais amendment was: That in Clause 25 (2) for the words '*in camera*', the following words be substituted: 'which may be *in camera* if such authority for reasons to be recorded in writing so decides.' The division on this motion resulted in 17 Ayes and 33 Noes. Vithalbhais next two amendments (Nos. 110 and 112) were in respect of defence witnesses being produced. He wanted the investigating authority to have the power of summoning them. From the way in which Vincent behaved, Vithalbhais surmised that he was accepting some amendment, and Vincent said: "Mr. Patel with his usual ingenuity has hit the nail on the head. I am prepared to *accept amendment No. 112* of the Hon'ble member himself with some small changes in the form which the Drafting Department may recommend." Another amendment of Vithalbhais wanted that the investigation 'should take place in the presence of the person concerned and not behind his back.' Government could not accept it, nor could they accept the other amendments of his, which (1) required the investigating authority to *record its reasons in writing* for refusal to disclose to the person, whose case was before it, any fact the communication of which might endanger the public safety or the safety of any individual, and which (2) wanted for both parties permission 'to appear by pleader'. Vithalbhais next amendment wanted the investigating authority to follow, *as far as possible*, the rules of the law of evidence. Sastri had a similar amendment. Kincaid used this opportunity for an interesting but irrelevant discourse on the faults of English Jurisprudence, and Sapru remarked "If all the arguments of Mr. Kincaid are to prevail, we must be prepared in the year 1919 to go back to the times before the great Civil War." The Council divided on the motion and the result was 16 Ayes and 34

Noes. The next amendment was Khaparde's, which required the investigating authority compulsorily to adduce reasons in support of its conclusions. Government *accepted that amendment*. Government *accepted the next amendment* — that of Vithalbai, asking that the investigating authority should be required to state clearly whether, in his opinion, the suspect had been actively concerned in any anarchical or revolutionary movement, as alleged by the Local Government. Vithalbai's next amendment was *partially accepted* by the Government — In Clause 27 he wanted the fine to be reduced to Rs. 500 from Rs. 1,000 — this was accepted by Government, the other part, substituting 'three months' for 'six months' not being accepted. Vithalbai's next amendment was that the investigating authority should be appointed by the Chief Justice and not by the Local Government. That amendment was negatived. When Surendranath proposed (in Clause 29-2) that the composition of the investigating authority should be two officers not below the rank of District and Sessions Judges and *one*, the third, a non-official Indian, Vithalbai said he would oppose the amendment, because he was not in favour of an Indian being on the investigating board: "We Indians do not hold ourselves responsible for the passing of this measure. I think no Indian should serve on these investigation boards." Consistently with this opposition, Vithalbai withdrew his amendments on this matter. All the Clauses of Part II were thus disposed of, and Part II got through. Vithalbai then moved that Part III be deleted, and said: "Your Excellency, about the provisions of this Bill, the less said the better... I am bound to say that after three days' hard work I have now fully realised, considering the determined attitude of Government not to yield an inch of ground *on any essential particular*, that it is hopeless to expect anything in the direction asked for by this amendment. I therefore formally move the amendment and leave it to the good sense of the Council." Malaviya, Jinnah and Sapru made eloquent speeches. Jinnah said: "I say, My Lord, that Part III is *the blackest part of this black Bill*. And, My Lord, I speak with this passion, with this earnestness, with this feeling, because, if it ever finds its place on the Statute-Book, it will tarnish the fair name of

India and Great Britain. I love India, but My Lord, I do not love Great Britain the less, because it has been the home of my training and education." Vithalbhai's reply to the debate was: "My Lord, I have already given my reasons why I do not wish to make any speech on this amendment. I confess, however, I am surprised at the optimism of some of my non-official friends here. I thought they had already realised what I have realised now." The division on this motion showed 19 Ayes and 36 Noes. Then Clause 32 was passed — all the amendments to it being either negatived or withdrawn. To Clause 33 Vithalbhai proposed an amendment, which made the Clause run thus: 'Where, in the opinion of the Local Government, there are reasonable grounds for believing that any person has been or is (1) *actively* concerned in such area in any scheduled offence or (2) *connected with any anarchical or revolutionary movement ... etc. etc.*' Vincent thought that the second part of the amendment would be met by an appropriate amendment of the schedule, and he was against the first part — against the inclusion of the word 'actively' in it — because he did not want to exclude from this part a person who had instigated and not otherwise taken any *active* part in an offence. His Excellency thought that Vincent had accepted the second part, and therefore asked whether the first part was to be put. But Vincent said he was going to oppose the amendment *in toto*: "I want any amendment that is made to be put in the schedule." The motion, therefore as a whole, was put and negatived. Vithalbhai withdrew his next amendment asking for the 'previous approval of the District and Sessions Judge.' Sastri's amendment, as of Clause 21, was accepted in the modified form settled upon at that time. In sub-clause (c) of Clause 33 (1) Vithalbhai suggested the substitution of the words 'connected with any anarchical or revolutionary crime' for the words 'prejudicial to the public safety'. Vincent *accepted that amendment*. Here Lowndes *accepted Vithalbhai's amendment* (which he had only partially accepted under Part II) asking for the substitution of the words 'use all *lawful* means *reasonably* necessary' for the words 'use all means necessary.' Clause 33 was then agreed to, as also Clauses 34, 35 and 36. In Clause 37,

Vithalbai proposed the addition of the words 'which may extend to one thousand rupees' after 'with fine.' Vincent *accepted the amendment*. To Clause 38, Vithalbai proposed a rather lengthy amendment. Its meaning, however, is clear from his speech on it which we quote here: "As Clause 38 stands at present, it is proposed that persons already under executive control under the Defence of India Act or the Bengal Prisons Regulation of 1818 shall be deemed to be persons resident in areas in which the notifications under Section 32 are in force, *and the provisions of Part III shall apply to such persons*. They are under executive control — some for 2, some for 3, and some for 4 years. These people, I submit, *should now be dealt with under Part I and not under Part II*. I restrict my amendment to cases under the Defence of India Act. I know that for 100 years the Government have had the power to deprive a man of his liberty under the regulation of 1818. I do not wish to touch that power at all, but I appeal to the Council to consider the case of those persons who have been interned under the Defence of India Act passed by this Council, and for which this Council is responsible. I say with all the emphasis that I can command, that it is high time that if Government think that these persons are concerned in any offence, anarchical or revolutionary, and now as you are enacting special tribunals without a jury, without commitment-proceedings, with special rules of evidence, without appeal, *let these people have the chance of a trial* — whatever the form of that trial may be — *under Part I*. I do not at all touch by my amendment the case of persons in executive control under the old Regulation of 1818. My Hon'ble friend Mr. Bannerjea will take care of such cases and some day move a Resolution on the subject. I am at present concerned with the case of those under executive control under an Act passed by this Council."

Khaparde's amendment on the subject asked that these people should be either tried and sentenced or released altogether.

Vincent read the relevant portions of the Rowlatt Committee's Report to show that the Committee held that these persons should be dealt with under the provisions of Part III. Vincent's difficulty was Government had no evidence to prose-

cute these people before a court of law. "If the witnesses" he said, "were ready to come forward, if they had not been terrorised by methods to which I have frequently adverted in this Council, we should have prosecuted them long ago, under the Defence of India Act; and to suggest that when the Defence of India Act expires we should prosecute them under Part I of this Act is a proposal of no practical value." He, however, added: "An examination of the amendment which has been put forward by the Hon'ble member did lead me to a very careful consideration of the provision that is made in regard to these men, and *it does appear* that the application of Part III to these persons interned under the Defence of India Act *is further than we need go*. If the Hon'ble member — I merely throw it out as a suggestion — if the Hon'ble member likes to substitute in the amendment, for the words, 'Section 3', 'Section 20' and for the words 'Part I' the words 'Part II', I should be quite prepared to accept the modification, and this, although not giving him what he requires, would be making the law distinctly more lenient in respect of these persons. This proposal would also be, I think, fairer to the persons now interned, although the Bill as it stands reproduces what was contemplated by the framers of the Report. I do not know if I have made myself quite plain to the Hon'ble member, but I will read it if necessary."

Vithalbai said he understood it. His reading of the Rowlatt Report was otherwise. What the Committee said was that these people should be dealt with under the new law — not necessarily under Part III. He did not at all suggest that these people should be liberated all at once. They should be put on trial under Part I. He added: "The scheme of the Rowlatt Committee's Report in regard to these legislative proposals is this. They first suggest punitive measures. Then they go on to suggest preventive measures, and, finally under the heading 'Provision for existing danger', they suggest the treatment of existing offenders. So it is entirely a separate part, and it clearly says that 'the new law is to be deemed to be operative for that purpose immediately.' So there is nothing to show that the Committee suggests that Part III should be



made applicable to them. We can apply Part I, Part II or Part III. *However, I stand to lose what little is offered if I were to refuse it, and therefore I accept the suggestion.*" The motion, as amended, was put and agreed to. In Clause 39, Vithalbhai proposed that for the words 'when a notification issued under Section 3 or Section 20 or Section 32 is cancelled' the following words be substituted: 'The Governor-General in Council may, of his own accord, and shall, on the recommendation of the Indian Legislative Council, cancel any notification issued under Section 3 or Section 20 or Section 32 and'. The motion was put and negatived. In clause 31, Vithalbhai moved that, after the words 'in any court' the following words be inserted: 'But the High Court shall have power to revise any order passed under Section 26 or Section 36 on the application by or on behalf of the person aggrieved made within 15 days of the date of the said order.'

Vithalbhai pointed out that the amendment proposed was intended to give to persons dealt with either under Part II or Part III, *not in respect of interim orders but when the orders are made final, either under Section 26 or 36*, the right to move the High Court in revision. Vincent thought that this amendment struck at the very root of the Bill. He added: "I have repeatedly tried, and at times I have thought I had succeeded in making it clear that the responsibility for these orders *rests with the executive and not with the judiciary*. Our view on the question may be right, *or it may be wrong*, but it was at least clear. I wish to point out further that if we sent a case in which restrictions had been imposed upon the preventive sections up to the High Court, this procedure would necessarily involve the publication of the whole of the information received and the change of the procedure from executive to judicial. I myself believe also that the judicial authorities would be the first to object to being called upon to decide questions after an investigation of this character." Vithalbhai's answer was: "I now clearly understand the position of Government." The motion was put and negatived.

When Vincent moved that the schedule, as amended by the Select Committee, do stand part of the Bill, Vithalbhai moved that,

for Clause (1) of the Schedule, the following be substituted: (1) Any offence under the following Sections of the Indian Penal Code, namely: Sections 121, 121-A, 122, 123, 124, 131 and 132," and added: "This is the one amendment on which I feel certain I shall be able to convince the Government." Vincent said: "I will save the Hon'ble member the trouble of convincing me; the very sight of the amendment has done it. I am quite *prepared to accept it.*" In Clause (2) of the Schedule, Vithalbhai proposed that, for the words "in the opinion of the Government" the words 'in the opinion of the Court or the investigating authority concerned' be substituted, and added: "I understand some change is going to be proposed by Government in connection with this Clause, and I should like to hear from the Hon'ble the Home Member what that change would be." Lowndes answered on behalf of the Government. He said that no change was proposed under that amendment. He was prepared to insert the words Sarma wanted, namely, 'anarchical and revolutionary' in the Schedule instead of the words 'endangering the safety of the State.' This did not help Vithalbhai and he moved his amendment noted above, which was duly negatived. The last, but not the least important, amendment to this Bill was in respect of the deletion in Clause 2 (a) of the Schedule, of the figures and letters '124-A, and 153-A'. Khaparde had suggested the deletion of 124-A only. Vithalbhai suggested the deletion of both of them. Khaparde contended that the offence under Section 124-A was one of those offences that are neither anarchical nor revolutionary. Shafi thought that an offence under Section 124-A did not come within the purview of this Section unless it was connected with an anarchical or revolutionary movement. Sarma pointed out that there was not much safety in that, because it was only the opinion of the Local Government which determined the existence of that connection and not the finding of the Judges.

The whole of Vithalbhai's speech on this subject bears quotation here: "My Lord, I rise to give my cordial support to this very important amendment placed for the consideration of this Council, at this late hour, by my Hon'ble friend Mr. Khaparde. The question is really very, very serious. If this Council will

see the next amendment which stands in my name, it will be found that it says: 'That in Clause (2) (a) of the Schedule the figures and letters '124-A, 153-A,' be deleted.' My Hon'ble friend Mr. Khaparde wants the deletion of one Section, 124-A. I want the deletion of two Sections, 124-A and 153-A. My reasons are these. This is again a matter, a most essential matter, in which the *Government goes beyond the recommendations of the Rowlatt Committee*. As I pointed out when discussing Part I, there are already provisions in the Criminal Law Amendment Act similar to the provisions in Part I; *perhaps it was for the insertion of these two Sections that Government intended to undertake this legislation*. It is very difficult to understand why Government should go out of its way to insert these two Sections, for which the Rowlatt Committee makes no recommendation. My Lord, Section 124-A, if included in this Schedule, will kill all political agitation in the country; and I respectfully submit that no case whatsoever has been made out by Government to include those two Sections, in doing which you go beyond the recommendations of the Rowlatt Committee. I invite the attention of this Council to page 147 of the Rowlatt Committee's Report, paragraph 186, last but one sub-paragraph: 'The cases to be tried subject to the provisions above sketched out will be such as are ordered to be so tried by Government, the power to make such orders *being limited to certain classes of offences to be named in the Schedule*. This was the scheme of the Criminal Law Amendment Act, 1908, *the Schedule to which might be adopted*.' And what is the Schedule, I pray, My Lord, if you will turn to the Schedule attached to the Criminal Law Amendment Act, you will find that *those are the very Sections which do not find a place there — the only two Sections —* and I am surprised at their inclusion in this Schedule. *I do not for a moment suggest that Your Excellency's Government have the remotest idea of killing constitutional political agitation in this country*. I do not wish to attribute any motives, but I submit that unless there is clear and satisfactory explanation on the part of Government for going beyond the recommendations of the Rowlatt Committee, I am absolutely certain *people will put the construction which I have suggested*."

Lovett's lame defence was that the Rowlatt Committee had said that the Criminal Law Amendment Act Schedule *might* (not *should*) be adopted. Vincent was terribly upset. He said it was suggested that the Government *deliberately* proposed to enact Part I of the Bill in order to introduce these two Sections. Vithalbai said that he had never said that the Government *deliberately* inserted them, that he had all along said it was likely to be interpreted as such unless there is a satisfactory explanation. Vincent said his recollection was that the *insinuation* of the Hon'ble member was what I have said, namely, that the Government did this deliberately. Vithalbai was sorry 'for the recollection' of Vincent. We who read this incident in cold print may not realise the excitement of Vincent who appears to have had a guilty conscience in the matter. Malaviya and Sastri supported the amendment in very able speeches, but the Government was adamant and the motion was negatived. The division shows 19 Ayes and 34 Noes — among the Noes there was no non-official — not even the Europeans — Hogg and Ironside. The Schedule then was agreed to. The next thing to do with this Bill was to get passed some consequential amendments and some drafting changes, and that was done by Vincent and Lowndes before Vincent moved finally 'that the Bill to cope with anarchical and revolutionary crime as amended be passed'. In moving this motion Vincent said that he appreciated the fact that the feelings of many members of the Council were based (1) on an instinctive dislike of the law and (2) on an apprehension that the powers may be abused. He admitted that the anarchical movement had been scotched, but he maintained that it was not killed and said that he would look upon any threat of it as a very, very terrible calamity.' He maintained that it was proved to the hilt that the existing law was quite inadequate to meet the actual requirements. He admitted that the measure proposed was 'a drastic measure and a departure from ordinary principles', but pleaded that it could apply only when revolutionary crime was prevalent, 'and then only to persons *actively concerned* in those crimes. He ended his speech with two assurances: (1) if ever this Act were actually put into operation, Government would adopt all measures possible to help the young revolutionaries

into the right path and wean them from their criminal propensities; and (2) that they would make it their duty to see that this measure would be used only for the suppression of revolutionary and anarchical offences.

Vithalbhai proposed an amendment now which made the motion as amended read thus: 'That the Bill to cope with anarchical and revolutionary crime, as amended by the Council, be republished.' Vithalbhai's speech on this motion was a masterpiece of close reasoning and clear presentation. He disputed the Home Member's contention that *important* modifications had been made by the Council in the Bill. He maintained that the essential features of the Bill had remained unaltered. However, as there was a difference of opinion between the non-official members and the Government about whether the modifications made by the Council really amounted to important modifications or not, he submitted that time should be allowed to the public to say what they felt and thought about them. And he pointed out once more that there was really no urgency to pass that measure at that Session of the Council. Coming to the merits of the Bill he said: "My Lord, we have now reached the final stage of this extremely unpopular measure. The Government remains as unbending as ever in total disregard, or I should say, defiance of the unanimous protest of the entire Indian opinion, both inside and outside of this Council. We did our best to persuade the Government to abandon the measure or at any rate to postpone its consideration till the passing of the Reform Bill into Parliament. We failed. We did all that was possible to have some of our important amendments accepted in order to make the Bill less dangerous, less obnoxious, and thereby perhaps less unacceptable; but our appeals and our prayers fell on deaf ears. We confess we miserably failed in all our endeavours. It remains for us now in this Council to enter our most emphatic protest in the clearest possible manner against the passing of this Bill into law." He then proceeded to place on record some of his reasons. The first of them was that it was not within the competence of that Council to enact that law. At any rate the question, he was sure, was not free from doubt. He cited three Sections of the Government of India Act, 1915 — Sections 65,

106 and 32 — in support of his contention. He maintained that this view was supported by the authority of the well-known *Moment's* case decided by Their Lordships of the Privy Council confirming the judgment of the Chief Court of Burma. He pointed out that the amending Bill, attempting to rectify the situation of so many Acts in India being *ultra vires*, introduced by His Majesty's Government, in the House of Lords, on the initiation of the Government of India, came to be dropped there, as the thing could not be done without more trouble than might at first be anticipated. The authors of the Rowlatt Report themselves had, Vithalbai showed, expressed their doubt in the matter. His second reason was that the provisions of the Bill were without a parallel in the legislative history of any civilised country. He scanned each part of the Bill and proved his case. In the first part he noted (1) that the Executive Government was empowered to say that certain offences shall be tried by a specially constituted tribunal and not by the ordinary courts of law; (2) that, in such trials, there shall be no jury; (3) that, in such trials, there shall be no commitment-proceedings; (4) that, in such trials, certain statements otherwise inadmissible shall be admitted in evidence; (5) that, in such trials, the accused may be examined and cross-examined on oath as a witness on his own behalf; (6) that such trials shall ordinarily be held in some place other than the usual place of sitting of the High Court on the mere certificate of the Advocate-General unsupported by any affidavit or grounds; (7) that the tribunal was bound to accept the opinion of the Local Government that the offence was connected with a movement endangering the safety of the State and to sentence the accused in spite of its belief that the offence was in no way connected with any such movement; and (8) that the judgment of the Tribunal was to be final and conclusive and that there was to be no right of appeal or revision and no High Court was to transfer any case or issue any *mandamus*.

Of the Provisions of Parts II and III, he said that they stood self-condemned. Under Part II the Provincial Executive, on a notification of the Governor-General in Council, was empowered to pass all or any of the following orders against any

person in their jurisdiction, who, in their opinion, is or has been concerned in any movement of the nature referred to in Section 20: (1) to execute a bond for a period of one year, to be extended to another year if need be, that he will not commit or abet the commitment of any scheduled offence; (2) to notify his residence or change of residence to the authority specified; (3) to remain or reside in any specified area in British India; (4) to abstain from any act calculated to disturb the public peace or prejudicial to the public safety; and (5) to report himself to the police at specified periods. Under Part III, the Provincial Executive, on a similar notification, and in certain circumstances was empowered to (1) arrest without warrant any person, who, in their opinion, was concerned in a scheduled offence, (2) to confine him, and (3) to order the search of any place which, in their opinion, had been or was being or about to be used by any person for any purpose prejudicial to the public safety. Vithalbhai pointed out that all these orders were to be made without even the semblance of a judicial inquiry, also, that the so-called safeguard of an investigating authority was perfectly illusory. The Provisions of Part IV dealt with persons already under executive control and they had to continue under it as long as the Executive Government considered it to be necessary, subject to a maximum period of two years without any trial even under the provisions of the first part of this Bill. The provisions of Part V provided that no order passed under the Act was to be called in question in any court, and no suit, prosecution or other proceedings shall lie against any person for anything done or intended to be done in good faith, and this completed the paramountcy of the executive and placed the liberty of the subject entirely at its mercy. The fact that the measure was temporary and to be in force for three years only could not change Vithalbhai's attitude to it. The question at issue between Government and non-officials was not whether the measure should be permanent or temporary. He went on to say: "No Indian can, and I venture to submit, will, therefore, consent to this measure being placed on the Statute-Book in whatever form or shape. We believe that repression is really no remedy to eradicate revolu-

tionary and anarchical crimes. What is the root cause of the evil? These crimes are the outcome of political and administrative stagnation which has resulted in untold miseries to the people of India. The only remedy, therefore, is to remove the standing grievances of the people which the Indian National Congress has been proclaiming year after year for the last three and thirty years. Has repression succeeded in any country? Has it succeeded in Ireland with all its Crime Acts? Has it succeeded in our own? My Lord, we have amended the Criminal Law to widen the scope of the definition of sedition. We have amended the Criminal Procedure Code from time to time to meet the end in view. We have disfigured our Statute-Book by placing on it the Criminal Law Amendment Act of 1908, the Conspiracy Act of 1913, the Press Laws and the like; we tried the Prevention of Seditious Meetings Act, with what result we all know. In the Select Committee also, My Lord, we tried our best to convince the Committee that the Committee should recommend that the Bill should be dropped. However, I am not going into that question, because Your Excellency has already ruled that the Select Committee has no power to go into the principles of the Bill, but I was confident, My Lord, that in deference to the unanimous Indian opposition to the Bill, both in and outside the Council, and in view of the fact that the passage of the Bill would throw the country into a vortex of agitation unknown in the history of British India, the Select Committee would see its way so to amend the Bill as to make it less dangerous and therefore to some extent less objectionable; in that hope I confess I was grievously disappointed. No doubt the Select Committee has recommended some alterations in the Bill, but these relate to non-essentials, and I am sorry to say that not an inch of ground was yielded in respect of essentials. If at all, the Bill has been made stiffer in one essential particular, namely, that while the provisions of Part II of the Bill as introduced were applicable to movements which in the opinion of the Governor-General in Council were likely to lead to the commission of offences against the State only, the said provisions as amended by the Select Committee and subsequently by this Council apply to movements likely to lead to the commission



of all the scheduled offences which are, of course, much wider in scope."

Vithalbai's third reason for opposition to the Bill was the faulty procedure adopted in connection with the Bill. Evidence on which the Rowlatt Committee based their findings had not been supplied to members of the Council who were asked to accept those findings as correct. The text of the Bill, as introduced, was not submitted to the Secretary of State and his sanction was obtained to the introduction of *some Bill on the lines of the Rowlatt Committee recommendations*. The Bill actually went beyond those recommendations, at least, in one very essential particular, namely, in the addition of Sections 124-A and 153-A to the Schedule. The sanction of the Secretary of State was evidently not obtained to the addition of these two Sections to the Schedule. He proceeded: "It is easy to understand why these Sections have been included in the absence of any recommendation of the Committee in that behalf, and yet we are assured in season and out of season that the measure will not be used to affect, in the slightest degree, constitutional political agitation." Then he pronounced his opinion that the whole proceedings in connection with the Bill, since and from the presentation of the *so-called report* of the Select Committee were invalid and illegal. His Excellency intervened here and reminded him that his ruling was that the report of the Select Committee was both valid and complete, and that he had no right to dispute that ruling. Vithalbai said that he did it only in support of his case that the proceedings in the Council were *ultra vires*. On being told that he had no right to do so, he proceeded: "The Chairman of the Select Committee by his ruling prevented the Select Committee from discussing the principles of the Bill and considering the question of the competence of the Indian Legislature to enact this law. This ruling and Your Excellency's ruling about which I am not allowed to talk, in my humble opinion, have vitiated the whole proceeding in connection with this Bill, and the Bill passed in that manner cannot have any recognition in law." Then, once again, he summed up the reasons (now eleven in number) for his protest against the measure, and wound up in the following words:

"No wonder then that under these circumstances you find some of us who care for liberty, who believe in liberty, who love liberty, are prepared to *disobey laws of this character* and submit to the penalty of such breaches. *Passive Resistance, My Lord, is the last and the only constitutional weapon of a despairing people.* It is my duty to warn Your Excellency's Government against the consequences of driving the peaceful and law-abiding people, as the people of India are, to resort to Passive Resistance. I do so, My Lord, in the best interests of India and the Empire."

Surendranath, in his speech, pointed out that there was a wide-spread impression, right or wrong, that this Bill would cripple all legitimate political activities and bring about the stagnation of public life. He ventured to think, therefore, that Government would have been well-advised if they had accepted Vithalbai's amendment for the elimination of Section 124-A and Section 153-A. Sastri said: "By refusal to take away Sections 124-A and 153-A from the Schedule, I think the Government have still laid themselves open to the criticism that the measure that is now about to be passed, whatever the intention of the Government may be, may at times be used to deal with ordinary political offences as well as offences connected with anarchical or revolutionary movements." Shukul pointed out that, when a decade ago the Government of India referred to Lord Morley the question of introducing a legislation on the lines of the Irish Crimes Act here in India, Lord Morley had said: "As for legislating on the lines of the Irish Crimes Act, it is pure nonsense;" and added: "The present Bill is not only modelled on the Irish Coercion Act, but has gone much beyond, and is drafted on more drastic lines, and if an attempt to enact such a measure was pure nonsense ten years back, I must say it is a still greater nonsense, rather a serious and a mischievous nonsense today." Sarma put his argument in a rather striking way: "We cannot allow the Executive Government to say 'we are inefficient, we have been inefficient and our police is inefficient, we have not been able to cope with a particular class of crime by the ordinary methods. Therefore, give us extreme powers though they might necessarily expose the subject to grave dangers in respect of his reputation, character, liberty and property.' That is a thing

which I hope this Legislative Council and no future Legislative Council would allow the Executive to do." Wacha said: "My Lord, I think I am correct in saying that the honours of a numerical majority belong to the Government, but the honours of arguments belong to the non-officials here, my Indian colleagues in the Council."

Vithalbai's motion for republishing the Bill was negatived with 11 Ayes and 35 Noes. Just before the original motion (that the Bill be passed) was put, Vithalbai said he objected to the passing of the Bill at that meeting. His Excellency asked: "On what grounds?" Vithalbai replied: "Under Section 33 of the Rules of Business: 'If any amendment be made, any member may object to the passing of the Bill at the same meeting; and such objection shall prevail *unless the President, in exercise of his power to suspend any of these rules, allows the Bill to pass*.'" His Excellency said: "These amendments which were brought up to-day were amendments which were designed to carry out the wishes of the Council itself. They were consequential amendments (quite distinct from the 185 amendments which were moved by the members) to the amendments which the Council passed at the last meeting. They were amendments which were all in the direction of the arguments which had been advanced by Hon'ble members here, and therefore I do not think any surprise has been sprung on the Council by the fact that those amendments were allowed to be brought forward. I may say at once that I hope the Hon'ble member does not think that I should have allowed the whole of this debate to take place, taking up an entire day, and then accept his suggestion (that was no suggestion, it was an objection) that the day should be wasted and that we should proceed to have another discussion on this matter. No, no, Mr. Patel." This was all beside the point for Vithalbai. His objection still remained, and so Vithalbai asked: "Do I understand that Your Excellency suspends the Rules of Business?" His Excellency replied: "I do." And so the motion was put and the Council divided. The Ayes were 35 and Noes 20.

On the 18th of March, 1919, before it resumed discussion (this was at 11-54 a.m.) on the Criminal Law (Emergency

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Powers) Bill, at the stage at which it had left it at its previous sitting, the Council had already decided to republish the other Rowlatt Bill — The Indian Criminal Law (Amendment) Bill. At 11-14 a.m. on that day Vincent moved 'that the Bill to provide for the amendment of the Indian Penal Code and the Code of Criminal Procedure, 1898, as amended by the Select Committee, be republished in the Gazette of India, and the local official Gazettes in English, and be also published in the local official Gazettes in such other languages as the Local Governments think fit.'

He thought that he need not discuss the details of the report at that stage, but he pointed out that Section 124-B had been omitted *in toto* from the Bill as amended. Malaviya moved an amendment (which he was allowed to move after some hesitation) 'that on receipt of the opinions, the Bill should be re-committed to the Select Committee.' Malaviya took this occasion to inform the Council that the Report of the Select Committee, in regard to the absence of some members of the Committee, was only partially correct. He told the Council that he and Khaparde, who attended the first meeting of the Committee, absented themselves on the second day and that Patel announced his intention of not signing any Report the Committee might make and withdrew from the Committee; further that he himself retired from the Council in view of His Excellency's Ruling that no member of the Select Committee, who had not signed the Report of the majority of the Committee, could append a separate minute of dissent to the Report.

Vithalbhai had another complaint to make. He had given a notice of an amendment to motion 1 as it appeared on the agenda first circulated to members. What had happened was this: that there was what was called by Vincent a revised agenda — in fact the form was changed. Vithalbhai's objection was two-fold: (1) the technical objection: he held that motions once entered on the agenda cannot be withdrawn except in the Council and with the permission of the Council; and (2) a practical objection: he had put forward an amendment to the motion originally placed on the agenda and it would not fit in with the new form of the motion. *Re* the technical objection, His Excel-

lency ruled that a member could withdraw his motion as Vincent had done in the present instance, and *re* the practical objection, Vincent consented to Vithalbai's moving his amendment as it stood when he sent it. Vithalbai said that first he would support Malaviya's amendment and would discuss what should be done with his own amendment when it came on. Vithalbai's support to Malaviya's amendment was based on his view (not expressed in so many words) that the report, in the nature of things, must have been perfunctory, as when three of the members of the Committee had declined to serve on the Committee, no attempt was made to fill up their places. Vincent ignored these complaints, and said the question of recommitting the Bill would be considered on its own merits, after the opinions arrived. The motion was negatived (Ayes 9, and Noes 35). Vithalbai then proposed his motion: 'That the Bill to provide for the amendment of the Indian Penal Code and the Code of the Criminal Procedure, 1898, as amended by the Select Committee, be shelved'. His Excellency ruled the amendment out of order, as it amounted to nothing more than a pure negative. Vithalbai could, of course, speak on the original motion. Vithalbai pointed out that the title of the Bill was: a Bill to provide for the amendment of the *Indian Penal Code* and the Code of Criminal Procedure, 1908, and yet among the clauses of the amended Bill there was not a word regarding any amendment of any Section of the Indian Penal Code. "Is this the kind of Bill", he asked, "amended by the Select Committee to be submitted to the High Courts, and to Local Governments and to other bodies for opinions? What will they think of us?" As a general revision of the Criminal Procedure Code was undertaken by Government, Vithalbai submitted that it would be appropriate to insert these few clauses in that Bill. He also pointed out the difficulty of having Clause 3 of the Bill, as it was, unless and until the examination of an accused person on oath was provided for in the Code. Briefly, Vithalbai showed that the Select Committee had done its work very perfunctorily.

Vincent pointed out that opinions had already been received on the Criminal Procedure Code Amendment Bill, and therefore if this Bill were not published, the Council would not have the

benefit of public opinion on the clauses of this Bill. Again, if the Bill was open to criticism it was all the more necessary that they should have further expert opinion upon it. He added: "At the same time I am tempted to regret that the Hon'ble member did not attend the Select Committee and favour us there with his criticisms; we should have greatly benefitted." In regard to the introduction of the Penal Code in the title, he said that, at the most, that was an error of drafting. The motion was put and agreed to.

So this was the end of the passage of the Rowlatt Bills through the Imperial Council. On the 23rd of February, 1920, Sachidananda Sinha put a question in the Council, asking whether Government proposed 'to proceed with the Bill which was introduced in this Council by Sir Reginald Craddock *to amend and consolidate* the Code of Criminal Procedure.' And Vincent's answer was: "In view of the amount of business connected with the introduction of the Reforms, which will come before the present Council, Government *do not consider that it will be possible to proceed with the Bill* to amend the Code of Criminal Procedure, which was first introduced in March 1914 and later reintroduced in a modified form in September 1917."

Practically the last reference to these Bills in the Council was made in the closing speech of the Viceroy on the 21st of March 1919. During the course of that speech, he said: "I now come to what are popularly known as the Rowlatt Bills. In my opening speech, after referring to the undoubted existence of definitely revolutionary organisations, I said: 'There are facts which can neither be denied nor explained away, and the Government of India would be failing in its duty if it did not make preparations to deal with them.' I went on to say that after the most anxious consideration of the subject, I had come to the very clear conclusion that special measures were essential, not only to the maintenance of His Majesty's Government in this country, but to the safety of the lives and property of its citizens. These special measures have now passed through this Council, and on Tuesday last during the final debate I was asked to withhold my assent to the Bill. In other words, I was in my position as Viceroy to withhold my assent to measures which in my

capacity as Governor-General I had regarded as essential not only to the maintenance of His Majesty's Government in this country, but to the safety of the lives and property of its citizens. I think Hon'ble members will see what an impossible position they would have me take up.

"Gentlemen, certain pledges have been given by the Home Member. Those pledges I accept. And let me repudiate the idea that this Bill is a slur on India's good name. It is nothing of the sort. The Rowlatt Committee were at pains to point out that it was a small section of the community which was affected; speakers on the Government side have time and again repeated the same, and for myself I repudiate the idea that this Bill affects any but the smallest fraction of the population, and that, only in the interests of the safety of the lives and property of the remainder.

"I have every hope that its mere existence in the Statute-Book will be sufficient, and that, when the three years for which it has been enacted have passed away, it will be found that the crime against which the Act is aimed has passed away also.

"I can assure Hon'ble members that it was with the very deepest regret that we found ourselves in this matter at variance with the views of our non-official Indian friends, and it was only because we were convinced of the imperative necessity of passing such a measure, that we felt constrained to introduce and pass it."

The similarity between the provisions of the Rowlatt Bills and those of the Irish Coercion Bills and the frequent references during this debate to those Bills, the number of amendments moved, the prolonged sittings of the Council, the apologetic speech of the Home Member, etc., etc., tempt one to wonder whether during the course of these Bills the Irish obstructionist methods were being employed for the first time in the Imperial Legislative Council of India. It may be worth our while, therefore, to detail here some of the facts connected with the Irish Coercion Bills, which have an apparent similarity to the facts connected with the Rowlatt Bills. Gladstone has the following note in his memoranda: Forster (then the Irish Secretary, who introduced 'The Protection for the Person and Property (Ireland)

Bill' in 1881) allowed himself to be persuaded by the governmental agents in Ireland, that the root of the evil lay within small compass; that there were in the several parishes a certain number of unreasonable and mischievous men; that these men were known to the Police and *that if summary powers were confided* to the Irish Government by the exercise of which these objectionable persons might be removed, the evil would die out of itself. Here is another point of similarity: Forster, in his speech, admitted that it gave him the keenest sorrow to ask for extraordinary powers, that it had been for him a most painful duty. Here is another. When Mr. Gladstone moved (on 25th of January, 1881) that the Coercion Bill (popularly known as Forster's Bill) should have precedence over all other business, the Irish members offered such violent opposition that they kept the House sitting all through the night till two o'clock the following afternoon. Here is still another, but with a difference: The battle over the Coercion Bill was a long, grim struggle, in which the Irish members were *ordered* (in the Indian Imperial Council there was nobody to give the order) to speak as often and for as long as they could (the longest speeches in the Indian Council were Malaviya's, but surely nobody could accuse him of drawing them out for the purpose of obstruction). Their (the Irish members') business was to obstruct, not to orate. Gladstone's comment on them was: "They sometimes rose to the level of mediocrity and more often grovelled amidst mere trash in unbounded profusion." (Now this can hardly apply to the Indian speeches). It was during the debate on the Irish Coercion Bill that the ancient liberties and privileges of the Parliament were strangled by the 'iron hand of *Clôture*.' The methods adopted in the Imperial Legislative Council by Vithalbai and other non-officials could be compared and, with some justification, equated with the methods which the Parnellites adopted in the British House of Commons till the moment when that House attempted to secure the weapon of '*Clôture*.' But the comparison must end here. Here is how the Parnellites behaved when that measure was being moved: "The Irish members spent a whole day in challenging the Speaker's right to assume arbitrary powers and in moving numerous motions of adjournment, but when they heard the



news of the arrest of one of their associates (Michael Davitt) they were dumbfounded. Sir William Harcourt justified Davitt's summary arrest by telling the House that 'Mr. Davitt's conduct was not such as to permit his retention of his 'ticket of leave'. But when Parnell confronted him with that hard, cold look in his eyes, and in his slow dragging voice asked him to specify what conditions he had violated, then he could find no answer. The Speaker came to his aid by calling on Mr. Gladstone to propose the new urgency resolutions, but the Prime Minister had barely concluded a sentence when the Irish benches showed the first *signs of battle*. Mr. Dillon interrupted to ask further questions regarding Mr. Davitt's arrest, and, though the Speaker ignored his demands he refused to give way and claimed his privilege of speech. In spite of his acting within the laws of Parliament, he was *named* amidst the deafening shouts of the opposing parties, and *his refusal to leave the House* until the Serjeant-at-Arms had summoned a retinue of doorkeepers and messengers to help in a forcible ejection if necessary, was a signal for Parnell to *commit a drastic action*. Dillon asked him 'not to involve the party on my account but to let it be my affair alone.' But Parnell quite deliberately told him to 'go on', for he knew that, following the strain of the past few weeks, most of his younger followers were spoiling for a fight, and that dramatic deeds at Westminster gained warm applause on the other side of St. George's Channel. As soon as Mr. Gladstone rose to proceed with his speech, Parnell stood up and proposed 'that the right honourable gentleman *be no longer heard*.' He was *named* for causing wilful and deliberate obstruction, and, when the division upon his suspension was called, twenty-nine of his followers protested against the legality of the proceedings by *refusing to leave their seats* as was compulsory according to the procedure of the House when the opinion of the members had to be tested in the lobbies. They were suspended *en bloc*, and for the next half an hour the rest of the house had nothing to do but to watch the various ways in which the Irish members reacted to the touch of the Serjeant-at-Arms. There was a slight cheer from Radicals such as Henry Labouchere when Parnell, still adhering to his usual formal courtesy, made an elaborate

bow to the Speaker before walking out of the House, but some of his supporters insisted on a formidable display of force before they could be ousted from their seats.... It was only when there was not a single Nationalist, barring Mr. Shaw and a few of his adherents, remaining in the House, that Mr. Gladstone was able to move his resolution which proposed that 'if a motion declaring the business urgent was supported by forty members rising in their places, then the motion was to be put forthwith without debate, and that if carried by a majority of not less than three to one, the regulation of the business was *to remain in the hands of the Speaker.*' It was amazing to see with what alacrity members voted for the destruction of their own rights of free speech, and how the terror of obstruction made them willing to invest the Speaker with omnipotent powers" (extract taken from Parnell — a Biography, by Joan Haslip). This type of obstruction was neither resorted to nor contemplated by Vithalbhai in the Imperial Legislative Council, though he certainly thought of it when, later, he proposed as a Swarajist to enter the Legislative Assembly.

If there was some similarity between the attitude of non-official opposition during the debate on the Rowlatt Bills in the Imperial Council and the Parnellite obstruction in the House of Commons, the similarity between the provisions of the Rowlatt Bills and those of the Irish Coercion Bills was greater. By those Bills (Forster's and Harcourt's), trial by Jury was abolished in favour of *trial by three Judges specially chosen by the Lord Lieutenant*, the police were *free to search any house* at any hour of the day or night, and they empowered a resident magistrate to act as a summary Judge and to sentence any citizen to as much as six months' hard labour merely on the charge of intimidation. The Irish Crimes Act (Harcourt's) was to remain in force *for a period of three years*. At the time of this Bill also the Parnellite method of obstruction was very nearly the same as at the time of Forster's Act — very much the same, but not the same, and a little milder. At this time, after a stormy all-night sitting, Parnell and sixteen members of his party *were suspended for wilfully blocking* the Crimes Bill, and they withdrew from the contest, "casting upon the Government the sole

responsibility for a Bill which had been urged through the House by a course of violence and subterfuge, and which when passed into law would be devoid of moral force and would be no constitutional Act of Parliament.' Vithalbai was quite capable of a similar action, but, in actual fact, he could not be said to have yet resorted to it. First of all, in the Imperial Council, Vithalbai had not the following which Parnell had in the House of Commons. He could hardly count upon two or three members who could follow him in such methods if he had tried them. Secondly, the Imperial Council was not the House of Commons. The Governor-General-President had more powers than the Speaker of the House of Commons. Thirdly, Vithalbai had not become so desperate at this stage as the Irish Nationalists were at the time they adopted these methods. Fourthly, we may note that the Irish Nationalists themselves gave up these methods when they could do something constructive — when they had come to have hopes of getting Home Rule, and at this time, whatever the shortcoming of the Montford Reforms, Vithalbai was not prepared to risk the losing of them.

The last time when Vithalbai referred to the Rowlatt Bills, in the Imperial Council was when, on the 10th of March, 1920, he moved the following Resolution:

"This Council recommends to the Governor-General in Council that a provision of Rs. 25,000 be made under appropriate head in the budget to meet the expenses of a Committee of officials and non-officials to be appointed to examine the working of the Press Act, the Prevention of Seditious Meetings Act, *and all other repressive Acts and Regulations* and report whether all or any of them can consistently with public safety be wholly repealed or at any rate so amended as to ensure that no executive action should be taken under them without obtaining previous sanction from ordinary courts of law in that behalf."

This was a Resolution moved by him in connection with the Financial Statement for the year 1920-1921. On the subject-matter of this Resolution, he had sent a general resolution, as Chanda and Sinha had also done, but none of these resolutions were reached during the short period of five or six days which were allotted to Resolutions. He therefore made sure of this question

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being discussed by moving this resolution on the Financial Statement. He said that he had brought this Resolution with a view to inviting public attention to the fact that the situation demanded serious immediate attention being given to the consideration of the question of repealing certain statutes and amending others. Among the statutes he mentioned as related to his Resolution were (1) Regulation III of 1818, (2) Bengal Regulation II of 1819, (3) Madras Regulation XV of 1827, (4) Bombay Act XXXIV of 1815, (5) Act III of 1858, (6) Act XI of 1857, as also (7) Act XIV of 1908, (8) Act I of 1910, (10) Act VIII of 1913, (11) Act IV of 1915 and last but not the least *Act XI of 1919*. He did not suggest that all the repressive Acts and Regulations should be struck out of the Statute-Book at once. What he wanted was a Committee to go into this question. He said: "My Hon'ble friend the Home Member referred to the dangers of a discontented police force in connection with another resolution. May I remind him of the dangers of a discontented public in connection with this Resolution? We very well know the public feeling all over the country since the passage of the *Rowlatt Bill*. We also know the danger involved in allowing the Press Act to remain in the Statute-Book. Both these Acts must go if the new era is to begin with mutual good-will and co-operation as desired by His Majesty." He went on to say: "Trust begets trust and if you do not trust people they cannot trust you."

Vincent's reply was: "Many of these Acts have not been used for years, *one at least has never been brought into operation*, and some will cease to be operative in a few months, and I suggest to the Council that there is little need for appointing a Committee to inquire into the working of a number of Acts and Regulations in such circumstances." About the Press Act, he said Government were prepared to examine certain amendments which had been suggested by Sir Sivaswamy Iyer. He, however, pointed out that difficulties of Government were materially increased by the manner in which certain organs of the Press were used at the time. He said he had in his hand the sort of article that increased the difficulties of Government in relation to the Press Act. "May I repeat", he added, "that an inquiry of the kind proposed, which would do nothing but evoke unrest,

agitation, and ill-feeling, would not be in accordance at all with the spirit of His Majesty's Proclamation?"

Vithalbai's rejoinder was: "I wanted really to give an opportunity to Government *to show real proof* of their intentions to co-operate with the people of India." If Government themselves were considering the matter in the light of His Majesty's Proclamation, all he said was 'please take us also into your confidence.' He added: "Public feeling, Sir, is very very strong against certain Acts on the Statute-Book, and I think — I do not know whether it is parliamentary to say so — but I think we are living in a fool's paradise, if we believe that all agitation will cease by the mere expression of lip sympathy or by mere talk about co-operation or anything of that kind. What is wanted is a radical cure. Remove those statutes against which people have been protesting all these days. Why do you not take the straight and open course that lies before you? And what is the use of saying we are ready to co-operate, Government has done this, Government has done that? Why do you not do the very thing I propose should be done in order to bring the people into closer touch with the Government and promote mutual good feeling between them?"

When the Council divided on the motion, it was seen that there were only 8 Ayes,— the number of Noes being 40. Among the Ayes were Sastri, Ayyangar, Khaparde and Chanda, and among the Noes, besides the Government members were Chitnavis, Nandi, Rampal Singh and Maung Bah Too.

## *Chapter Seventeen*

### CONGRESS PROPAGANDA IN ENGLAND

**A**S suggested in the Montagu-Chemsford Report two Committees were appointed in 1918 to go into the question of the electorates for the Provincial and Imperial legislatures, and of the division of the administrative portfolios of the Government into 'reserved' and 'transferred' departments. The former Committee was called the Franchise Committee and was presided over by Lord Southborough and was therefore subsequently known as the Southborough or the Indian Franchise Committee; the latter was called the Feetham or the Functions Committee and Mr. Feetham with his great South African reputation behind him was its president. Moderate notabilities like Surendranath and Sastri were amongst those who associated themselves with the Southborough Committee; while amongst those who served on the Feetham Committee were Sapru and Chimanlal Setalvad.

Before these Committees had begun their work, a general election took place in England and Lloyd George and his Liberal followers came out with a thumping majority at the polls. In the new Cabinet of Lloyd George, Montagu retained his former place as the Secretary of State for India. Sinha was appointed Under-Secretary of State for India; the appointment seems to have been made with a desire to enlist Indian goodwill and thereby to ensure smooth sailing for the Reforms Scheme! The appointment necessitated the raising of Sinha to the British Peerage, and in spite of strong opposition from Conservative Britain, Sinha became Lord Sinha of Raipur; it looked, for the time being at least, as if the pious wishes conveyed in the August Announcement of 1917 about 'the increasing association of Indians in every branch of administration' had borne fruit and given tangible proof of its author's intentions. For the first time in the history of the British connection with India an Indian of eminence was associated in the administration of Imperial affairs

in England! The Moderates saw in this appointment a visible proof of British goodwill on which they had been banking for political concessions to India.

A few months after the publication of the Montford Report the Government of India awoke to the revolutionary character of some of its proposals and invited the opinions of all provincial Governments upon the recommendations envisaged in the Report. In the course of a few months, and as the provincial reports began to arrive in Simla, the Government of India decided to go back upon the main recommendations of the Montford Scheme, though Chelmsford's Government still maintained its allegiance to the principle of *Dyarchy* to which the Report had pinned its faith. In the meanwhile all the Provincial Governments, excepting Bengal and Bihar and Orissa, had turned their back upon this principle and had demanded an advance in constitutional development on the old unitary structure of Government. The famous Government of India Despatch of the 5th of March, 1919 contained the considered views of the Central as well as the Provincial Governments on the provisions of the proposed Reform Bill, together with many valuable notes from several responsible officers of the State. The Reforms Committee of the India Council and the Secretary of State for India did not fall in with the principal changes suggested in this Despatch.

At this time, was sitting in London a Committee for the reconstruction of India Office under the Presidency of Lord Crewe, formerly, Secretary of State for India; Charles Roberts, George Brunyate, and Sir Bhupendra Nath Basu were among its prominent members. This Committee, euphemistically described in official language as 'Lord Crewe's Committee on the House Administration of Indian affairs', recommended some drastic changes in the character and constitution as well as the working of the India Office, and wanted all its expenditure to be placed under the British estimates, in conformity with an old and insistent demand of the Indian National Congress, and with the usage of the Colonial Office.

Soon after the Parliament re-opened in 1919, Montagu introduced into the House of Commons his famous India Bill. After the Bill had been read a second time in the Commons in

early June, a Select Committee was appointed from both the Houses of Parliament to examine its provisions and to hear evidence. This Committee was called the Joint Parliamentary Committee on the Government of India Bill, 1919; it consisted of the following gentlemen:—

Lord Selborne (Chairman), the Duke of Northumberland, Lord Crewe, Viscount Middleton, Lord Sydenham, Lord Islington, Lord Sinha, Mr. Montagu, Sir John Rees, Mr. Ben Spoor, Mr. Acland, Mr. Ormsby-Gore, Sir Henry Craik, and Sir Thomas Bennett.

Several Indian politicians went from India to England to do propaganda work in connection with Montagu's Government of India Bill. The Liberal Party was represented by, among others, Surendranath, Sastri, Chintamani, Ramchandra Rao, N. M. Samarth and others all of whom appeared before the Joint Parliamentary Committee as witnesses on behalf of their party. Lokmanya Tilak gave his evidence before the Committee on behalf of his own section of the Home Rule League, while Mrs. Besant and Sir C. P. Ramaswami Iyer represented the other section of this League. Jinnah, Yakub Hassain and Bhurgri gave their evidence on behalf of the Indian Muslim League, while A. J. Pugh and Sir John Heweth gave expression to the Anglo-Indian opinion on the Bill. A large number of official members including Lord Meston, Sir Claude Hill, Sir Frank Sly, Bhupendra Nath Basu and Atul Chatterjee were called upon to place their views before this Committee *in camera*.

The Congress Party was represented by Vithalbhai and Madhav Rao. In pursuance of Resolution No. 18 of the Indian National Congress at Delhi in December 1918, it was decided to send a Deputation to England, and a Committee of selection for the purpose was also agreed to. After the Selection Committee had selected the members, due approval was given to the selection by the A.I.C.C. that met on the 21st and 22nd of April 1919. The A.I.C.C. decided that the Delegation should be composed of Vithalbhai, Dewan Madhav Rao and N. C. Kelkar, and that the delegates should be asked to sail at once to England.

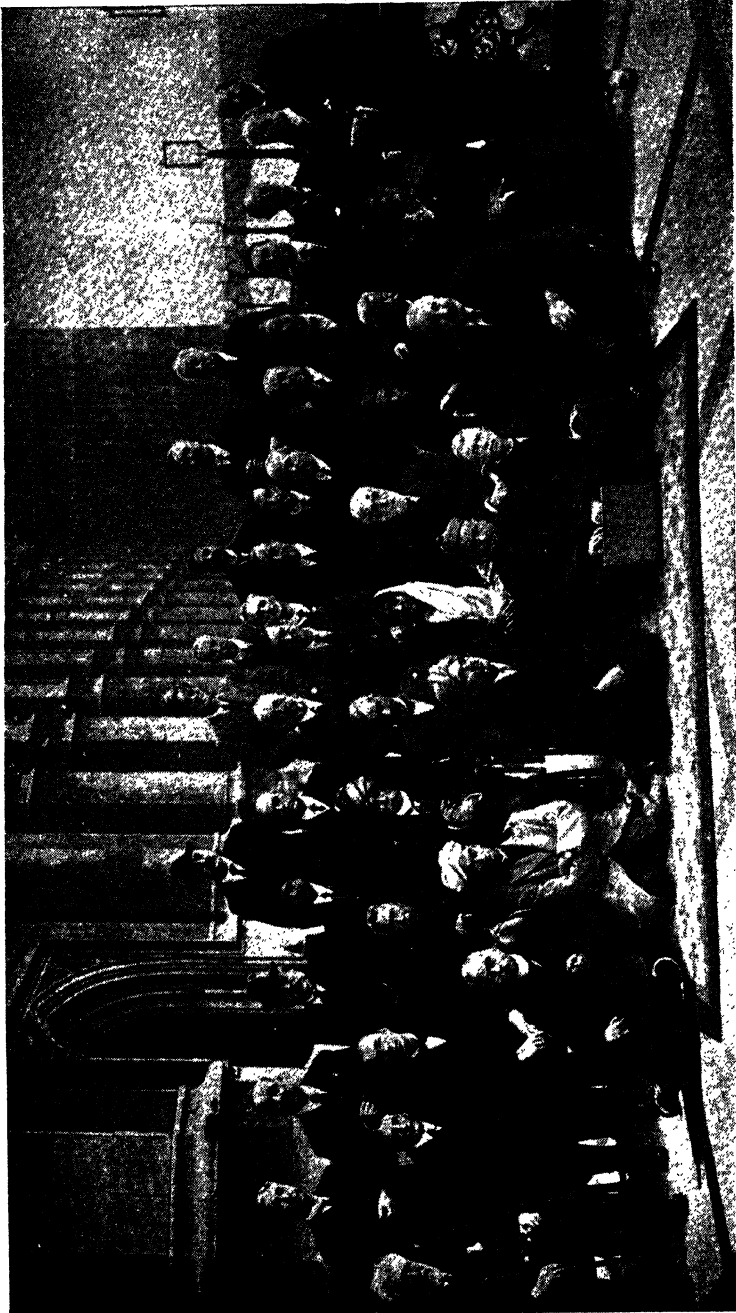
Since the Delhi Session of the Congress in December 1918, the Rowlatt Act had been imposed upon the country in spite of



the unanimous public protests against the Bill. The Government, unmindful of Gandhiji's threat of Passive Resistance and his subsequent constructive organisation of Satyagraha Sabhas, on the basis of the Satyagraha pledge of March 1919, had been pursuing its usual path of firm-handedness. The Moderates had issued a Manifesto against the Passive Resistance Movement. An abortive attempt was made for some sort of settlement on March 6th between the Viceroy and Mahatma Gandhi, but when the Rowlatt Bill actually became an Act on the 18th of March, Gandhiji in despair finally launched his Satyagraha Movement (on the 23rd of March). The last week of March was called the Satyagraha week; it was conspicuous by its monster meetings and fiery orations all over the country. The beginning of April saw the heavy hands of the bureaucrats engaged in attempts to nip the Rowlatt agitation in the bud and Delhi was the first town to witness the wrath of the prestige-ridden bureaucracy. On the 6th of April an All-India *hartal* was successfully organised and the day was celebrated as 'a day of penance, humiliation, fasting and prayer'—a day of passive protest against the Rowlatt legislation. It was this current of fast moving events that led the A.I.C.C. to decide to send its Deputation immediately to England. Undismayed by the seemingly unsuccessful attempt to thwart the passage of the Rowlatt Bill, the Congress was anxious to see that the Reform Proposals were not diluted to the extent of more harm than good being done to Indian aspirations under the pressure of the ever-ready-to-compromise Moderate infiltration in the heart of democratic Britain. The Moderate Deputation and a number of other Deputations had already left for England to press their views on the Reform Bill and the Congress had to educate the British Democracy on the one hand and on the other to maintain its leading status in the political field in the eyes of British Democracy. All these considerations weighed with the A.I.C.C. on the 21st and 22nd of April 1919.

Accordingly the three members sailed on the 29th of April 1919. Within a fortnight of their arrival Khaparde joined them. Lokmanya Tilak, Horniman and Dr. Mehta also now became members of the Delegation. Later in September, Messrs. Hassan Imam, Iyengar and Pal joined the Deputation. After them came Dr.





Congress Deputation, 1919

Sathye and he was followed by Mr. Chenchiah. The whole deputation thus consisted of twelve members: (1) Tilak, (2), V. P. Madhav Rao, (3) Khaparde, (4) Vithalbai, (5) Hassan Imam, (6) N. C. Kelkar, (7) Horniman, (8) Rangaswamy Iyengar, (9) Dr. Mehta, (10) Bipin Chandra Pal, (11) Dr. Sathye, and (12) Chenchiah. Vithalbai acted as Secretary to the Deputation.

The functions of the Deputation were explained by Resolution 20 of the Delhi Congress. Under this Resolution (1) The Deputation was authorised to enter into negotiations with the authorities of the British Congress Committee in co-ordination with the other component parts of the Congress organisation, and also to make the newspaper 'India' more attractive and to associate an Indian or Indians with its management. (2) The Deputation was also charged with the duty of advocating and pressing the demands of the Congress on the attention of the Parliament and the British public as contained in its Resolution passed at the Delhi Session.

The Deputation felt that these expectations could not materialise effectively and satisfactorily without the co-operation of the British Committee and the assistance of the paper *India*. They therefore immediately opened negotiations with the British Committee. The British Committee had then adopted a neutral attitude as between the Moderates and the Congress, and the newspaper *India*, in fact, supported the policy of the Moderates as opposed to that of the Congress. The Committee had gone as far as passing a resolution on the 8th of July 1918, supporting in principle the proposals of the Montagu-Chelmsford Report. After that the Committee had sent a cable to the Congress General Secretary asking for information on the point. To this the following reply was sent: "Cannot speak for the Congress till it needs; Congress Committee are meeting and declining to accept the Report.—President, National Congress." A special session of the Congress was held at the end of August, in Bombay, and had declared the Reform Proposals as unsatisfactory and disappointing and had passed resolutions demanding radical alterations in them. In spite of these resolutions, the Committee and the paper 'India' had been carrying out a policy

which was different from the policy of the Congress. Thereupon at the Delhi annual session of December 1918, a resolution stopping further payment to the Committee was passed and the following cable was sent to them:

"In view of the resolution of the Congress, please don't enter into any engagements for 1919." When the British Committee met for an informal talk on the subject, on the 26th of February 1919, Tilak and Karandikar were present as invitees. Tilak asked if the Committee approved and were prepared to press upon the attention of the country the resolutions passed by the Congress at Delhi and complained that the Congress view was not presented and supported either by the Committee or by the paper *India*. After two hours' full discussion, the Acting Chairman explained that it had been finally decided to maintain a neutral position until the arrival of the Deputation from India, and Mr. Swinny observed that in the meantime propaganda should be confined to points on which there was practical unanimity of opinion in India. Tilak was disappointed and awaited the arrival of the deputation.

Immediately on arrival, Vithalbai, as the General Secretary, wrote a letter to the Chairman of the Committee, stating that the Congress Deputation was in London and desirous of meeting the Committee. The Committee immediately resolved to meet and interview and hear the Congress Deputation first, and, at a subsequent date, the Moderate Deputation. It also resolved that 'members of both the Deputations may have access to the library and printed papers of the office at convenient times.' On the 2nd of June, the Deputation met the Committee. Vithalbai on behalf of the Deputation asked for the assistance of the Committee, in the preparation of the evidence to be submitted to the Joint Committee, in the interviewing of the members of the Parliament, the Secretary of State, and other officials, and in the holding of public meetings and in the issuing of literature. He also asked for the use of the Committee's office for the day-to-day work of the deputation and inquired if the Committee was prepared to support the resolutions of the Delhi Congress. Dr. Clark replied that the Committee was divided in opinion since the unfortunate split in the Congress at Bombay,

and as an independent body, was desirous of promoting the cause of Indian Reform to the best of its ability. He further stated that the delegates would receive all the assistance possible and that the Committee rooms would be available to the General Secretary (Vithalbai) from 10 to 2 p.m. every day. He also added that the Committee in its independent capacity was anxious to secure as large a measure of Self-Government as possible for India, and for that purpose hoped that the various Indian Deputations then in the country would reconcile their differences and present a United Front. Vithalbai thereupon stated that his deputation was always willing and anxious for any reasonable reconciliation and had no objection to the British Committee acting as mediators.

On the 18th of June, the Committee met the members of the Moderate Deputation and Mrs. Besant. Surendranath stated that his party had decided to support the Bill, but that there were certain points in which the Bill fell short of the Report and that they would do their utmost to secure amendments in respect of them. He also said that his party had accepted dyarchy and that, in their opinion, it was undesirable to demand complete Provincial Autonomy, Mrs. Besant endorsed the observations of Surendranath and expressed a desire to see the Bill through the Parliament, while hoping for improvements at the hands of the Joint Committee.

After hearing them the British Committee came to the conclusion that it was futile to pursue the negotiations and that it was not possible to secure unity. They, therefore, gave up all negotiations. It was by that time an open secret that the Editor of *India* as also the Secretary of the British Committee had their sympathies with the Moderate Deputation. Since the Congress Deputation had occupied the Committee room, however, it came in constant touch with the Indian Members of the Committee, and some of them appreciated and accepted the Congress point of view.

When it was found that the ground was ready, the Deputation passed the following resolution:

"Resolved that the paper *India* having been established as the Representative Organ in England of the National Con-

gress, and having been assisted at various times by the funds of the Congress on that understanding, the attention of the British Committee and the Proprietors of the newspaper *India* be drawn to the fact that for some time past that paper has been conducted on lines which are not in accordance with the resolutions of the Congress, but are inimical to the policy contained therein, and the British Committee and the Proprietors are hereby requested to give an assurance that the policy of *India* will in future definitely and unambiguously conform to that laid down in the resolutions of the Congress from time to time."

The Resolution was forwarded to the Committee and the Chairman of the Board of Directors. The Committee met and considered the letter. Bhupendra Nath Basu, Mrs. Besant, and Swinny having opposed the consideration of the letter, the subject was dropped. The Directors, on the other hand, in their meeting passed a resolution instructing the Editor to support, in *India*, the policy of the Delhi Congress. This resolution of the Board of Directors was considered at a meeting of the Committee on July 11th. In the meantime, in a letter dated the 10th of July, Vithalbai had written to the Chairman of the British Committee that the Committee should realise that a 'definite and unambiguous reply without further delay would tend to facilitate the work of the Deputation.' He also appealed to them to expedite the matter, though the Deputation was aware of the fact that there were difficulties in their way, owing to the unfortunate split amongst their members in connection with the question of supporting the Delhi Congress mandate in regard to the Committee's work in England. Vithalbai also suggested in that letter that those members of the Committee who were not prepared to accept the position taken up by the Congress should in fairness to the Congress and in order to enable the Deputation to carry out the mandate of the Congress in co-operation with the Committee should forthwith sever connection with the Committee and organise, if possible, a separate Committee with quite an independent programme entirely unconnected with the Congress. The very next day Vithalbai again wrote, that to avoid further difficulty the Deputation were ready and willing to take over and be responsible for the paper financially and otherwise. This

letter along with one from Polak were considered by the Committee. After some discussion on the motion of Dr. Rutherford, seconded by Parikh, it was resolved that the Committee approve of the resolution passed by the Directors. Mrs. Besant suggested that further consideration of the subject be deferred and Surendranath seconded her motion.

In spite of the resolutions of the Committee and the Directors, the Editor still refused to carry out the policy of the Congress with the result that he had to resign and the Assistant Editor, Miss Normanton, was appointed to take his place temporarily with N. C. Kelkar as associate Editor during his stay in England. The happy solution was in essence a success to the credit of Vithalbai who handled the matter firmly and resolutely, and yet tactfully.

But the British Committee had not yet accepted the policy of the Congress. As a matter of fact, at one of its meetings, a motion by Parikh that some of the members of the Congress Delegation should be elected members of the Committee, during their stay in England, lapsed for want of a seconder and on the same day, and on the motion of Dr. Rutherford seconded by Mrs. Besant and supported by Bhupendra Nath Basu, it was resolved that each of the five Indian delegations then in England should be asked to nominate one of their members to attend the ordinary meetings of the Committee as visiting members without voting power. Vithalbai, as the Secretary to the Congress Deputation, then, wrote to the Chairman of the British Committee. "My Deputation protests against your decision, in asking them to return one of its members to your Committee, and that the person returned will have no right to vote. The Deputation says that the claim of all the members of the Deputation to sit and vote in the Committee is obvious and regrets it cannot therefore see its way to return any member as desired by your Committee." Agitated by the curt attitude of the British Congress Committee Vithalbai again wrote on the same day asking the Committee if they were prepared to co-operate with the Deputation in carrying out the mandate of the Delhi Congress.

These letters were considered at one of the meetings of the Committee, when Mrs. Besant and her supporters questioned the



right of the Delegation to take up such a strong attitude. No decision was arrived at, with the result that the Deputation appointed a Committee consisting of Vithalbai and Khaparde to meet the British Committee and prepare a written constitution to be adopted by the Committee.

For all these years, the Committee was working without any constitution, and that indeed was the main reason which enabled the Committee to disregard the policy of the Congress in the past. In consultation with the British Committee a constitution was drawn up by Vithalbai and Khaparde and approved by the Deputation. It was then placed before the British Committee and adopted by them. Many years ago, John Bright had started an Indian Reform Committee and tried to interest the British people in Indian affairs, but the effort was short-lived, as the interest in Indian matters was insufficient to maintain an organisation. In the early eighties of the last century, the agitation against the Ilbert Bill and the reform policy of Lord Ripon excited considerable feeling in England, and the Indian question came to the fore. In 1883 an Indian Reform Association was formed to support Lord Ripon's policy. Among the Indian members of that association were Lal Mohun Ghose, who had stood as a Liberal candidate for Deptford in 1885, and Dadabhai Naoroji, who was the first Indian to be elected to the House of Commons. The organisation of the Indian National Congress was one of the results of the work of the London Association, as their experience showed that organisation was absolutely necessary in India. At first the Congress was represented in England by an agent, Mr. William Digby, but later it appointed a small committee to supervise the work of Mr. Digby. When he resigned the agency, the Indian Reform Association united with the supervising Committee to continue the work of agitating for great reforms in Indian administration, especially for increasing the number of Indians in the Indian Civil Service, and for giving greater powers of control over their own affairs to the Indian people.

The British Committee had no definite constitution or rules of procedure, and for many years the constitution of the Congress itself was equally indefinite. The cost of the British Commit-

tee was defrayed partly by subscriptions in England, but principally from grants and subscriptions from the Congress and its supporters in India.

The following was the new constitution which was adopted by the Committee:

(1) That the name of the Committee shall be the British Committee of the Indian National Congress.

(2) That the object of the Committee shall be to act as the executive in the United Kingdom of the Indian National Congress.

(3) That the General Committee shall consist of an unlimited number of members, with power to add to their number, those who accept the objects, as defined in Art. 1 of the Congress Constitution, and the resolutions passed by the Congress.

(4) That there shall be elected annually an Executive Committee of not more than 12 members of the General Committee, who shall meet as often as they consider it desirable to do so, and who shall have the powers of the General Committee between its meetings.

(5) That the Executive Committee shall elect a Chairman, Vice-Chairman, Treasurer and Hon. Secretary.

(6) That the President and ex-Presidents of the Congress *who still co-operate with it* and are not in Government service, and all delegates sent by the Congress to this country, shall be ex-officio members of the Executive Committee while in England.

(7) That the expenses of the Committee shall be defrayed by annual grants from the Indian National Congress.

Clauses 6 and 7 were in the nature of death-blows to the Moderate manoeuvrings in the matter of the capture of the British Committee for propaganda in England in support of their contentions. Having accepted the Congress money the Committee had no alternative but to become a creature of the Congress. And having decided 'that the Presidents and the ex-Presidents of the Congress *who still co-operate with it and are not in Government service*' only could be ex-officio members of the Executive of the British Committee, the Committee had left no loophole for those like Mrs. Besant who wanted to reap the benefits when the harvest was full.

After these negotiations were carried out successfully the Deputation turned their attention to the question of associating an Indian or Indians in the management of the paper *India*. The matter was easily accomplished as, according to the new constitution, all the members of the Congress Deputation were ex-officio members of the British Committee, and therefore had a voice in the settlement of all the questions before the Committee. The Committee unanimously adopted a resolution that one Indian selected by the Congress should in future be the Editor or joint Editor or Secretary or joint Secretary of the Committee or both.

The Deputation next went on to allay the impression prevailing in some quarters that the British Committee and the paper *India* were often in the past partly financed by an individual member or members of the Committee. To ascertain that, the Deputation examined very carefully the accounts of the Committee, and found that only on one or two occasions individual members had to give a guarantee or to advance cash owing to delayed remittances from India. The amounts so advanced, however, were found to have been fully paid up as soon as remittances arrived from India.

Whilst on the one hand the Deputation were busy negotiating with the British Committee, on the other hand they were not neglectful of the main work of their mission. The work was divided into three categories:

1. Preparation and the giving of evidence before the Joint Committee.
2. Interviewing the Secretary of State and other officials.
3. Educating the British democracy as far as possible in the demands of the Congress, as contained in the resolutions of December, 1918, and instructing members of Parliament.

As soon as the Joint Committee was appointed the Deputation opened up correspondence with the Chairman of the Committee. In the very first letter Vithalbai requested the Chairman to supply the Deputation with a copy of the rules to be framed under the Bill in order to enable them to prepare themselves to give evidence on them, and also a copy of the evidence given by

witnesses before Lord Southborough's Committee in order to enable them to submit their views on their findings to the Joint Committee. In reply, the Deputation was told that no such copy was available. It seems strange that a Joint Committee charged with the duty of testing the correctness of the findings of the Franchise and the Functions Committee, could not, up to that date, be in possession of the evidence on which these findings were based! During the course of the Deputation's correspondence, Vithalbhair, as its then Secretary, insisted that *every* member of the Deputation be examined and that in that respect the claim of the Congress was superior to that of any other Deputation, in view of the fact that the Congress represented the whole people of India. At first the Deputation was asked to elect *one* of the Deputation to give evidence. Vithalbhair was deemed worthy of selection and this selection was duly intimated to the Committee. In the meanwhile, Vithalbhair, as the Secretary to the Deputation, continued to reiterate their demand for the examination of all its members or at least two of them — particularly in a letter, dated the 28th day of July 1919. The Committee at last accepted their request, and Dewan Madhav Rao and Vithalbhair were examined by the Joint Committee. The Lokmanya gave evidence on behalf of the Indian Home Rule League.

In the course of their correspondence, the Deputation brought to the notice of the Committee one very important matter. In a letter dated the 17th of July 1919, Vithalbhair, as the General Secretary, wrote as follows:

“The Deputation also desires me to bring to the notice of your Committee one very important factor which, in the opinion of the Deputation, will materially affect the question of the reception in India of the reforms, however liberal and well-meaning they may be. The passage of the Rowlatt Legislation in the Indian Legislative Council in the teeth of the unanimous opposition of the people and the repressive measures adopted by the authorities in India to check the agitation following it, have created a situation in India which has materially shaken people's faith in the *bona fides* of the British Government. Unless, therefore, in the proposed Legislation the rights of the people of India as British Citizens are guaranteed to them, the Deputa-

tion feel that the labours of the Committee will have been wasted. Holding these views, the Deputation desires me to urge upon your Committee the imperative necessity of recommending the repeal of the Rowlatt Act and other repressive measures, and the inclusion in the Bill of the Declaration of Rights, referred to at page 14 of the Memorandum of Evidence, in order that the reforms, such as they may be, may be accepted by the people of India, as a sincere effort to place them on the road to Responsible Government. The Deputation trust, therefore, that in giving evidence before the Committee they will be allowed an opportunity to dwell upon the importance of this aspect of the situation in India”.

In giving evidence before the Joint Committee, Vithalbhai insisted on the necessity of the inclusion of a clause containing the rights of the people of India as British citizens, but he was over-ruled by the Chairman, as he was attempting to give detailed reasons in support thereof. In fact he had anticipated such use of the Chairman's powers and had actually enquired of the procedure the Committee proposed to adopt in the matter of the examination of witnesses in a letter, dated the 6th of July, 1919, to which he had received a reply to the effect that it would be 'the function of the Chairman to give his ruling in the case of each witness as to what evidence is permissible and what evidence is not'.

The other part of the work of the Deputation consisted of (1) addressing meetings, (2) interviewing officials, members of Parliament and other people who might be of use and assistance to the Congress cause. A large programme of meetings was arranged with the help of Dr. Clark, Chairman of the British Committee, and Mr. Blizard, the new Secretary of the Committee. From Glasgow in the north to London in the south the members of the Deputation addressed a large number of gatherings, and created an atmosphere of interest in the Indian political situation. Apart from addressing small informal group meetings, Vithalbhai addressed about half a dozen large public gatherings. A large number of persons and organisations were associated in the arrangement of this course of instructive lectures by the members of the Congress Deputation. The London Indian

Association, the Fabian Society, the National Liberal Club and similar other organisations co-operated with the Delegation. A preliminary Committee was formed by Tilak to support Congress demands.

Immediately after the arrival of the Deputation a formal interview was asked for and granted by the Secretary of State for India. The Deputation also had one or two opportunities for discussing things in an informal manner at parties to which they were invited by the Secretary of State. The officials of the Labour Party invited the Deputation to a dinner and again to a luncheon at the House of Commons. At a farewell dinner given by Ben Spoor, the Labour M.P., at the House of Commons, in responding to the toast to the Indian National Congress Delegation — in which Ben Spoor had specially coupled the name of Vithalbai — Vithalbai said that, on behalf of himself and his colleagues, and of the Indian National Congress, he thanked them most sincerely for their kind reception of that toast. At the same time it was with sincere regret, which was shared by his fellow-delegates, that he felt that that occasion marked the close of their association with the representatives of the Labour Party — an association that had been the most pleasing, and certainly the most encouraging feature of their visit to that country. They would be returning to India with little satisfaction if it were not for the encouragement and hope that they had derived from the sympathy and assistance that had been given to them in such abundant measure, not only by the leaders, but also by the rank and file of the Labour Movement in that country, and that they at least, whatever might be their inability at the moment to put their sympathy into practical effect, recognised the unassailable justice of the cause for which they were fighting and for which they stood — the principles which constituted the platform of the Indian National Congress — the right of the Indian people to manage their own affairs in their own way, without dictation from outside, and to the enjoyment of those elementary liberties of which they had unfortunately been deprived, and without which no nation could live with self-respect or take its place in the march to the goal of freedom and social happiness which was the aim of all. From the mo-

ment that they began their work in that country they found that in all their efforts and in all their difficulties they had sincere friends in the Labour Party, individually and as a whole. They believed that the feeling of sympathy and the desire to support them in an uphill and weary contest had been unanimous throughout the great Party which was represented there that night. They thanked them most warmly for all they had done and for the continued assistance that they had promised them though no promise, perhaps, was needed. To Mr. Ben Spoor he paid a special tribute. To him had fallen the lot of fighting out their battle single-handed in the Joint Committee—an ungrateful task, perhaps, in the inevitable emptiness of the results, but not, he might assure him and those he represented, in the warm gratitude which it had evinced in their hearts. He had worked with him for all those six months. His single-hearted and arduous labours would never be forgotten by them, and his name would ever be remembered with equal gratitude by the people in that far-off country in whose interest he had worked.

“They were going back, however, disappointed men in that they had not achieved the immediate ends for which they came. They were disappointed in the Bill that was about to become law, because it absolutely denied to them the elementary right of determining their own destiny and refused to them all the essentials of popular liberty. It gave them not an iota of control over their Central Government, it reserved all executive control, in the provinces to the hands of bureaucratic administrators, and even in those few departments where they were to be allowed to experiment in capacity for responsibility they were to be at the mercy of autocratic Governors. Such a measure could not bring happiness or satisfaction to a people who were suffering as the people of India were suffering at that moment. It was an irony of fate that the passing of Mr. Montagu’s Bill should be signalised by such a revelation of the possibilities of autocratic rule. A leading Liberal journal described the appalling news of the Amritsar massacre as a ‘revelation to the British people of what their rule in India might come to but for the change set up by the measure now passing into law.’ He would be very glad to know how the measure now passing into

law could affect such things in any degree at all. Given a reactionary and unsympathetic Viceroy, surrounded by unsympathetic and reactionary advisers of a like nature, the Punjab horrors would be a matter of frequent occurrence for anything the new Government of India Act could do to prevent them. The Amritsar massacre and the other horrors that took place in Lahore and Gujranwala and elsewhere were the direct outcome of the passing of the Rowlatt Act, in spite of the most passionate and widespread protest that ever went up from a people. They were inflicted on the people ruthlessly and callously by military and civil administrators who believed themselves safe in setting at defiance the people over whom they wielded authority. Could the new Act protect them from a repetition of the passing of more Rowlatt Laws or the infliction of more Dyer-and-O'Dwyer atrocities? No, they will go on having those revelations until they applied the only cure — namely, to make those who exercised power and authority responsible to those over whom they were to exercise it. It was not so long since they had the revelations of the Mesopotamia Commission. It was because they had failed to learn the lesson and to apply the cure that they now had the revelations of the Hunter Committee. Bureaucracy and autocracy were incurable by themselves; nor were they to be cured by homeopathic doses of dyarchy. They could be cured only by a radical surgical operation which deprived them of their power and transferred it to the people themselves. Mr. Patel remembered the words of Mr. Montagu when he was a free critic on the Opposition benches of the Government that was responsible for the Mesopotamia scandals.

“The Government of India, he said, was too wooden, too inelastic, too antediluvian for the purposes they had in view. That was Mr. Montagu, as Opposition critic. What was he as a Minister? The authority of the Central Government, he said, must remain unimpaired; so he left it wooden, inelastic, and antediluvian, a machine without a soul, that would drive its judgment wheels as ruthlessly over the people's bodies and their aspirations as it had always done.

“The soul of a people must be in their Government if they were to be content, to progress and to prosper, and to order



their national life as it should be ordered, so that there was opportunity for all, work for all, equal distribution of wealth, and proper conditions of labour and environment. The new Act denied their soul. The denial was enshrined in the preamble. Responsibility would rest in the British Parliament six thousand miles away. That responsibility was on their heads, for they realised now that those to whom, in the exercise of their responsibility, they might entrust the care of the people of India might shamefully abuse their trust and they might know nothing of it till nine months after the event. That was the meaning of that responsibility.

“They were disappointed, and the people of India, whose mood, as they could well understand, was very bitter, would be disappointed. Their only hope lay in the future. They had been advised by some well-meaning friends to accept that Bill as an instalment. Unfortunately, they had their doubts as to whether it was not a step on a very dangerous road. But it was not a question of acceptance or rejection. The thing was there. How they would use it was their own affair, and on the eve of the meeting of the Indian National Congress, which would voice the attitude of the people, it was not for him to pronounce. But he could assure them of one thing. The people of India did not mean to wait; they did not mean to feed on crumbs. They wanted their political freedom and they would continue to agitate for it in every legitimate and constitutional way until they got it. They would look confidently to the Labour Party, which was the National Party of Britain, to support them. He made the final request that they might take to India from the Labour Party a definite and official message of hope, that in the hour of their victory, which assuredly awaited them and was bound to come in the near future, among their first thoughts would be the granting to India her full freedom as a partner in the British Commonwealth and the guarantee of the liberties of her people.”

The Deputation tried to come into touch with men of all political parties, though for obvious reasons the bulk of assistance received was from the leaders and men of the Labour Party. Among the leaders, Lansbury and Col. Wedgewood always took keen and active interest in Indian affairs, and Ben

Spoor, who was equally sympathetic, was the man chosen by the Labour Party to represent India in Parliament and also on the Joint Select Committee.

The Memorandum of Evidence was very ably drawn up by Vithalbai. The first part of the Memorandum consisted of a general statement on the aims and ideas of the Indian National Congress, India's demands, the Congress attitude to the Announcement of August 1917 and the resolutions of the Delhi Sessions of the Congress. In the second part of the Memorandum, were enlisted the proposed amendments to the Government of India Bill 1919, to bring it in line with the proposals of the Indian National Congress. Part three of the Memorandum dealt with Functions and Franchise. He also drew attention to important points in which the Bill fell short of the Montford proposals.

The Memorandum in Part one was a general statement of the aims and ideas of the Indian National Congress. It clearly and emphatically tried to bring home to the Joint Committee that the object of the Congress was 'the attainment of Self-Government within the Empire on the lines of that now being enjoyed by the self-governing Dominions.' Recalling to the Committee their stand as the true representatives of the nation, the Memorandum declared that the Congress 'represents the overwhelming opinion of the people of India' and that 'its constitution and organisation are of the widest democratic kind' inasmuch as 'its delegates are elected throughout the country by or through the various affiliated bodies and at public meetings and membership is open to every British subject in India of either sex, and of any class, creed or race, who is willing to attend its session, provided he or she is 21 years of age and has formally subscribed to its constitution.' The Deputation also declared that they would again 'urge upon the Committee the representative character in which they appear before them as the accredited delegates of the most representative popular institution in India, with a definite mandate to urge upon the Parliament of United Kingdom' that the demands of the Indian People be generously considered.

Part one of the Memorandum was also a critique of the Montford Report on Indian Constitutional Reforms. Without

reservation the Deputation plainly declared 'that the Indian National Congress cannot accept the assumption contained in the Report — that the people of India are as yet unfit for full Responsible Government.' The Montford Report had briefly given the following reasons in support of their contention in regard to India's fitness for Responsible Government:

1. The absence of trained electorates of sufficient dimensions.
2. The setting up of an oligarchy of the educated classes to govern the illiterate masses whose interests they would not be so well fitted to represent as an alien bureaucracy.
3. Racial diversities and religious animosities.

Vithalbai, who drew up the Memorandum of Evidence for the Congress Deputation, tore to shreds these points, raised by the Montford Report. Being a keen student of the constitutional practice of his days he mustered together all the arguments he could from the history of civilised nations. As to the absence of trained electorates of sufficient dimensions and the danger of an educated oligarchy assuming all the power to itself he replied that 'in all countries responsibility in the beginning has been entrusted to a very small section of the people and the Government had been in the hands of a small educated minority, who naturally cared for the interests of the uneducated masses pending the spread of education and the consequent extension of the franchise.' In this connection he drew the attention of the Committee to the historic experience of the British, the Swedish and the Italian nations. 'Even in the United Kingdom, three years after the passing of the Great Reform Bill of 1832, only 3.3 per cent. of the total population enjoyed the franchise and, as late as 1881, the proportion had only grown to 8.9 per cent. In 1880, only 1 per cent. of the population could exercise the vote in Sweden, and until 1882, the Chamber of Deputies in Italy was elected by 2½ per cent. of the population'. "Large electorates in most self-governing countries have only grown up in recent years", said the Memorandum, and added that "it was not until after the Reform Bill of 1884 was passed in the United Kingdom that 15 per cent. of the population became enfranchised, and in the United States, as late as 1888, only 17.6 per cent. of the popula-

tion enjoyed the right to vote.' Referring to the objection of racial diversity and religious animosities, Vithalbhai, during the course of the Memorandum, asserted that these have not 'ever been a bar to the achievement and successful working of self-governing institutions in other countries. This was notably the case in some of the self-governing Dominions of the British Empire itself. Canada was granted full responsibility at a time when religious animosities were at the most acute stage, and when the population was certainly far below the standard in respect of education and training laid down for India in the Report on Indian Constitutional Reforms; yet what is now held to be a bar in the case of India was regarded, and, as it proved, rightly so, as a solvent in the case of Canada.' Declaring their faith that 'equally in India the grant of full responsibility and the removal of all her political fetters would prove the surest solvent of all such problems', the Memorandum asserted that 'the difficulties of this kind, to which reference is made in the Report, have been greatly exaggerated' and that 'Hindus and Muslims have lived for centuries side by side in social intercourse and mutually helpful brotherhood', and that 'nothing has been more striking in the past few years, and is more evident today than their recognition and devotion to a common nationhood'. (Alas! the situation has changed out of recognition since those palmy day!— thanks mainly to the way our present-day leaders have handled the situation).

Apart from answering the reasons which prevented the authors of the Report on Indian Constitutional Reforms from proposing a scheme of immediate full Responsible Government for India, the Memorandum also set forth 'broad and unassailable considerations' as to the question of India's fitness for such form of Government.. The Memorandum in the first instance drew attention to the British and allied declaration of the Principle of Self-Determination 'as the essential principle to be applied to all civilised people'. If it were so, argued the Memorandum, 'in the case of India, the immediate grant of Responsible Government, qualified only by the reservations necessary to its position as an integral part of the British Empire. ... is the logical expression of that principle.' The Memorandum vehem-

mently declared, that 'the question of fitness of a people to manage their own affairs, is not to be decided by such specious considerations as are put forward in the Report on Indian Constitutional Reforms. The principle of the right of every people to govern themselves is the basic fact which must be assaulted, and if that right is to be withheld, while there may be reasons sufficiently strong to remove it from consideration, if attempt is made to apply it to barbaric or semi-civilised peoples or races, which may be considered to be otherwise disqualified or unequal to such responsibility, these cannot be advanced in regard to a people whose civilisation is the oldest existing in the world, who managed their own Kingdoms and Empires as large as the British Empire in India long before the establishment of British rule in the country, who possess ancient traditions of an essentially democratic Government, among whom municipal institutions of an essentially democratic character only ceased to exist after the advent of British rule, whose country is economically in so large a measure self-contained and in need only of free development and whose claim to the same Imperial protection as that so long enjoyed by the self-governing Dominions is based on the indisputable ground of the immensity of their past and present contributions to the military power and economic welfare of the Empire.'

The Congress attitude to the Announcement of August 1917 was also reiterated in Part I of the Memorandum. It stated that 'in accepting with satisfaction the declaration in the Announcement of August 20th, 1917, that Self-Government is the goal of British policy in India, the National Congress, at its Session in Calcutta in the following December, repudiated the claim of others to decide for India the time and measure of the stages by which it should be achieved, as a negation of the recognised principle of self-determination.' The Bombay Special Session (1918) had called the reform proposals in the Report 'unsatisfactory and disappointing', but to facilitate the passage of Reforms had abandoned its own scheme, viz. the Congress-League Scheme. But public opinion was found to resent such an attitude to Reforms; for the people wanted immediate grant of Responsible Government in the Provinces. The Delhi Congress,

therefore, in the following December (1918), demanded immediate grant of full responsibility in the Provinces.

Having thus mentioned the Congress attitude to the course of proposed Reforms, the Memorandum went on to set forth the Delhi Resolutions as embodying the Congress demands.

The Congress view-point on the proposals of the Montford Report which formed the basis of the Government of India Bill (1918) was also frankly and clearly stated: "We submit that the proposals of the Joint Report, intended to solve the political problems of India, have failed to satisfy the aspirations of India, as expressed in the Congress resolutions. The Authors of the Report have not carried out substantially the *spirit* of the Declaration of August 1917. They have put too narrow and too strict a construction on the wording of that Announcement. They have declined to grant full Responsible Government to any Province, and they propose to maintain the Central Government in as bureaucratic a form as ever. The Authors of the Report in taking this course, have altogether missed the real issue, for the solution of which their task of proposing Constitutional Reforms for India was undertaken. They do not propose to solve the greatest of all problems in India, viz., Fiscal Autonomy, without which all other reforms are almost valueless. We do not find any recommendation in this Report for the abolition of the India Council which is left untouched in the Bill. They do not even suggest the probable period within which the goal of full responsibility can be reached, much less do they recommend the fixing of any such time limit in the Statute to be passed.'

Drawing attention to the Bill proper and its 'unsatisfactory character, the Memorandum regretted 'to say that the proposals contained therein are even less acceptable than the unsatisfactory and disappointing recommendations of the Joint Report.' On a number of points the Bill went back upon the Joint Report. (See Appendix II, pages 20-24 of the Memorandum. Points Nos. 7, 10, 12, 13, 14, 18, 19, 20, 21, 22, 23, 24, 25, 29, 32, 33, 44, 47, 48, 49, 50). Though the Bill was apparently intended as a measure of 'transfer of responsibility and control in the Government and administration of the country from the hands of the bureaucracy to those of the representatives of the

people', in reality it proposes 'generous (!) provision' for the transfer, 'not from the bureaucracy to the people, but from Parliament to the bureaucracy — allowing only a very limited and tentative experiment in 'responsible administration' in order that the people of the country may undergo a training in 'responsibility' to be carried out by instructors who have had no such training themselves, but whose mental equipment and experience in the working of forms of Government and administration make them singularly ill-fitted to be entrusted with such a task. And 'the limited powers to be granted to the popular representatives are to be surrounded by such an effective entanglement of barbed wire, in the form of checks, safeguards, and saving clauses as to leave the Governor of a Province, as Sir Donald MacLean aptly pointed out in the debate on the second reading, still in the possession of 'almost despotic powers.' Even in matters of municipal affairs the Bill gives 'little more than limited responsibility', leaving 'the people still at the mercy of the executive in all departments which vitally affect their interests.'

Part II of the Memorandum concerned itself mainly with the 'proposed principal amendments to bring the Bill in line with the Indian National Congress proposals.' If Part I bears out Vithalbhai's mastery over the *fundamental principles* of constitutional structure, Part II bears out in equal degree his penetrating genius in the intricate maze work of constitutional details.

Part III of the Memorandum concerned itself, first, with the problems of Functions and, secondly, with that of Franchise. As to functions the Deputation declared that they proposed 'that there shall be no division of functions in the Provinces.' The view expressed in this matter by the Functions Committee according to them was 'diametrically opposed' to that of the Congress; "the Congress hold that the people of India are fit for full Responsible Government and that, at least in the Provinces, it should be established at once.' The Functions Committee, in pursuance of their terms of reference, on the other hand, divided the provincial subjects into 'Reserved' and 'Transferred', 'irrespective of the question whether the people are fit or not.'"

As to the problem of Franchise, the Memorandum exposed the hollowness of the essentially undemocratic nature of the recommendations of the Franchise Committee. (See pages 12-13 of the Memorandum for details).

A perusal of these facts about the activities of the Congress Deputation to England in 1919 will be sufficient testimony to Vithalbai's own contribution. The Deputation in its own report passed at its meeting held in London on the 3rd November, 1919, expressed a sense of the 'deepest and the most sincere obligation to Vithalbai for the indefatigable zeal and the enthusiasm with which he worked as the General Secretary of the Deputation.' 'Mr. Patel as General Secretary of the Congress carried out the work of the Deputation so tactfully that occasions for conflict were rare and it may be safely stated that unanimity among us in our deliberations from time to time was the rule and absence of it an exception. Apart from this, his masterly handling of the delicate question regarding the future of the British Committee and the newspaper *India* deserves to be especially recognised, as also the success of his efforts to locate the office of the Deputation in the rooms of the British Committee notwithstanding many difficulties. His work in these respects was of great value to the Deputation in its negotiations with the authorities of the British Committee. In fact we have no hesitation in saying that our success in carrying out the Mandate of the Congress in this matter was due solely to his efforts. We therefore take this opportunity of placing on record our sincere appreciation of the unique services rendered by Mr. Patel to the Deputation as the General Secretary.'

The British Committee of the Indian National Congress also passed a resolution in October 1919, and recorded its 'appreciation of the valuable services to Indian self-determination rendered by the delegates of the Congress, and especially of Mr. Patel to whose industry, tact and good judgment much of the success is due.'

Ben Spoor in his foreword to the pamphlet containing the evidence given by the Congress Deputation before the Parliamentary Joint Committee paid the following glowing tribute to his work:



## VITHALBHAI PATEL

“The Hon. Mr. Patel, General Secretary of the Congress, an elected member, at present, of the Viceregal Legislative Council and a member of the Bombay Legislative Council for many years, was selected by the Congress Deputation as its chief spokesman in England. The choice was fully justified. His tone was neither apologetic nor subservient. Independence and straightforwardness marked his attitude throughout.

“Severe cross-examination ... did not in the least shake Mr. Patel’s evidence. On the contrary, it offered him opportunities for further emphasising his arguments, and he took full advantage of the same.

“Before concluding I should like to record my firm conviction that the Congress Deputation, by its able and dignified advocacy in the press, on the public platform and before the Joint Committee have justified the claim of the Congress to represent advanced Indian opinion. In particular I would like to take the opportunity of thanking Mr. Patel on behalf of my colleagues in the House of Commons and myself for the immense service he rendered in explaining the Congress demands and assisting us to a fuller knowledge of Indian questions.”

Dr. P. C. Ray, then the Joint Editor of the *Bengalee*, speaking of Vithalbhai’s evidence before the Joint Committee, in an interview to the *Leader* in November 1919, said that he certainly spoke courageously and to his convictions.’ The Labour Party in its cable to the National Congress endorsed the same view about Vithalbhai’s work in connection with the Congress Deputation to England. “We take this opportunity”, they said, “of conveying to the Congress our high appreciation of the very valuable services rendered by the Congress delegates and, in particular, by the General Secretary, the Hon. Mr. V. J. Patel, in assisting us to a fuller knowledge of the justice of India’s claim to complete Self-Government.”

The Congress organ *India* announced his second visit to England for Congress propaganda, in the following words: “The Hon. Mr. V. J. Patel has returned to England charged with the duty of representing the Congress views upon the Rules and Regulations under the Government of India Act; and Reports, official and non-official, of the Punjab disturbances. Those

## CONGRESS PROPAGANDA IN ENGLAND

Parliamentarians and publicists who met him last year will remember how conscientious and unremitting was his vigilance whilst the skeleton of the Act was being passed through both Houses, to say nothing, of the invaluable diligent work he accomplished during the preceding months, work which resulted in a large number of widening amendments being moved by certain members. Without Mr. Patel's assiduous labours the Act would apparently have gone through, as being satisfactory to all parties. To Mr. Patel is due the lion's share of the credit for demonstrating that such was not the case. England and India are therefore alike in his debt."

Vithalbhai visited England, a second time, for Congress propaganda during the summer of 1920, charged, this time, with the duty of representing the Congress views, (1) upon Rules and Regulations under the Government of India Act, and (2) on the reports, official and non-official, on the Punjab disturbances. During this visit, he addressed the following meetings:

Date	Place
(1) 3-6-1920	Kingsway Hall
(2) 6-6-1920	Birmingham Town Hall
(3) 13-6-1920	People's Palace, Bristol
(4) 20-6-1920	Glasgow
(5) 11-7-1920	Nottingham Forest

At the meeting at Kingsway Hall, Vithalbhai dwelt on the situation in India created by the Punjab atrocities.

Amongst other things he said "Sir Michael O'Dwyer, the Governor of the Province, whose guilt and responsibility for all these terrible things are as clear as noonday, the man who sent a telegram approving of General Dyer's massacre, who himself sent the aeroplane to Gurjanwala and the armoured train to Kasur for the bombing and machine-gunning of peaceful, innocent peasants, who knew all about and supervised from his seat of Government all the other atrocities, the public floggings, the crawling orders, under whose authority men, women, and children were subjected to the most revolting tortures and humiliations — Sir Michael O'Dwyer is still free and, moreover, is in the enjoyment of a position of high responsibility in the service of the Crown. And both Lord Chelmsford and he have been given

a handsome testimonial by the Secretary of State on behalf of His Majesty's Government. Let it be remembered, too, that on them rests not only the responsibility for these atrocities but also the responsibility for the oppression and misrule which provoked the disturbance that brought all this about. I suppose no one is so simple as to believe that the people of the Punjab burst into violence and disorder out of sheer perversity and wickedness; when these things happen anywhere they are the result of long suffering by the people under tyranny and oppression. In India it takes a long time to provoke the people. They are patient and long-suffering; but, when after years of oppressive rule and contemptuous treatment such as they suffered under Lord Chelmsford and Sir Michael O'Dwyer, you goad them with coercion like the Rowlatt Act, provoke them with such deeds as the wanton arrest of Mr. Gandhi and the other leaders, when you fire upon crowds engaged in peaceful protest, such as was done in the Punjab, then even the Indian people are liable to spontaneous combustion. Having prepared the combustible material through a long course of tyranny and oppression, you then apply the final touch, and having produced an explosion you declare a rebellion and proceed to crush the people by methods which even Huns might be ashamed of. That is the responsibility that rests upon Lord Chelmsford and Sir Michael O'Dwyer. Pious phrases in a despatch by the Secretary of State cannot undo the harm they have done, more especially when they are accompanied by testimonials. When the Indian people are informed that His Majesty's Government have the fullest confidence in Lord Chelmsford, and a high appreciation of Sir Michael O'Dwyer's energy, courage and decision, do you suppose that they will be impressed by Mr. Montagu's platonic condemnation of some of the excesses committed under Martial Law? No, they will judge you by your deeds, not by your words. And if you have confidence in Lord Chelmsford, then they will have no confidence in you. Ladies and gentlemen, you must make up your minds to this. The people of India are in no mood for sentimental platitudes. They have suffered the grossest outrage and wrong and if you want to win their confidence and re-establish the possibility of friendly relations, you must

show by definite deeds that you are sincere and in earnest. *Lord Chelmsford must go.* It is a fresh insult and outrage upon Indian sentiment and upon your own decency and self-respect that His Majesty's Government should express their confidence in such a Viceroy. Every moment that he remains in the country is an aggravation of the insult and deepens the wrong which is being committed in your name."

At the meeting held in the Birmingham Town Hall, where he was the main speaker, he said "the whole of India demanded the recall of Lord Chelmsford, and the impeachment of O'Dwyer." He then gave a vivid picture of the Amritsar outrage and pointed out that it occurred *before* martial law was declared. Referring to the Hunter Committee, he said that it was not the proper body to pass judgment on this and other atrocities in the Punjab, for it was appointed by the Indian Government, *whose conduct was in question.* A Royal Commission had been demanded. Failing that, the Indian Congress had set up their own Commission of Enquiry. This body had examined, 1,700 non-official witnesses, whereas the Hunter Committee *had received evidence from officials only*, refusing to release prisoners seized under martial law who were ready to give evidence even under armed guard. The findings of the Congress Sub-Committee were unanimous, and demanded the recall of Lord Chelmsford, the impeachment of Sir M. O'Dwyer, and the repeal of the Rowlatt Acts.

At the People's Palace, Bristol, on the 13th of June 1920, narrating the Amritsar happenings he said although India had taken such a decisive part in the great war, the Government of India, immediately thereafter enacted coercive legislation. The legislation was protested against by the people, and at meetings held in all parts of the country, resolutions asking the Government to veto it were passed. Those resolutions were not heeded, and the people agreed upon a policy of passive resistance. This frightened the Government, and some leaders of the people were deported. A meeting of protest was held with a view to making a representation to the Commissioner, and the meeting was fired upon by the military. This infuriated the crowd and events that no one regretted more than the people of India followed. Amrit-

sar was the result. His complaint was that these and other repressive measures were carried out at a time when nothing in the shape of rebellion was taking place in the district.

At the Nottingham Forest meeting, on July 11th, 1920, speaking on the resolution of the Independent Labour Party on the Punjab atrocities, he said, he was not much concerned whether that Resolution was passed or not, because paper resolutions did not, after all, count for much and they (in India) had had enough of assurances and promises, and the resolution was not of much importance unless they were prepared to put words into action and *remove from India their agents in whom the Indian people had lost faith*. They had no faith in those agents and they had no faith in the British Government. *What little faith they had left, and it was not much, they reposed in the British democracy*, to whom they looked to repudiate their agents in India who had done these things and to repudiate the Government which condoned them. He was there to tell them what happened in Amritsar, the previous year, and in the Punjab generally, and he would leave them to judge the nature of their own responsibility in the matter.

Vithalbhai then related in detail the story of the Amritsar massacre. There were 20,000 people present at the peaceful demonstration in the Jallianwalla Bagh when General Dyer came with his troops and without warning, without giving the people a chance to disperse, opened fire on the defenceless people, kept up the fire for 10 to 15 minutes, directing it where the crowd was thickest, and leaving on the ground, when he marched away, no less than a thousand dead and probably three times as many wounded. The agony did not cease there, however; for six weeks, a reign of terror under Martial Law was inflicted on the people of the Punjab, because the Governor of the Punjab, Sir Michael O'Dwyer, was determined to crush out, by every means in his power, all agitation on the part of the people, who were pursuing peaceful methods in their legitimate constitutional struggle for the repeal of the iniquitous Rowlatt Act and for the attainment of political freedom. He pointed out that all the punishment that O'Dwyer got was to be told he could not have another job, while O'Dwyer was in the enjoyment of his pension, paid by

the people of India, and Lord Chelmsford was still enjoying autocratic sway over the people of India and had been fortified by an expression of the confidence of His Majesty's Government.

India, said Vithalbai, was one of the richest countries in the world when the British went there to trade and stayed to rule. After 150 years of that rule India was the poorest country in the world, the condition of her people was the most wretched of any in the civilised world. Half the population was on the verge of starvation, and did not know what a second meal in a day was; the average income was from £ 1 to 2 per annum; even compulsory elementary education had been denied to the people. It was for the electors of this country to decide whether the promises of British statesmen and the principles professed by Great Britain were to be carried out by them. But, whatever happened, the people of India were determined to have their political freedom, to determine for themselves their own form of Government. They were prepared to face a hundred Amritsar massacres and any hardships in their struggle for freedom, but whatever the hardships they meant to be free.

On the publication of the Hunter Committee Report, Vithalbai was interviewed by the representative of the paper *India*. Expressing his views on the Report, on the 28th of May, 1920, he said that the majority report had gravely failed to do justice to the terrible disclosures contained in the evidence, and added: "When the public realise that the Report of the Committee appointed by the National Congress to investigate the affair contains disclosures of a still more terrible and incredible nature, they will appreciate the grave effect that such a failure of justice will have upon the people of India."

"The Committee's findings", said Vithalbai, "show General Dyer to have been guilty of wilful murder. And we know that Sir Michael O'Dwyer, as head of the Government, expressly approved of what he did, yet we are to be content with a mild censure of Dyer and his removal from his command, while Sir Michael O'Dwyer is given a handsome testimonial by the Government of India. If this is to be the end of it, then you may say good-bye to all prospect of reconciliation in India. This sort of thing will turn India into a second Ireland.

“Let the public here reflect upon what the people of India have suffered after their magnificent aid to the Empire in the War. Four years of severe repression is followed by the passing of the Rowlatt Act, after which comes this terrible episode of Martial Law, with its massacres, its aeroplanes and bombs, armoured trains and machine-guns turned wholesale on innocent and guilty alike; to say nothing of the floggings, tortures, and innumerable cruelties inflicted on a whole population by a gang of militarists out to terrorise the people. As readers of *India* know, the Committee appointed by the Congress heard 1,700 non-official witnesses *who were shut out by the Hunter Committee which heard only official evidence*. The Congress Committee have considered also the official evidence, and written a calm and judicial report. Their disclosures of cruelty and torture inflicted on men, women and children are appalling. All this cannot be ignored. The British people must take notice of it, if there is to be peace and reconciliation in India. These things have burnt deep into the hearts of the Indian people.

“The findings of the Majority Report of the Hunter Committee are in most cases weak and inconclusive. Their censure for what they do condemn is lamentably weak and they actually approve of the aeroplane bombings and armoured train incidents. But, since the Committee was the creature of the Government of India, *whose own guilt and responsibility was in question*, and this majority Report is the production of only the European members, two of whom represented the civil and military authorities respectively, who are interested parties, what more could be expected?

“It is the duty of Parliament to over-ride these regrettably weak decisions. When the Government of India condemns such of the excesses as it does, it condemns itself, for it was responsible for them all. It knew what was going on, and in spite of repeated appeals refused to intervene. It gave Sir Michael O’Dwyer a blank cheque and put in his hands every weapon of repression it could find, with the fullest license to use them. And when appealed to stop some of the very things it now condemns, it definitely declined and, on the contrary, strengthened the hands of those who were doing them.

“Sir Michael O’Dwyer’s terrible responsibility is ignored by the Majority Report. He not only expressed approval of the Amritsar massacre but he initiated and instigated and aided and abetted most of these horrors. He was responsible for handing over control to the military even *before* Martial Law was declared. He sent the aeroplanes to Gujranwalla; he was responsible for the horrible armoured train episode. He was in Lahore all the while, directing and consulting with the Martial Law officers. He selected and appointed the Martial Law Judges, whose proceedings were a travesty of justice, recalling the days of Jeffreys. He moved the Government of India for all the special powers to do all these things, including the unheard-of step of making Martial Law retrospective and thus trying people by Martial Law for things said and done long before the disturbances took place. Sir Michael O’Dwyer must be held responsible and dealt with accordingly. The civil authorities are seeking to make a scapegoat of Dyer. But they too were culpable.

“*Lord Chelmsford must be recalled.* That is the first demand of the Congress and it has been endorsed by meetings all over India. The Rowlatt Act must be repealed. The guilty must be adequately censured and properly punished. There must be reparation for the sufferers. The rights of Indians must be guaranteed for the future by Statute and the power of the Viceroy to set up Martial Courts for the trial of civil offences and to make Martial Law retrospective so as to include things said or done prior to any outbreak of disorder must be taken away.

“If Parliament is not prepared to do this straightaway, it must reopen the whole matter and have an impartial investigation by a Royal Commission, or a Parliamentary Committee, which will take into consideration the damning reports of the Congress Committee, and of the Hunter Committee Minority, to be judged along with the Hunter Committee Majority Report.

“The situation in India to-day is most critical. Any failure to do adequate justice in this terrible matter, to repair the wrongs and sufferings inflicted on the Indian people, so far as it can be humanly done, will have the most deplorable consequences.”

Vithalbhair also granted interviews to *The Manchester Guardian*, *The Star*, *The Herald*, and *The Westminster Gazette*. In



the interview to the *Manchester Guardian* he stated that the Majority Report of the Hunter Committee would be viewed by people of all classes in India with the gravest indignation and despair. He added:

“The failure to indicate the responsibility of Sir Michael O’Dwyer who was Lieutenant-Governor of the Punjab and fully responsible for all that was done, and to condemn him, not merely for his failure to prevent such outrages, but for his approval and abetment of them, would come as the greatest shock to the Indian people and cause bitter and lasting resentment.”

“On the one hand we have this very unsatisfactory Majority Report of the Hunter Committee”, said Vithalbai, “on the other, we have the Minority Report, signed by all three Indian members, and the startling report drawn up by the Committee of the Indian National Congress, appointed to investigate these matters. Both the latter take a different view to the former. The Congress Report is based on the official evidence heard by the Hunter Committee, as well as on that of 1,700 non-official witnesses, whose testimony was shut out by the attitude taken by the Hunter Committee. It holds that the Viceroy should be recalled, and that there is ample material *for the impeachment of Sir Michael O’Dwyer and others.*

“Lord Chelmsford is responsible for withholding information from Parliament and the British public for eight months. If he now says he did not know the gravity of what had occurred, it is the strongest evidence of his incompetence. But if he did know, and all the evidence shows that he did, then he is directly culpable and unfit to hold his high office.

“Among essential steps, if Indian opinion was to be reassured, were the setting up of a Royal Commission of Enquiry into the events investigated by the Hunter Committee; the repeal of the Rowlatt Act, the cause and origin of all this trouble; statutory guarantee of the liberties and rights of the Indians as free citizens; restriction of the power of the Viceroy to issue ordinances giving martial law retrospective effect, and the limiting of the jurisdiction of the martial law courts to such offences as could be legally tried under martial law in this country;

prohibition of the use of armoured cars and aeroplanes against civilian unarmed crowds."

Immediately after Vithalbhais departure to England for the second time, Mrs. Besant addressed and circulated an appeal to the President, Secretaries and members of the A.I.C.C. It was meant to malign Vithalbhais behind his back. She stated that the honour of the A.I.C.C. was affected by the serious misrepresentations and a definite falsehood made by Messrs. Patel and Khaparde. She charged Vithalbhais with deliberate falsehood. She said that he had charged her with hindering the inclusion of Women's Suffrage in the Reform Act. This according to her was false.

Lokmanya Tilak gave a spirited reply to these charges and exonerated Vithalbhais from them. In his reply addressed to the A.I.C.C. he said, "I find that Mrs. Annie Besant has circulated an appeal to you calling upon you to dissociate yourselves publicly from the utterances of the Hon. Mr. Khaparde and the Hon. Mr. Patel regarding Mrs. Besant's attitude in England towards the work of the Congress Deputation. ...The appeal is dated April 7, but was not published till a week later, i.e., the 14th instant, when the Hon. Mr. Patel was to, and did, sail for England. ... If Mrs. Besant really wished that Mr. Patel should have an opportunity to reply, she ought to have published her appeal much earlier. ... It seems to me, therefore, that her appeal is only an attempt to damn Mr. Patel behind his back and thereby prejudice the British public against him in the mission now entrusted to him by the All-India Congress Committee in spite of Mrs. Besant's adverse vote.

'I have no desire to belittle Mrs. Besant's high intelligence, unflagging capacity for work, her great learning, or her eloquence. What Mr. Khaparde and Mr. Patel had to say against her was that, in spite of her great qualities, her work in England proved to be a source of embarrassment to the Congress Deputation. ... You are well aware how she refused to be guided by the Delhi mandate of the Indian National Congress, and how, in consequence, she was excluded from the Congress Deputation. She then tried to be appointed on the Deputation to be sent by the All-India Home Rule League, and, having

failed therein, this ambitious self-willed lady organised a new Home Rule League of her own, with only a few dozen members, almost all her own followers, and got herself appointed as the leader of the Deputation on behalf of that new Home Rule League, simply to give her an opportunity to pose as a representative of India, and to enable her to represent before the British public her own views, although they were rejected by the Indian National Congress ... When a person takes full advantage of his or her position as ex-President of the Congress to mislead ignorant men and women in England, and tries to thwart the work of the duly appointed Congress Deputation, the method adopted by such a person is open to grave objection on the ground of decency and scrupulousness in public life. I would ask one question of Mrs. Besant. What did she go to England for? To plead the views of the Indian National Congress, or those of her own Home Rule League? If the former, she failed to do her duty; if the latter, she can't complain of being charged with having, like the Moderates, embarrassed the work of the Congress Deputation.

"Mrs. Besant charged Messrs. Khaparde and Patel with certain misrepresentations and falsehoods which it is necessary first to take up as they form the gravamen of her appeal to you. What are the alleged misrepresentations? An analysis of her appeal shows that they are four in number:

- (1) Mrs. Besant exerted herself to induce the Labour members to support the Bill as revised by the Joint Committee without moving any amendments.
- (2) Mrs. Besant was expected to fight for Woman Franchise in England, but she did not do so.
- (3) She had planned to deceive us (the Congressmen) at the Albert Hall Meeting.
- (4) She is compared to Putana, the Puranic female demon, by Mr. Khaparde.

The first question is whether she did or did not try to induce the Labour members to support the revised Bill in order, as she supposed, to fortify Mr. Montagu's position in the House. Mr. Patel says that she did; and she denies, with the remark that the evidence on the point resolves itself into her word against his, oath

against oath, as the lawyers would call it. I must say that I would rather believe Mr. Patel than Mrs. Besant in this matter. For I know something of the previous history in this connection. Both the Congress Deputation and Mrs. Besant looked to the Labour Party to have their views represented in the House, and the Labour Party was naturally put in a fix as to whose view they should adopt. The Deputation represented the Congress, while Mrs. Besant represented only herself and her own newly-formed League, after she was excluded by her own arrogance from the Congress Deputation. The Deputation, including myself, had to explain this difference to the Labour leaders, who then, I know, had no difficulty in giving preference to the Congress view as against Mrs. Besant's. This is therefore not a case of oath against oath, but of the Congress Deputation, as a whole, against Mrs. Besant. ... When she went to England I was one of those who received her on the railway platform, and in an interview which took place soon after, I requested her to forget her quarrels with the Delhi Congress and so shape her work in England as to support the Congress view. She did not give a definite reply, but her future work showed clearly that she was all for herself and not for the Congress, evidently intending to show that she it was who alone awakened the sense of political freedom in India, and therefore her view was the correct one, in spite of what the Congress might have resolved to the contrary. Her ambition to boss the whole show and to claim for herself the entire credit for work in England, was, in my opinion, the main object of all her activities in England. ...

"As regards the second question, namely, the Woman Suffrage, the Deputation never denied that she was in favour of it. She advocated it in India on the Congress platform, and was at first of opinion that it should be included in the new Act. We expected that she would strenuously and consistently fight for it, but she eventually changed her mind, as would be seen from the extracts from her evidence given by herself in her appeal to you, and abandoning the Congress view which she supported in India, adopted the official view that the decision may be left to the Local Legislatures. Mrs. Despard's and Mrs. Tata's letters, quoted by her, throw no light on the point at issue. She might be wise or

foolish in thus toning down her own view to suit the changed circumstances; but that she did tone down or change her view is beyond dispute. It is no wonder if this prejudicially affected her advocacy of the subject. Mr. Patel's and Mr. Khaparde's contention is therefore absolutely correct, notwithstanding Mrs. Despard's and Mrs. Tata's evidence quoted by Mrs. Besant. She was expected to put up a brave fight for Women's Suffrage on the Congress lines adopted by her in India. She did not do so, but fell a victim to the official view, cleverly put to her by Major Ormsby-Gore in his cross-examination, and eventually accepted it in preference to the Congress view, which advocated the inclusion of the grant of Woman Franchise in the Act itself and not leaving it to the Local Legislatures. She did work for Woman Franchise, but not in the way the Congress wanted, but according to her own ever-changing notions of expediency. It was no fault of the Congress Secretary if the British Parliament negatived the amendment incorporating the Congress view on the subject. The British Parliament has very often done worse; but because it might so act again, it would be foolish not to press boldly our view upon its attention.

"The third question refers to the Albert Hall Meeting. This meeting was held on October 25, 1919, under the auspices of the Home Rule League for India Branch, established by Mrs. Besant in London, and therefore under her guidance. The resolution eventually submitted to and passed at the meeting was as follows: "That this mass meeting of British citizens, holding that the existence of the British Commonwealth is dependent upon the right of Self-Government being conferred on each of the nations within its boundaries, hereby declares that the Indian people are entitled to receive, at the earliest opportunity, the full right of self-determination." Mrs. Besant has correctly quoted it, and it is also true that she supported it. But this is only the last part of the story, and what passed previously has been very cleverly suppressed by Mrs. Besant. As the meeting was financed and convened under her guidance, she did not invite the members of the Congress Deputation to be present at, or to take part in, the proceedings of the meeting. It was Mr. Lansbury, the Chairman-elect, who was kind enough to invite me on the occasion. I

asked for the resolution which was to be put to the meeting and the copy I received from the Besant Home Rule League Secretary revealed that, in addition to the resolution eventually passed, it was at first proposed to welcome therein the introduction of the Indian Reform Bill as a first step towards the fulfilment of the declaration made in the House of Commons, on August 20, 1917. Some changes in the Bill were also proposed, but they were only recommendatory and not by way of necessary conditions for making the Bill a real first step according to the Congress view. I could not agree to such a resolution, and I said that I would rather be absent from the meeting than support a resolution against the Congress view. The Chairman clearly realised my difficulty and asked the organisers of the meeting to confine the resolution only to the first paragraph, viz., the portion eventually passed, asking that the rights of Self-Government and self-determination should be granted to Indians at the earliest opportunity. Mrs. Besant had then to support the resolution as finally settled, but in her speech she supported Mr. Montagu's Bill in unmistakable terms, and I had to contradict her and to ask the proposers of the amendment, who advocated the rejection of the Bill, to look only to the resolution before the meeting and not to what Mrs. Besant had said in giving her support. ... She was ever eager to support Mr. Montagu as much as she could, whereas the Congress Deputation always looked upon the Bill as unsatisfactory, until the minimum demand formulated by the Congress was included in it. It may be wise or unwise to insist on the Congress view till the last; but that is another question. We have now to see whether Mrs. Besant did or did not try to induce the British public and the Labour Party to take up her view on the Reform Bill in opposition to that of the Congress. The above facts will show that she did so, and that if she failed, it was due to the efforts of the Congress Deputation. The members of the All-India Congress Committee who were present at the Subjects' Committee of the Congress at Amritsar know very well how Mrs. Besant tried to avoid the question of self-determination being taken up by the Congress, and why her amendment to the Reforms resolution did not contain any reference to self-determination. Self-determination means the determination of the nation,

and Mrs. Besant is too clever a woman not to see that, if the principle were once accepted, neither she nor the Moderates could legitimately claim to be heard in preference to the Congress.

“Fourthly, Mrs. Besant complains of her being compared to the treacherous Putana by Mr. Khaparde. Now who is Putana? She was a demon employed to entrap and kill Shri Krishna by his enemies. She tried to do this by affecting to feed him at her breast and in the attempt brought death on herself. Mrs. Besant. ... went to England with the deliberate object to push her views in preference to those of the Congress and thus establish her supremacy in matters political. In other words, she desired to kill the Congress, if we may so call it, by pretending to speak for the nation. She failed in the attempt, and found her view rejected even by people on whom she most depended. She met the same repulse at the Amritsar Congress, which she hastily came to attend and also very recently at the Bombay Provincial Conference at Sholapur. The Putana story is therefore the best puranic illustration to describe her efforts and conduct in this behalf; and let me inform Mrs. Besant that Mr. Khaparde is not alone in using this expression. One may think that one need not be so harsh on Mrs. Besant; after all it must be admitted that she did good work in India. Yes, but we cannot forget the abuses heaped by Mrs. Besant on the Members of the Congress Deputation in the *New India*, the *United India* and elsewhere. And if Mr. Khaparde chooses to retaliate in his own humorous style, he at any rate cannot be blamed except by Mrs. Besant’s followers. I would rather advise Mrs. Besant, so versed in newspaper controversies, to bear such attacks in the spirit of toleration, common to all newspaper writers and critics. To take and resent these as personal attacks is unworthy of a lady engaged all her life in controversies often violent and virulent on either side. At any rate the All-India Congress Committee cannot take notice of such bandying of words between rival critics and attempt to decide whose powers of ridicule and sarcasm are greater. ... The Congress Deputation, as a whole, fully shares the views of Mr. Patel, and that Deputation consisted of twelve members of good social status, standing and experience.

The report of the work of this Congress Deputation was submitted to the Congress at Amritsar. This report was adopted at a meeting of the members of the Deputation held in London on November 3, 1919, and printed copies thereof were circulated to the members of the Subjects' Committee at Amritsar, including Mrs. Besant. In that report Mrs. Besant is expressly charged with making a common cause with Mr. Bannerjea and Mr. Basu (all of whom were admitted as ex-Presidents to the meetings of the British Congress Committee) and making the Committee believe that the Deputation did not really represent the Congress view. The British Congress Committee, after hearing both the parties, the report further says, rejected the contention of Mrs. Beasant and Mr. Bannerjea, and so changed the constitution of the Committee as to bring it in line with the latest view of the Congress. Mrs. Besant did not say a word in reply in the Subjects' Committee at the time, though she full well knew that the ex-Presidents of the Congress, who were not prepared to support the latest Congress opinion, were excluded by the new rules from attending the meeting of the British Congress Committee. This clearly shows that Mrs. Besant tried to influence not only the Labour Party, but also the British Congress Committee against the Congress Deputation, and she failed in both. ... Speaking of Mrs. Besant the report says (in a passage withheld until now from publication—Ed. *India*):

'In the earliest part of this report we have made a reference to the anti-Congress attitude of Mrs. Besant as an ex-officio member of the British Committee. Before the Committee accepted the new constitution drafted by Messrs. Khaparde and Patel, she used to attend the Committee meetings and join hands with Messrs. S. N. Bannerjea and Basu in opposing any proposals in the Committee initiated on the letters of the General Secretary.

'In these attempts she failed as we have already shown. She has not attended a single meting of the British Committee since the adoption of the new constitution.

'We have no hesitation in saying that she has been doing large propagandist work in the way of spreading knowledge about India among the British Democracy, but in doing so she always concluded her speeches by a general statement that the



Reform Bill is good and needs but few slight changes, and not such radical changes as the Congress demands. This attitude in our opinion has somewhat prejudiced the Congress propaganda in England. As an ex-President of the Congress she speaks in the name and on behalf of India, ignoring the fact that since the Delhi Congress she has ceased to represent Indian opinion as focussed in the Congress.

'As far as we are aware she has made repeated attempts to join the Moderates in England. She has started a rival paper, and before doing so she consulted Moderate friends and none among the Congress Deputation. The very first issue started with an attack, on the Congress Deputation.'

"This report is signed by all the members of the Deputation, and you will see therefrom that Mr. Patel does not stand alone in condemning Mrs. Besant's conduct in England. I recommend that in publishing this Report of the Deputation the paragraph should now appear in its proper place."

Giving an account of his work with the Congress Deputation in England Vithalbhai has placed the following on record: "Most of the members of the Deputation left for India early in November 1919, to be in time for the Amritsar Congress. They directed me to stay on, till the Bill was through and I did so. My principal duty was to see that the Congress view was represented before the Joint Committee which had not till then completed its labours, and before the House of Commons when the Bill was discussed there. It was an open secret that the only member of the Committee who sympathised with the Congress demands was Mr. Spoor. I, therefore, kept myself in constant touch with him noting the deliberations of the Committee. I passed hours and hours with him, read to him such literature as I had and explained to his satisfaction the justice of our demands. He then consented to move before the Joint Committee all the amendments which I had prepared on the lines of the Delhi Congress Resolutions. He did so, and, to his great regret and surprise, he found that he was in the minority of one. He was, however, so convinced about the justice of our demands that he expressed his willingness to move similar amendments in the House, on the Bill as revised by the Joint

Committee, and asked me to interview prominent members of his Party and explain our case to them. This I did and I am glad to say, successfully. In fact I fully explained our case to almost all the prominent members of the Labour Party. I then prepared draft amendments and sent a copy to every prominent member of the Labour Party. I requested Mr. Spoor and two or three others to convene a meeting of their party to consider those amendments. At that stage it came to my knowledge, and I mention it with very great regret, that Mrs. Besant was exerting herself to induce the Labour members to support the Bill as revised and not to give notice of my amendments. I do not desire at present to say anything more beyond mentioning this fact, regarding the difficulties I had to cope with, in carrying out the mandate of the Congress. All is well that ends well and I am glad to say that the Executive of the Labour Party met and decided to move our amendments in the House. I might mention here that I tried some members of other parties also, but the only member whom I could convince was Mr. MacAllum Scott. He gave notice of our amendments after I had four interviews with him. I then interviewed every member who had given notice of any of our amendments, and gave him instructions and supplied him with materials. I was asked by some of them to prepare notes on amendments. Thereupon such notes were prepared on all our amendments and a copy supplied to every member who had given notice. The Bill was discussed in the House of Commons for three days and the Congress case was fully represented. I had been fortunate enough to get a seat under the Gallery, from where I could not only hear the debate properly but also give instructions on points raised in the debate. Members moving amendments were so well posted with details that occasions for such instructions during the debate were very rare. As an instance of such instructions, I should like to mention one. During the debate on Mr. MacAllum Scott's amendments for transfer of all subjects other than Law, Justice and Police, in the Presidency of Bombay, Commander Kenworthy asked Mr. Montagu who was replying, whether the Government of Bombay itself had not recommended the transfer of Land Revenue and Irrigation. This question was asked on

my instruction. Although not a single amendment was adopted by the House, the discussion had, in my opinion, served very useful purpose. Several points had been cleared up and statements of the position of Government on important points had been elicited. My work being over, and before leaving for India, I once more interviewed the prominent members of the Labour Party and requested them officially to declare their sympathy and support to India's claim to complete Self-Government and in the continuance of our struggle for its achievement.. The result was the message that Mr. Henderson read and the Labour Party approved at a farewell dinner in the House of Commons on the 18th of December, 1919. Let us recognise the good points in it and act as responsible men in those spheres of Government where responsibility is entrusted to us, and let us also utilise the other venues where we have no responsibility for the purpose of propaganda and agitation. Let us not cease agitating, for, as Col. Wedgwood stated, "if agitation ends the Act supervenes." "

During his second visit to England, though he was principally concerned with the Rules and Regulations, his propaganda in connection with the Hunter Committee's Report kept him far more engaged than his work about the Rules and Regulations. In this latter work he received considerable help from Sir Sankaran Nair. In a private letter to Lokmanya Tilak, he has said: "The Secretary of State has appointed a Reform Committee, of which Sir Sankaran Nair is one of the members, and in the absence of any materials, which I expect I will get from India in course of time, I have been discussing the Rules and Regulations with him in my own way." (12th of May 1920). In this second visit he had to do all the propaganda work single-handed, while, when he had gone to England the previous year, with the Congress Deputation, this part of his work was shared by several of his colleagues, notably by Tilak, Khaparde, Dewan Madhav Rao, N. C. Kelkar and Sarojini Naidu. Over thirty meetings were addressed, then, by the members of the Congress Deputation, but Vithalbhai took part, apparently, in only five of them: (1) at Bournemouth (St. Peter's Hall) on the 12th of September 1919, where Sarojini Naidu was the principal speaker; (2) at Southampton (Kentish Rd. Hall) on the 13th of September,

where Dewan Madhav Rao was the principal speaker; (3) at Newcastle-on-Tyne (Connaught Hall) on the 25th of September and (4) at Liverpool (Picton Hall), on the 30th of September — both of these meetings having Sarojini Naidu as the principal speaker; and (5) at Manchester (Free Trade Hall) on the 1st of October, where he himself was the principal speaker and where he was ably supported by Bipin Chandra Pal, Khaparde and Dr. Clark.

The net result of all this work of Vithalbhai in England may not have been large enough at the time, but we must remember that Vithalbhai's work at this time was considerably hampered, not only by the Moderates who had openly seceded from the Congress, but by Mrs. Besant who posed as a representative of the Congress, without being one. If Mrs. Besant had not worked against him and if the Moderates had co-operated (Vithalbhai, be it remembered, tried his best to get their co-operation), who knows, it might have been possible to arrange an impeachment of Sir Michael O'Dwyer, and if that had happened, we might have had a repetition of the situation in which Burke and Sheridan thundered against Warren Hastings! The Independent Labour Party had certainly been won over by Vithalbhai, and not a few of the Independent Liberals were moderately sympathetic to the Indian cause. But that was not to be. Any way, we must recognise that Vithalbhai laid the foundation, now, of the Indian alliance with Labour which certainly has been an important factor in the Independence which we have now secured. We have, perhaps, not even yet, assessed, at their full value, the services of Vithalbhai in (1) securing the support of the Labour Party for the advance of India on the road to Freedom and in (2) placing propaganda in England on a firm footing. For, we have no doubt in our mind — not the slightest — that these two factors have played a very important part in bringing us nearer to the goal of Swaraj which we have had all along in our view; and till Vithalbhai adopted these methods, they had been either unknown or not practised. It was taken to be almost axiomatic that we should never mix ourselves up in English politics — never allign ourselves with any political party in Britain, expecting to receive favours from

## VITHALBHAI PATEL

all parties alike, and also that, propaganda in England was absolutely futile. It was Vithalbhai who first discovered (1) that English labour and the middle classes, if properly educated, would prove a real bulwork against the 'men on the spot' who perpetrated atrocities in India on the pretence of their responsibility to Parliament which they could keep in ignorance of these atrocities for months together, and also (2) that to get anything done in the British Parliament it is necessary to get one of the important political parties of England to make such a question as the grant of Self-Government to India a plank in their electioneering programme.

## Chapter Eighteen

### NON-CO-OPERATION GALORE

ON the 14th of July, 1920, in a private letter to Tilak, Vithalbai wrote that he had booked his passage back to India by the 'Kaisar-I-Hind', sailing from Marseilles on the 7th of August. In the same letter he gave the following as his impression of the House of Commons debate on the Hunter Report: "The debate in the House of Commons on that Report shows that Mr. Montagu and his friends are of opinion that India *must be held, and can only be held by the good-will and co-operation of the people.* Mr. Churchill and those who think with him are of opinion that India *must be held both by force and persuasion.* Brigadier-General Surtees and those who think with him are of opinion that India *must and can be held only by force.* You will thus see that the seven hours' debate was devoted entirely to the question *as to how to hold India.* Only the Labour Party more or less stood out for the Congress view." In that same letter he told Tilak how he had succeeded in persuading Ben Spoor to accept the Chairmanship of the British Committee and in getting Dr. Clark, however unwillingly, to acquiesce in the arrangement. During his 1920 sojourn in England, Vithalbai was in constant communication with Tilak. In his letter, dated the 12th of May, to Tilak, he ventilated the complaint of the British Committee against the Congress office in Lucknow in the matter of entrusting the Punjab publicity work to Mr. Nevill and not to the Committee, and referred to his (Tilak's) reply to Mrs. Besant. In another letter, dated the 3rd of June, he complained bitterly against the inadequate attention paid by the Congressmen in India to the publicity work in England and America: 'But let me tell you', he writes, 'that our people have failed to rise to the occasion at this most important juncture. If half a dozen of our prominent men were here with plenty of funds and with full liberty to carry on the

agitation both in this country and America, I have no doubt we could have achieved a lot. What do we find instead? Here I am, all alone, single-handed, sent only to look after and watch the progress of the Rules and Regulations, and find myself confronted with the work of the Hunter Committee's Report." In this same letter he reminded Tilak that he intended to stand for the Council of State. On the 10th of June, he wrote to his brother — Vallabhbhai:

"I am enclosing a copy of a letter which I am writing to Tilak, and I hope you will treat it as confidential."

"I am glad the All India Congress Committee has reversed the findings of the Gandhi Committee. It is unfortunate, however, that the Committee did not decide to send men and money to carry on the necessary agitation on the Punjab question. I wish they had done so. I should like to get away as soon as possible. Please consult and let me know what I should do. I know I shall have to leave the work half done, and it is not in my line to allow such a thing, but I also realise the circumstances and the situation in India. However, I am entirely in your hands and those of Mr. Tilak." In his letter, dated the 7th of July, to Tilak, among other things, he wrote: "Last night I was dining with Clynes, Spoor and Wedgwood. I gave them full instructions regarding the debate which is to take place tomorrow. I had a long talk regarding the resolution adopted by the Parliamentary Labour Party on the subject of the non-co-operation movement in India. I was given to understand that Spoor and Wedgwood, who are the principal workers in the House on behalf of the Congress, knew nothing about that resolution. They however tell me that if they were Indians they would certainly join the movement, but that they would not advise Indians to go in for that movement at this stage. The resolution has been brought about, so far as I could gather, by wire-pulling from India by Mrs. Besant. She, it seems to me, had put up Lansbury and Scurr to get the resolution passed, and they have successfully managed it. I told all the three last night about my suspicion as to the manner in which the resolution was brought about. Clynes, after some hesitation, told me that my inferences in the matter were substantially correct. I feel sure

I could have prevented the passing of that resolution if I had known of the move in time. However, Clynes told me that perhaps the effect of the adoption by India of that movement would be to weaken their hands. On this point there is a difference of opinion, because some people think that the hands of the Labour Party might be strengthened by such a move, inasmuch as they could always say that they had warned the British Government that unless India was given what she deserved, immediately, and with good grace, things would go from bad to worse.

"I hope you will not publish the information contained in this letter regarding Mrs. Besant. It is, as you understand, very difficult to prove any such charges against any one. Certain things are told to us in confidence and one does not like to commit a breach of that confidence. I send you herewith a letter written by Miss Normanton to me showing how Mrs. Besant and her lieutenants are creating difficulties for us." In this same letter there is some interesting information about a different subject, and we may take the liberty of quoting that part of the letter in full:

"Bomanji is here for some days past. He and the Maharaja of Alwar are arranging to get up a deputation to Lloyd George, and perhaps to the King, for the appointment of Mr. Montagu as the successor of Lord Chelmsford. Yesterday there was a small luncheon party to have an informal talk on the matter, and Dr. Tagore and myself, among others,, were invited. It was clearly brought out during the discussion on the subject at the lunch that the recall of Lord Chelmsford would necessitate the resignation of Mr. Montagu. It was not therefore possible for those who joined such a movement to ask for the recall of Lord Chelmsford, because the Secretary of State, if the demand for the recall is granted, must resign, and in that case he cannot be appointed the Viceroy of India. I need hardly say that I at once declined to join such a movement, and added that Mr. Montagu, if he is sincere, must denounce, in his speech in the debate, Lord Chelmsford and Sir Michael O'Dwyer. If he does not do so, the idea of any movement for his appointment is unthinkable. I also told them that I would consider the ques-



tion of joining the movement if it was intended as part of the movement to make a demand for the immediate recall of Lord Chelmsford, at any rate, before the Prince of Wales goes to India. I believe they have given me up as a hopeless person to deal with."

These letters of Vithalbhai to Tilak are a positive testimony to the relations that had been growing between him and Tilak since they came into intimate contact in England. Till 1918, Tilak was but a name to Vithalbhai. Perhaps the attitude towards social reform of the Tilak School of Politics was a real gulf between these on-the-whole-similarly-built-up individuals. But as soon as they came into close touch with each other, each of them perceived the sterling worth of the other.. The writer of these pages has a vivid memory of his first call on Tilak in 1918, when he was a student at the Ferguson College, Poona. He had an ardent desire to see the great Lokmanya at close quarters. He therefore went to the Kesari office, and knocked at the door of the office of Tilak. Shivaram Mahadev Paranjpe greeted him and asked him what he wanted. He told Paranjpe that he had gone there to see Mr. Tilak. Paranjpe asked him what his business was. He asked Paranjpe to tell Mr. Tilak that he had come to see him, and to ask no more questions.. Tilak who heard this talk asked Paranjpe to let him in. As soon as he went in, Tilak asked him who he was and what he had gone there for. His simple reply was that his name was Patel, that he had no particular business, that he was a student of the Fergusson College and that he was very anxious simply to see him at close quarters. Tilak asked him whether he was a relative of *the great Mr. Vithalbhai Patel*. He said that he was not a relative of his, but that he came from the same part of the country as Vithalbhai. Tilak was very eloquent of the greatness of Vithalbhai, and treated the writer-of these pages very cordially — the relations between them became so warm that, some days later, when he and his friends thought of going to Sinhadag, Tilak placed his bungalow at Sinhadag at their disposal and also made arrangements for their comfortable stay there. The very name of Patel was an open-sesame with Tilak — so great was Tilak's regard for Vithalbhai. What Vithalbhai

thought of Tilak would be apparent from the speech he made on Tilak after his death. We take the liberty of quoting it *in extenso* here:

“Lokmanya Tilak was a great personality. The credit of taking politics from drawing-rooms of armchair-politicians to the masses belongs to him. He had his finger on the pulse of the Nation. He knew exactly the capacity of the people for self-sacrifice and suffering in their fight for freedom, and therefore led, handled and regulated the national movement accordingly. He has been rightly described as the ‘Father of Indian Nationalism.’ His message to the people of India: ‘Home Rule is my birth-right and I shall have it’, inspires every Indian who hears it, and fills his heart with a feeling of patriotism. Lokmanya loved freedom above everything else. He was prepared to sacrifice everything for the country’s freedom. Questions regarding communal differences and dissensions as well as social evils, did not trouble him much. He believed that with the advent of freedom, things would adjust themselves in course of time. He therefore concentrated entirely on the fight for freedom. In doing so, he was ever ready to compromise with his political opponents; and forgetting that he was a great man, he often used to interview men in much lesser position and discuss with them problems of the day for hours and hours. There are, however, two matters connected with the Lokmanya’s political leadership of which I desire to make special mention. Lokmanya was always careful in his public utterances not to make any statement which the Bureaucracy might utilise as an argument against the people on any question. The second is that he would never publicly give away his follower on any public question, but, on the contrary, he would as far as possible try to defend him at all costs. These are the two qualities which are absolutely essential, in my opinion, in a leader, who lays any claim to be a practical politician, as Lokmanya unquestionably was.

“For years I had heard and read a good deal about the Lokmanya, but it was not till 1918, that I had the good fortune to be closely associated with him in public work. It was on his encouragement that I undertook the arduous duties of the

Chairman of the Reception Committee of the Special Congress held in Bombay in that year, and since then till the day of his death, I worked with and under him. I recollect the efforts he made to induce the Moderates not to secede from the Special Congress, but the unfortunate split came and, I know, no one regretted it more than he. The ordinary session of the Congress was held at Delhi in the Christmas week of that year when the Lokmanya had already left India for England. That Congress elected me as its General Secretary and decided to send a Deputation to England, with a mandate to represent the Congress point of view on the reforms before the British Parliament and the British public. Lokmanya was elected to preside over the deliberations of that Congress, but as he could not be present, Pandit Madan Mohan Malaviya was selected for the honour. The All India Congress Committee, in pursuance of the Resolution of the Congress, elected Lokmanya, N. C. Kelkar, V. P. Madhava Rao and some other public workers to be members of the deputation. As General Secretary of the Congress, I had the honour to be one of the members of that Deputation. Lokmanya was already in England and the remaining members joined him by the end of May 1919. For six long months I came in daily touch with him, and, as General Secretary of the Deputation, I worked according to his instructions day in and day out, and was able to win his confidence. Since the recession of the Moderates from the Congress, the British Congress Committee and the paper *India*, were working in league with the Moderates. Before the Congress Deputation reached England, Lokmanya had already directed his attention to this subject. I find from the proceedings of the meeting of that Committee held on Wednesday, the 26th of February 1919, at which Lokmanya was present by special invitation, the following note.

'Mr. Tilak (who, with Mr. Karandikar, attended by special invitation) was invited to make a statement. He asked if the Committee approved, and were prepared to press upon the attention of the country, the Resolutions adopted by the Congress at Delhi; he complained that the Congress cause was not presented and supported, by the Committee and, in the journal *India*. He said that it might be necessary for the Congress to

make other arrangements for its work in England unless the Committee were prepared to adopt the Congress programme.'

"When the Deputation reached London, Lokmanya told us that the British Congress Committee and the paper *India* which were financed by the Congress, claimed that they were independent of the Congress and were not bound to accept its mandate, and the first thing that the Deputation should, therefore, do is to make efforts to deal with them in a proper manner so as to enable the Congress Deputation to carry on its work effectively. He then got the Deputation to adopt the following resolution:

'Resolved that the paper *India* having been established as the representative organ in England of the Indian National Congress, and having been assisted at various times by the funds of the Congress on that understanding, the attention of the British Committee and the proprietors be drawn to the fact that for some time past, *India* has been conducted on lines which are not in accordance with the resolutions of the Congress, and are inimical to the policy contained therein, and the British Committee and the proprietors are hereby requested to give an assurance that the policy of *India* will in future definitely and unambiguously conform to that laid down in the resolutions of the Congress from time to time.'

"This resolution was duly communicated to the parties concerned. The Deputation acting under the guidance and instructions of Lokmanya was able to induce the British Committee to adopt a constitution accepting subordination to the Indian National Congress, and the paper *India* also accepted the policy of the Congress and Mr. N. C. Kelkar became its editor, Mr. Polak having resigned as a protest against the change of policy.

"Lokmanya by this time had made many friends among the Labour Party and it was mainly through his efforts that the Deputation was able to secure the support of the whole Labour Party in putting forward, before the Joint Parliamentary Committee and the Parliament, the Congress point of view on the Reform Bill. In fact, all the labour organisations in the country were at our service during our lecturing tour in the United Kingdom.

V I T H A L B H A I P A T E L

“Lokmanya would not miss a single opportunity; in fact, he would create new opportunities for pressing India's claim before the British public and the British Parliament. I recollect one such incident which I take leave to state here. Lokmanya one day called me to his place and told me: “Mr. Patel, what do you think of the idea of presenting an address of congratulations to the King Emperor on the occasion of the Peace celebrations by the Congress Deputation on behalf of the people of India.” I at once said it was no use attempting to do so. In the first place, we would not be allowed an opportunity and in the second, no useful purpose would be served by such address, assuming that we were successful in getting an opportunity. Lokmanya said: “My dear Patel, we might state what we want in the address and the authorities will have, at any rate, to read the address and know what we are here for, and what we want. We lose nothing. Let us not miss any opportunity of pressing our case.”

“I agreed, and Lokmanya dictated to me two letters and a draft address. I do not find with me a copy of one of the letters but copies of the other two documents are with me. They are as follows:

*INDIAN NATIONAL CONGRESS DEPUTATION*

*14, Henrietta Street,  
Convent Garden, W.C. 2.  
15th July 1919.*

From

The Honourable Mr. V. J. Patel, Barrister-at-Law,  
General Secretary, Indian National Congress,

To

The Right Hon. Edward Shortt,  
Home Secretary,  
London.

Sir,

I venture to enclose herewith a copy of the letter addressed by me to the Secretary of State for India, requesting him to afford

## NON-CO-OPERATION GALORE

the Indian National Congress Deputation an opportunity to present an address of loyal and humble congratulations to His Majesty the King-Emperor during the ensuing Peace Celebrations. The matter will be referred to you in due course, but as there is very little time left, I have taken the liberty to address you directly and request you will be pleased to interest yourself in the matter and give to the Indian National Congress, the opportunity sought for, on behalf of the people of India.

I have the honour to remain,

Sir

Your most obedient servant,

Sd.V. J. Patel.

### *DRAFT ADDRESS*

In pursuance of a resolution passed by the Indian National Congress at its Delhi Session in December 1918, we the members of the Deputation appointed by the Congress beg leave to approach Your Most Gracious Majesty with this humble address of hearty and loyal congratulations on the present joyous occasion.

Year after year since the outbreak of the war, the people of India assembled at the annual sessions of the National Congress have expressed their profound devotion and unswerving loyalty to the throne with an humble assurance to Your Majesty's Government of their firm resolve to stand by the Empire with all the resources in men, money and material. By the grace of God, the War has now been won and the victory sealed by the Treaty of Peace. We deem it a privilege to participate in the celebrations and rejoicings over Peace, and offer to Your Majesty on behalf of the Indian people our respectful felicitations on the triumph of the noble cause. The feeling of rejoicing has, as Your Majesty is aware, been universally shared throughout the length and breadth of our country by all classes of its inhabitants whose admiration for Your person and attachment to Your Throne have been evoked by Your messages and assurances for their welfare and who are stimulated by the conviction that in the new era which dawns with victory, the

*people of India will have full and free opportunity for self-development as other self-governing members of the Great British Empire.*

\* \* \*

“I am afraid I have been very long but there is one more subject with which I should deal before I close. He often talked to me about foreign propaganda. He was very glad that we were able to reorganise the British Congress Committee and the paper *India*, and to make friends with the leading men of the Labour Party both inside and outside the Parliament. He expressed to me that we should be able to carry on much more vigorous propaganda in future with these materials in our hands and that we should have information and publicity bureaus, not only in London, but also in Paris, New York and Tokyo. He had also an idea to establish an Indian news service agency between India and the important civilized countries of the world. When I asked him one day how far foreign propaganda would help India, he said:

‘Mr. Patel, I do not believe that our salvation will come from outside. I have no delusions on that score. But I do believe that a favourable opinion of the civilized world towards Indian aspirations, is a valuable asset in our struggle for freedom. We cannot afford to neglect world opinion except at our peril. Every important country has its national organisations and its information bureaus in important world centres, and if mighty Governments do that, how much more necessary it is for a country like ours.’

“There is no doubt that he had thought out a definite plan for vigorous foreign propaganda and was about to collect funds for the purpose, when he was alas! called away from the world. His death has, in my opinion, created the greatest void in the domain of Indian politics.

“Lokmanya was a terror and a night-mare to the bureaucrats. When Lokmanya entered the room of the Joint Parliamentary Committee by one door to give evidence, the notorious Lord Sydenham, one of the members of that Committee, quietly

left the room by the other, and came in only when another witness was called in."

It is thus quite evident that in the matter of political agitation, Vithalbai was at one with Tilak at this time. While in England he had studied the Sinn Fein methods, and he fain would have followed them in India, if a suitable atmosphere could be created for them. Of course, those methods he would follow only when all the other methods failed. He had exerted every nerve to get the Montagu Bill modified, during his first sojourn in England, and during his second sojourn he fought hard to get the Punjab atrocities redressed and the Rules and Regulations altered. But when he failed in both these objectives, his mind was prepared for a course of obstruction, pure and simple, such as the Irish Nationalists had practised. That Tilak also harboured similar ideas is apparent from the letter which Gokhale had addressed to Bhupendra Nath Basu, just a fortnight before the 1914 Session of the Congress. The letter runs thus: "My hope was that if we enabled the seceders by such relaxations to come in, they would, having seen the impossibility of political action on any other lines, co-operate with us in furthering the programme of the Congress by present methods. That hope, however, has now been shattered. Mr. Tilak had told Mr. Subba Rao frankly and in unequivocal terms that though he accepts the position laid down in what is known as the Congress Creed, viz., that the aim of the Congress is the attainment by India of Self-Government within the empire by constitutional means, he does not believe in the present methods of the Congress, which rest on association with Government where possible, and opposition to it where necessary. In place of these he wants to substitute *the method of opposition to Government pure and simple* within constitutional limits — in other words *a policy of Irish obstruction*. ... Mr. Tilak wants to address only one demand to the Government here, and to the British public, in England, viz., for the concession of Self-Government to India, and till that is conceded, he would urge his countrymen to have nothing to do with either the public services or Legislative Councils and Local and Municipal Bodies. And *by organizing obstruction to Government in every possible direction within the limits of*



the laws of the land, he hopes to be able to *bring the administration to a standstill, and compel the authorities to capitulate.*"

What Tilak intended to do in 1914 or 1915, Vithalbhai would have liked to do now. The Amritsar Congress of 1919, at which Vithalbhai could not be present, gave a complete go-by to the policy of obstruction, by accepting Mahatmaji's formula of asking the people *so to work the Reforms* as to secure an early establishment of full Responsible Government, and of offering the thanks of the Congress to Montagu. If this Resolution of the Amritsar Congress was too tame for Vithalbhai, the Resolution of the Calcutta Session (1920 September) was, in the eyes of Vithalbhai, quite wide of the mark. Tilak did not live to witness what happened at the Calcutta Session. In fact the first Resolution of that Session had to 'record the deep and profound sorrow of the Congress at the death of Bal Gangadhar Tilak.' Tilak had, however, given his views about Gandhiji's scheme of non-co-operation to Gandhiji, and Gandhiji has recorded them in his reminiscences about Tilak. Tilak had said: "I like the programme well enough, but I have my doubts as to the country being with us in the self-denying ordinances which non-co-operation presents to the people. I will do nothing to hinder the progress of the movement. I wish you every success, and *if you gain the popular ear, you will find in me an enthusiastic supporter.*"

The frame of mind in which Vithalbhai now was is quite apparent from the interview he gave to the *Bombay Chronicle* on his return from England—about the 29th of August. He told the representative of the *Chronicle* that he had, while in England, studied not only the Sinn Fein methods of the Irish, but that he was also in close touch with the nationalist movement in Egypt. He had returned to India profoundly *disgusted*, not only because of the futility of all his work on the Reform Rules and Regulations, but also because of the callous indifference towards the happenings in India of the British *governing classes*. He did have some faith in the masses of Britain, but he definitely asserted that the British Government in England did not represent the masses and that it was the capitalist classes that ran the whole show of the British Government. If he

had returned 'disappointed', the previous year, this year he returned profoundly 'disgusted'. Being in this frame of mind, when asked to give his views on the scheme of 'non-co-operation', which Mahatmaji had formally inaugurated on the 1st of August, Vithalbhai said: "I am, on the whole, convinced that our methods of agitation by mere petitions, prayers, congresses and conferences are out of date now, and will not by themselves lead to any tangible results. The British Government, as we now learn to our cost, *yields either to force or pressure*. With us force is out of question. Pressure can be brought to bear only by *intense agitation in England*, America and other countries *and by adopting a policy of non-co-operation in India.*"

Vithalbhai's method of attack would thus have been (1) intense agitation abroad and (2) effective obstruction in India. This was the method contemplated also by Tilak. But Tilak was no more, and there was no other man of the Tilak school, who could come anywhere near him, to Vithalbhai's help. Just as the real Moderate School of Politics ceased to exist after the demise of Gokhale and Pherozeshah, the Tilak School died with the death of Tilak. Mahatmaji had now occupied the first place in Indian Politics — the place vacated by these erstwhile giants. Vithalbhai could have taken that place. He had the intellect, the genius, the capacity for hard work with which Gokhale was endowed, and like Gokhale he had become a whole-time servant of India; he had the courage, clear vision and firmness of Pherozeshah; and like Tilak, he was free from the obsession of faith in the *bona fides* of the British people. But he had not the ability of Mahatmaji to get the masses to adore him. The character of the Saint weighs more — has always weighed more — with the Indian masses than the character of the astute politician, and Mahatmaji had established himself in the minds of the Indian masses by the double role he played in India — the role of a Saint and a disinterested politician. Vithalbhai had no personal ambition — no power mania. If Mahatmaji succeeded, nobody would have been so pleased as Vithalbhai. Like Tilak, he could say that if Mahatmaji succeeded, Mahatmaji would find in him an enthusiastic supporter. In fact Vithalbhai went a step further. He would give positive help to Mahatmaji and give

his enthusiastic support to his scheme, so that the scheme might have a fair trial.

Mahatmaji's scheme was a politico-spiritual weapon. He had used it with apparent success, not only in South Africa, but also in India — in *Champaran* and *Kaira*. He had tried it also against the Rowlatt legislation — though without much success. That failure was due to several weaknesses in the scheme. In the first instance, Mahatmaji had till then used that weapon against a specific, obvious and blatant grievance. The Rowlatt Act was passed, put on the Statute-Book, but no action whatever was ever taken under that Act. No opportunity was given to any body to break that law. A general *hartal* could hardly be an adequate substitute for the definite breaking of a specific law. Again, till the *Satyagraha* against the Rowlatt legislation, Mahatmaji's *Satyagraha* was localised and limited to a comparatively small territory. If it was to be so comprehensive as to include the whole of India within its orbit, the non-violence clause of it could hardly have been so dogmatic as Mahatmaji had made it. If an isolated act of violence took place in Delhi or Amritsar, there was no reason why the *Satyagraha* should have stopped all over the country. Perhaps the withdrawal of *Satyagraha* saved the face of the *Satyagrahis* at the time. It could not be definitely pronounced to be a failure, because it was withdrawn before it had a fair trial. The Punjab atrocities and the Hunter Committee's whitewashing Report gave Mahatmaji a real opportunity for the practice of his weapon, and who knows, if he had utilised that opportunity and asked for (1) adequate punishment to Dyer and co., (2) impeachment of O'Dwyer and (3) the recall of Chelmsford by a proper *Satyagraha* on that issue alone, whether he would not have obtained a real success and enhanced the prestige of the Congress! Vithalbai had spared no pains for a whirlwind propaganda in this behalf in England and if the Congressmen in India had been as keen on it as Vithalbai, things might have taken a different turn. But that was not to be. The main issue on which Mahatmaji built up his non-co-operation was the *Khilafat* wrong. Mahatmaji selected it, because he wanted to kill two birds with one stone. He was keen on a fraternisation between

the Muslims and the Hindus, because he thought, and thought rightly, that the demands of India would be irresistible, if the Hindus and Muslims with one voice made them. There were however inherent weaknesses in that issue. It was, at best, a religious issue affecting only a section of the Indian people and it was difficult to enthuse the whole of India over it. Then in the *Khilafat* wrong other nations than Britain were equally involved with Britain. The perfidy of Lloyd George was not *the only factor* involved in it. An intrusion in European politics by India was a dangerous game. And as we know, even the Turks themselves who were immediately involved in it — the connection of the Indian Muslims in it being certainly much more remote — gave up in the end the cause of the *Khilafat* for whom the Indian Muslims were fighting. Mahatmaji was probably not quite ignorant of the weakness of this issue and therefore he tacked on to it the other two issues of the Punjab atrocities and Swaraj. Perhaps, in such matters, one clear-cut issue is far more effective than a combination of many. But there it was — Mahatmaji had already chalked out his programme and had decided to put it before the Calcutta Special Session of the Congress in September. On the eve of that Session, to be precise, on the 29th of August, Vithalbai's interview with the representative of the *Bombay Chronicle* appeared. One can see in it what Vithalbai thought of Mahatmaji's scheme.

On one thing Vithalbai was quite definite. He said: "It would be a mistake to make the purpose of the non-co-operation movement simply a protest against the Punjab atrocities *or* the Turkish Treaty (the *Khilafat* wrong), bad as they are. The justification of non-co-operation is the assertion of the right of self-determination." Elaborating his view on the whole scheme, as it was presented, he said: "We can bring about a bloodless revolution and secure what we want, by a systematic and well-organized movement of non-co-operation; but I should like to point out, first, in any scheme the first stages should be relatively inexpensive and should aim at concentrating opinion in such a way that contributions for the later and more expensive stages would be forthcoming; secondly, if the whole movement is to succeed it must be based on a thorough local organisation in

England; thirdly, publicity is essential at every stage — local organizations must spread among the people explanatory statements showing how non-co-operation has been successful in concrete cases; and fourthly, conflicts involving imprisonment or even death are bound to come before the end is reached. This is the lesson I have learnt from my study of the Sinn Fein movement — nothing should be done to provoke such conflicts. Individuals should not be asked in the earlier stages to undertake great personal sacrifices, because the movement might receive a set-back if too great a strain were thrown on a large number of people."

This was Vithalbhair's conception of obstruction — otherwise called non-co-operation. On the question of the boycott of Councils, he said: "We should not allow any undesirables to pass as the representatives of the people at this stage. It is better, as far as possible, to capture the machinery and get the Councils to adopt Resolutions demanding full Self-Government. We could then *go on a strike* if the Government refused to listen to these demands. In Ireland the Sinn Feiners contested all the Local Council seats and captured them although they refused to sit in the British Legislature. For my part, I would, however, like to be guided by the decision of the Special Congress *in whose collective wisdom I have great faith*. We must remember that a movement of this character should not be launched, *unless we have the support of the great majority of our people*."

On the questions of non-payment of taxes and boycott of British goods, Vithalbhair had brought the following message from Lansbury: "I think this is a very dangerous, difficult and revolutionary piece of work, not to be taken on lightly, but only after very careful consideration. It is most easy for Government to provoke violence and riot by forcibly collecting taxes, and so I should hesitate very much indeed, were I an Indian, before embarking on such a campaign. With regard to the boycott of Lancashire goods, I am convinced that anything of the kind would lead to a very great animosity of feeling in this country. I should think you would be well advised before taking a definite plunge, to give the Government of Britain and the people of this country clear and definite warning as to the minimum you would be satisfied with, before embarking on either

of these two pieces of agitation. Three or six months is not a long time in the life of your people, and you would be putting yourselves in the right with our people here, if you gave time."

This advice went unheeded. It was resolved that the paper *India* should be discontinued. The Sub-Committee of the A.-I.C.C., appointed in May 1920, to put up a memorial, before Parliament, on the the Punjab atrocities stopped all moves in the matter, and the Congress ceased to make any payments to the British Committee. Propaganda abroad had now no place in the programme chalked out in the Congress. The Special Session, held in Calcutta from the 4th to the 9th of September, passed a grandiose resolution in which it was held that, *for the redress* of the *Khilafat* and the Punjab atrocities wrongs, it was necessary to establish Swaraj, and that until these wrongs were righted and Swaraj established, 'there was no course left open for the people of India but to approve of and adopt the policy of progressive non-violent non-co-operation inaugurated by Mahatma Gandhi.' The actual scheme contemplated (a) Surrender of titles and honorary offices, and resignation from nominated seats in Local Bodies; (b) Refusal to attend Government levees, durbars and other official and semi-official functions held by Government officials, or in their honour; (c) gradual *withdrawal of children from schools and colleges* owned, aided or controlled by Government, and in the place of such schools and colleges, the establishment of National Schools and Colleges in the various Provinces; (d) Gradual *boycott of British Courts* by lawyers and litigants, and the establishment of private arbitration Courts by their aid, for the settlement of private disputes; (e) *Refusal* on the part of the military, clerical and labouring classes to offer themselves *as recruits for service in Mesopotamia*; (f) *Withdrawal* by candidates of their candidature for *election to the Reformed Councils*; and refusal on the part of the voters to vote for any candidate who may, despite the Congress advice, offer himself for election; (g) Boycott of *foreign* (not only British) goods.

So we see that Swaraj was to be asked for *in order*, principally, *to redress the Khilafat and the Punjab atrocities wrongs*, and non-co-operation was to be adopted for all these three objectives combined. Among the planks of the non-co-operation

scheme were such trivial and futile objects as surrender of titles and withdrawal from levees, along with the boycotts of schools and colleges, of law courts, of councils and of foreign goods, as also a direction to the military (so the military classes were recognised), clerical and labouring classes to refuse to become recruits for service in Mesopotamia. Vithalbai, along with Das, Lajpatrai and other radical Congressmen fell in line with the major suggestion of Mahatmaji, but they could hardly go the whole way with him. The surrender of titles and refusal to attend levees, besides being trivial, were not easy of accomplishment, because the stratum from which the recipients of these honours came had not yet been thoroughly assimilated to the new Congress ideology, and the Congress failure in this respect would hardly be to the credit of the Congress. The boycott of the law courts and the boycott of the educational institutions were likely to do more harm than good to the country. They were really the counterparts of arbitration courts and National schools and colleges; but until these rival institutions came into being and attained real prestige, it was wrong to adopt the negative policy. The direction against accepting Mesopotamian Service was almost unconstitutional. The boycott of foreign goods was hardly approved by Mahatmaji himself. In fact it was almost watered down not only to the 'honest Swadeshi' of the old Moderates, but to the production of the charkha or the spinning wheel. The boycott of Councils, thus, remained as the only plank of the scheme which deserved serious consideration. As we have seen, Vithalbai himself was not favourably inclined to this part of the programme, but, as he wanted to give the programme a real chance, he threw himself heart and soul into this battle. Not only did he give up his seat on the Imperial Council (he also resigned his nominated seat on the Bandra Municipality), and withdraw his candidature from the Council of State, but he exhorted everybody to carry out this part of the programme wholeheartedly. This part of the programme was so successful that Government themselves admitted: "It is rather in connection with the boycott of the new Councils that Mr. Gandhi's campaign of non-co-operation seems destined to exercise a potent influence upon the history of the

next few years. It has prevented the inclusion in the new Legislatures of certain advanced thinkers who figure prominently in the public eye, and has left the Moderates a clear field." Almost all the Nationalist candidates withdrew themselves from the election contest, and of the voters nearly 80 per cent. refrained from voting. We should rather put it the other way and say that only 20 per cent. of the voters voted. In the Subjects Committee of the Calcutta Session, Mahatmaji's non-co-operation Resolution was opposed by C. R. Das, and the majority of the delegates were certainly against the Resolution, but Mahatmaji's personal magnetism was so great that the Resolution got through, though by a majority of seven votes only. In the open Session the Ayes were 1886 and the Noes 884. The number of non-voters was pretty large. This can be easily explained, for several of the delegates who did not see eye to eye with Mahatmaji had yet not the courage to vote against him. If, however, we can credit the rumour that was very thick at that time, there was something much worse in this vote. With the 1916 change in the Congress constitution which enabled the Tilak school to walk into the Congress, it had, in practice, been very easy to get into the Congress as a delegate. Virtually it only became a question of paying the delegation fee of Rs. 10 only. The election was nominal. The Gujarati element in the country was solidly behind Mahatmaji, and there were several Gujarati commercial magnates in the City of Calcutta. When they realised that Mahatmaji was in the minority on the question of the boycott of Councils, they made a strenuous effort, on the night before the open Session of the Congress in which this Resolution was to be voted upon, and enrolled something like 1,200 Sikh taxi-drivers as delegates, paying Rs. 10 for each of them themselves. It was thus that an actual minority was turned into a majority. Whatever the truth in this rumour, it is certainly true that the majority of the senior Congressmen were against the boycott of the Councils at this time, and in the Press a controversy was in full swing about whether the Calcutta Congress had approved of Mahatmaji's full programme of progressive non-violent non-co-operation. In the meanwhile the A.I.C.C. appointed Gandhiji himself and Motilal Nehru and Vithalbai to formulate the



necessary instructions to carry out the Resolution. The report of this sub-committee reflects the prevailing differences in the interpretation of the Congress vote on the Resolution. While Gandhiji and Motilal Nehru contended that the Session had adopted the entire programme, Vithalbai, in a separate note declared: "I regret I cannot see my way to accept the suggestion contained in the report that the Congress has approved of Mr. Gandhi's full programme of non-co-operation, and that, having adopted the first stage for immediate application, it has merely to determine, later on, the pace for the remaining three stages. My reasons briefly are: (1) The Congress did not, as a matter of fact, discuss the merits and demerits of the remaining (last) three stages of Mr. Gandhi's programme. The issue was not directly raised, debated and determined upon. (2) In my opinion, approval by the Congress of all stages of Mr. Gandhi's programme would offend against the first article of the Congress Constitution, which restricts the Congress to the use of all 'constitutional means' for the attainment of Self-Government. The stage which involves resignations of Government employees — particularly those in the Military Department — can hardly be deemed 'constitutional'. I should be perfectly prepared to support any proposal for the substitution of the word 'peaceful' for the word 'constitutional' in the first article. (We may note here that the Nagpur Session actually effected the change). But unless the necessary change is made in the constitution, the Congress cannot approve all the stages of Mr. Gandhi's programme. I therefore respectfully submit that the All-India Congress Committee should delete the paragraph in the report which contains the suggestions in question" Lajpat Rai (the President of that Session) was another front-rank Congressman who concurred with Vithalbai on this issue. Both of them contended that the Congress had set its seal of approval on the *policy* of non-co-operation, *but not on the programme*. Vithalbai, in particular, thought that it was based on emotion and sentiment, and not on the hard realities of life.

To Vithalbai non-co-operation was only *a form of obstruction* to Government. He was prepared for all kinds of boycott, *if only they could be limited to a period, in the spirit of a*

*national strike*. But he could not swallow the idea of all these boycotts as a politico-spiritual weapon. He wanted the hard realities to be looked into. He was a conscientious objector to the 'gradual withdrawal of students from schools and colleges, owned or controlled by Government.' Vithalbai contended that most of the educational institutions fell under one or the other category specified. Did the Congress desire to throw its rising generation on the streets without so much as a modicum of learning? The Congress had, it was true, advocated the establishment of National schools and colleges. But not many such institutions had yet come into existence. Vithalbai suggested 'concentration of all our efforts in making an experiment of the establishment of National education *and simultaneous withdrawal* of boys and girls from schools and colleges *in some select area*; e.g. Gujarat in the Bombay Presidency.' "Under such schemes", he said, "it is possible to show definite results within reasonable time, and if the experiment is found successful, other parts of India will follow the example." The establishment of the Gujarat Vidyapith at Ahmedabad, the Kashi Vidyapith at Benares, the Tilak Vidyapith at Poona, the Bihar Vidyapith at Patna, the National Muslim University at Aligarh and the Bengal National University at Calcutta were some of the moves in that direction; but they could hardly supplant all the old established institutions. Vithalbai fully realised the place of students in the national awakening and agitation; he was in favour of calling them out from their schools and colleges, but he would have called them out *only for a limited period* — a period during which they should have acted as torch-bearers, done the spade work, carried on propaganda among village and town folk and prepared them for the Congress call to sacrifice. According to him, students were best fitted for the task. That would have been a lesson in National education. Education was a necessity for the developing mind, and National education doubly so; but unless and until the Congress could provide for the latter, it had no moral right to deprive the students of what education they had been getting. The Congress call should have been, in the circumstances, *in the nature of a strike*, for a limited period.

About the gradual boycott of the law courts, Vithalbhai said: "I cannot accept the meaning given to the word 'gradual' in the report. Vigorous propaganda throughout the country, preaching to the masses the desirability of referring their disputes to arbitration Courts will yield better results than any propaganda for immediate withdrawal of lawyers from British Courts would do. Better still I would recommend the concentration of our efforts in this direction *in some select areas*, making the experiment, as thorough as possible. In the meanwhile, lawyers all over the country should be asked to contribute a mite of their income to the National Fund. From this Fund, lawyers who desire to suspend their practice and devote their full time to public affairs, may be maintained."

About the boycott of foreign goods, Vithalbhai had definite views. Gandhiji and Motilal Nehru contended in their report that this sweeping change was an interpolation; Vithalbhai differed from them, and so did Lajpat Rai. He definitely favoured the boycott of *British* goods, and did not share the fears anticipated by Lansbury.

On the boycott of Councils, once 'the collective wisdom of the Congress' had decided the issue, Vithalbhai had the following suggestions to offer: "I am of the opinion that *for some time to come*, at any rate, we must concentrate all our energies and efforts on making the boycott of Councils *as complete as possible*. We must create an impression, and this we can do by *concentrating on any one of the items* of our programme. In order that the Non-co-operation movement may take root, grow, develop and ultimately succeed, we must act in such a way as to show some tangible results of our activities in the near future. This can be best done by the taking up, in the initial stages, of only one item and working it up as thoroughly as we can. This being my view, I have suggested that the work in connection with the boycott of schools and courts should be localised to select areas, in order that we might be able to put forth sufficient efforts to make the boycott of Councils as complete as possible. I would therefore supplement the instructions contained in the report on this item by the following suggestions: (1) Public meetings should be held immediately in all constituencies, and resolutions

passed asking candidates to withdraw. (2) Even after elections are over, continuous propaganda, by way of deputations and public meetings, should be carried on, in order to bring pressure to bear on the candidates returned, to resign their seats. Voters with whose votes a constituency has returned a member should be repeatedly approached and asked to influence the member to resign. Further, in the form, embodied in the report, to be signed by the voters, I would suggest one alteration. The last sentence should be dropped and the following words substituted: 'We do hereby declare further that we do not desire to be represented on any legislative bodies unless they are established under a constitution for full 'Swaraja', that is, complete Responsible Government, in order to enable us to secure justice in the matters of 'Khilafat', 'the Punjab' and the like.' In his minute, Vithalbhai did not fail to recommend that 'simultaneously with our activities in the field of non-co-operation in this country, two strong Publicity Boards should be established — one in London and the other in New York.' Of course, this recommendation went absolutely unheeded

The militant programme of the Congress was partially put into operation, at once, and it showed fairly good results. The regular annual Session of the Congress, held at Nagpur in December, virtually reaffirmed the Calcutta Resolution, 'covering the whole field, from the renunciation of titles at one end to the refusal to pay taxes at the other.' Gandhiji, on whom a devoted people now conferred the honorific title of 'Mahatma', completely dominated this Session, and permeated its very being with his principles and programme. He was also fortunate in attracting towards himself, besides Vithalbhai and Vallabhbhai, Das, Motilal, Lajpat Rai, Rajaji, Rajendra Prasad, Mahomed Ali, Abul Kalam Azad and a host of others, all of whom now became full-time servants of the country. The creed of the Congress was changed. As suggested by Vithalbhai, its object was now declared to be 'the attainment of Swaraj by *peaceful and legitimate means*.' It started preparing the country by organising a Congress Committee in every village, town and city, by creating a volunteer corps for National Service, and by raising the Tilak Memorial and Swaraj Funds, to finance the

movement. While doing all this, it also laid a special emphasis on non-violence as an integral part of the non-co-operation Resolution. How this special emphasis affected the movement we shall see presently.

The response to the Nagpur Congress was fairly satisfactory. The boycott of Councils was on the whole remarkably successful. The boycott of Courts and Colleges could hardly be considered a success, though a good many lawyers gave up their practice, and a fair number of students non-co-operated. Early in 1921, to be precise, in April 1921, there was a change in Viceroyalty. Lord Chelmsford made way for Lord Reading. Lord Reading came with a great reputation behind him, both as a jurist and a diplomat, having graced the Woolsack and having made a very efficient ambassador in America during the strenuous years of the war. Malaviya arranged an interview between Lord Reading and Mahatmaji. This interview gave Reading an opportunity to judge Gandhiji's sincerity, as also his power, and he saw how unwise it would be for him to take action against the non-co-operation movement. He secured from him the admission that the speeches of Ali Brothers could be construed as inflaming the passions of the people, and as subtle incitements to violence. Having admitted that, Mahatmaji had to ask the Ali brothers to tender an apology. The Ali brothers promptly tendered the apology asked for, and Reading dropped the idea of prosecuting them. Here was a victory for both sides — Reading and Gandhiji. That Gandhiji could get the Ali brothers to tender the apology was a victory for Gandhiji, and that Reading could influence Gandhiji to ask Ali brothers to tender it was a victory for Reading. Here were great potentialities. An opportunity could come for an amicable settlement between the Congress and the Government, and an opportunity did come; but of this hereafter. In the meanwhile the All-India Khilafat Conference met at Karachi on the 8th of July, 1921, at which Mahomed Ali made a daring speech. The Conference also passed a resolution declaring it 'unlawful for any faithful Muslim to serve from that day in the army or help or acquiesce in their recruitment.' Mahomed Ali's speech was repeated on the 16th of October, 1921, from thousands of public platforms

in accordance with instructions from the Congress High Command, as a challenge to Government, and a detailed programme for the boycott of the visit of the Prince of Wales was worked out — a general *hartal* being ordered on the day of his landing. The Ali Brothers were arrested, and on the 5th of November, the Congress Working Committee authorised every province, on its own responsibility, to undertake Civil Disobedience, including non-payment of taxes. Vithalbai was a member of this Working Committee. He had incurred the displeasure of Gandhiji on account of his opposition to the unconstitutional methods adopted therein. At the first meeting of this new Working Committee, the President expressed his opinion that the election of members to the A.-I.C.C. from Bengal and Madras were illegal and *ultra vires*, and ruled that they could not take their seats in the A.-I.C.C. Gandhiji, impatient at the delay that would be caused if fresh elections had to be held, moved that in the interests of the country, which had before it a constructive programme, the irregularity be overlooked 'without prejudice to the constitutional questions.' Vithalbai opined that the motion was out of order, specially so, because of the ruling of the President. Motilalji, who occupied the chair in the temporary absence of the President, ruled the motion in order, and Vithalbai was the only member of the Committee who voted against it. In spite of this apparent intransigence on his part, Vithalbai continued to retain his hold on the Congress. Along with Rajendra Prasad, he was appointed to go through the report of the Dharwar Firing Inquiry Sub-Committee, and was nominated on the Dissemination of News Sub-Committee. When the Working Committee ordered Civil Disobedience, it laid down certain conditions on civil resisters, one of which was that they must know hand-spinning. Vithalbai opposed it, but as the Committee decided that such conditions would be relaxed on an application from the resister, Vithalbai reconciled himself to it. Vithalbai was whole-heartedly in favour of raising a real standard of revolt against the Government, and it was only to keep a united front that he bowed down to the halting and indecisive policy of the Congress.

The Prince of Wales arrived in India on the 17th of Nov-

ember. He was to have opened the new Assembly, but the Indian atmosphere of 1920 had led the Government to replace him by the Duke of Connaught. On the day of his landing in Bombay, riots took place, resulting in the death of 53 persons and the wounding of over 400. Mahatma Gandhi fasted for 5 days, as a penance for the excesses of the people, and declared that Swaraj stank in his nostrils. On the arrival of the Prince, the Congress volunteers, who had been no more than social service workers, coalesced with the militant Khilafat volunteers, and both the types transformed themselves into Civil Resisters, with the result that thousands of them were arrested. The Prince was scheduled to visit Calcutta on the 25th of December, and the Government of Bengal proclaimed enrolment of volunteers illegal under the Criminal Law Amendment Act. A large number of prominent persons thus came to be arrested. The Viceroy was then at Calcutta and the Prince was expected to spend his Christmas there. Malaviya, now, once more, tried to bring about an understanding between the Government and the Congress. Reading was anxious to find a way out of the impasse. He would avoid the boycott of the Christmas celebrations for the Prince, if he could. Malaviya waited on the Viceroy on the 21st, and an agreement was entered into between the Government on the one side, and Malaviya, who had obtained by telephonic communications the consent of Das and Gandhi for it, on the other, that the Civil Disobedience prisoners should be released and the Round Table Conference be held in March with 22 representatives of the Congress to consider the Reform Scheme. Here then was another opportunity for an amicable settlement between the Government and the Congress. It has transpired that Reading was prepared for a substantial political advance—for an almost complete provincial autonomy and an element of responsibility at the centre, and the immediate release of all the Civil Disobedience prisoners. Gandhiji demanded the release of the so-called Karachi prisoners—those that were convicted on November 1, 1921, for having participated in the Khilafat Conference, where the resolution about Military service had been passed. This demand too was substantially granted. Mahatmaji now demanded the release of the *Fatwa* prisoners

also — the Ulemahs who had endorsed the Karachi Resolution in a *Fatwa*. He also demanded the continuance of the right of picketing. These demands were refused. 'Before Gandhi's telegraphic reply on this position could reach Lord Reading in Calcutta,— and unfortunately this message was delayed in transit,— his colleagues had left Calcutta (on the 23rd of December) and the negotiations failed.' It is reported that Sapru was given a blank cheque by Reading, and he had almost come to an agreement with Jinnah and Malaviya who acted as the intermediaries on behalf of Gandhiji. Perhaps the Fates intervened, but there can be no gainsaying the fact that here was a golden opportunity lost for an amicable settlement which would have redounded to the credit of the Congress as well as the Government. Reading was prepared to go almost to any length at this time, because he was anxious to see that the celebrations for the Prince of Wales went off successfully. Negotiations having failed, the Calcutta *hartal* was complete. The Civil Resisters continued to be in jail, and the agreement about the Round Table Conference was relegated to the cold storage.

The political situation continued to remain as it was at the Nagpur Session of the Congress. The Duke of Connaught had inaugurated the Montford Reforms early in 1921, and, while inaugurating them, had read the Royal message in which there was a half-hearted reference to the 'beginnings of Swaraj within my Empire.' He had asked the people of India to forget and forgive. In the Assembly, Vincent had expressed the regret of the administration at the excesses of the Punjab tragedy and Government's firm determination to make any repetition of them impossible. And then at the end of the year Reading gave an opportunity to the Congress to come to a settlement. All that was of no avail, because repression had not stopped. Das, the President-elect of the Ahmedabad Congress, himself was in jail. 'Swaraj inside a year' was the thought uppermost in everybody's mind. The year was about to close, and yet Swaraj was not within sight. Over twenty thousand individual Civil Resisters were in jail. It was in this atmosphere that the Ahmedabad Congress of 1921 met under the presidency of Hakim Ajmal Khan. Mass Civil Disobedience was in the air. Gan-



dhiji contemplated a No-Tax campaign in Gujarat, and Gun-  
tur was ready for another such campaign. It was at this Congress  
that Hasrat Mohani proposed to define Swaraj as 'Complete  
Independence, free from all foreign control.' Gandhiji rebuked  
him for that proposal. This Congress advised all Congress  
workers 'to organise Individual Civil Disobedience and Mass Civil  
Disobedience when the mass of people have been sufficiently train-  
ed in the methods of non-violence', and appointed Gandhiji the  
sole Executive authority of the Congress, with power to appoint  
a successor in an emergency.

Before the ink of the Ahmedabad resolutions was dry, to be  
precise, on the 14th, 15th and 16th of January, an All-Parties  
Conference was convened in Bombay, at which Gandhiji assist-  
ed. The Conference began with Sankaran Nair in the chair,  
but as he did not approve of the draft resolution, he left the  
Conference, and Visvesvarayya took his place. The resolution  
condemned the repressive policy of the Government, recomm-  
ended the suspension of Civil Disobedience, and supported an  
early convening of a Round Table Conference at which all the  
outstanding grievances should be considered. In response to  
the Resolution of this Conference, the Congress Working Commit-  
tee, which met on the 17th of January postponed the starting  
of Civil Disobedience till the end of the month. Reading treated  
the communications from the Conference with scant courtesy,  
and Gandhiji, on the 1st of February, 1922, intimated to the  
Viceroy his intention to start Civil Disobedience at Bardoli. By  
this letter Gandhiji informed the Viceroy that on the 29th of  
January, Bardoli had decided, under the presidency of Vithal-  
bhai, to embark on mass Civil Disobedience, that Bardoli was  
the first unit for mass Civil Disobedience, that this could be  
treated as the National revolt against the Government's con-  
sistently criminal refusal to appreciate India's resolve regarding  
the Khilafat, the Punjab and Swaraj. He charged the Govern-  
ment with having adopted repression of a violent type which  
amounted to official lawlessness. "The immediate task before  
the country," he added, "is to rescue, from paralysis, freedom of  
speech, freedom of association and freedom of Press." He  
asked for a declaration within seven days of the date of the

publication of this letter that Government would revise their policy and set free all the non-co-operating prisoners and also announce in clear terms a policy of non-interference with all non-violent activities in the country. If Government made the requested declaration, Gandhiji promised that aggressive Civil Disobedience would cease and would be taken up *only when* the Government departed from its policy of strictest neutrality or refused to yield to the clearly expressed opinion of the vast majority of the people of India.

We shall now see how the Bardoli Satyagraha came into being. At the Nagpur Session of the Congress, among the thousands that flocked to the Session, there was a silent spectator, among the delegates, lured thither, all the way from Gujarat, by a patriotic impulse. He knew no English and English was then the language of the Congress. But he heard Gandhiji say something which was received with tumultuous applause by those who understood it. He asked his neighbour what it was that they applauded and learnt that Gandhiji had said that, if his programme was sincerely carried out, Swaraj would be realised within a year. Swaraj within a year! Well, if nobody else took the speaker at his word, he did. He made a mental note of it, and took out his diary and wrote there that he would himself implement the programme, whatever it was, in full. This man is Kunverji Mehta — the real maker of Bardoli.

Born and bred in a small village of the Bardoli taluka, Kunverji attended a village school and gathered a few bits of knowledge. Even as a school-boy his spirit of adventure knew no bounds. He could hardly gratify any of his desires, as his father's means were none too good. The Congress held its Session at Surat in 1908. This stripling of a boy itched to be there. He had heard the great names associated with Congress — the names of Tilak, Pherozeshah, Gokhale, Tyabji. Was he going to miss such an opportunity? and so near his own home? But how to get there? And how to find the necessary money? The young brain hit upon a plan. He talked it over with his chums, and seven of them started all the way to Surat on foot. For the ticket — they had only one among them — they surrendered their small allowances, and attended the Session by

turns. Kunverji, the eldest of the group, was to be the last. The first was the one who contributed the most. Each of them felt happy. They saw the great men at close quarters. They heard them. They vibrated with joy. But none was more happy than Kunverji. The last of the team, he was just in time to witness the closing scenes of the break-up — the fight between the old guard and the new — between the Pheroze-shah and Gokhale group and the Tilak and Khaparde group. He saw for himself the fine use made there of chairs and tables and shoes and slippers thrown at random from one end to the other. He saw also the quiet restored after the bust-up. He has retained vivid memories of this memorable scene. The impressions have been indelible.

In course of time, Kunverji became a village schoolmaster, and the patriotic 'bug' in him quickened. His school was a Government school. He was conscious that he was a Government servant, but that hardly damped his fervour. His hold on the children was immense. He put them in simple uniforms. He introduced, among them, community singing of the national songs, and photographs of national leaders decorated his school's walls. His school became the Model School in the whole district. The Government Inspector of Schools certified it as such. Then came the Gandhi era of Nationalism. Government looked with suspicion at Kunverji's activities in the school. They thought they were subversive. They ordered Kunverji to put a check on his over-ebullient spirit. He replied by tendering his resignation. He became an editor. He started the *Patel Bandhu*. He devoted all his time to the paper. Then came his pilgrimage to Nagpur and his grim determination to tread the uncertain and untried path of action and strange politics.

He started with his village. But very soon his whole taluka, with 'a population of about 87,000, all told', as Gandhiji put it in his letter to the Viceroy, became the field of his activity. Gandhiji's message — the message of the Congress — percolated to the very hearths and homes of these sturdy villagers. Kunverji put his own spirit into the village folk. And they responded. And how magnificently! They were heart and soul with him. He was himself a part and parcel of them. He brought out their latent



**Kunverji—Maker of Bardoli**



patriotism. He canalised it. He infected them with his own enthusiasm for service — for total sacrifice. He prepared them for such non-violence as was wanted — at least for the nonce. No rosy pictures, but a clear representation of the heavy trials and untold misery through which they had to wade their way, he placed before them. But his people were with him — with him through thick and thin — motivated by one purpose — Swaraj within a year! They girded up their loins for its achievement. Here was a whole taluka on its toes, though a few months ago its people were somnolent and content — content with the contentment of the dumb animals.

Kunverji felt that his task was done. He had done his duty. The people were ready for a struggle with the authorities. Civil Disobedience, the No-Tax campaign were but the pathways on to the road to Swaraj. They knew the pitfalls and they did not flinch. Bardoli was ready, was fully prepared. Kunverji sought Gandhiji's orders and his blessings. He sounded sincere and convincing. But Gandhiji had to make assurance doubly sure. So whom would he depute for a report on the preparedness of Bardoli for non-violent Civil Disobedience but Vithalbhai? Kunverji had known Vithalbhai for over a decade, and was one of his admirers. He had helped him in his election to the Bombay Council.

Kunverji and Vithalbhai were birds of the same feather. They were in the Gandhi camp, not because they believed in the potency of Non-violence under the circumstances, but because they believed in its expediency for the time being. They had accepted the Gandhian programme, because there was no other. They recognised that Gandhiji was the only militant leader, at the time, and that he offered a healthy contrast to the earlier *no-action* national leadership. They had taken to each other Vithalbhai was in Kunverji's immediate confidence. Whatever Vithalbhai wanted to see, wherever he wanted to go, whomsoever he wanted to meet, Kunverji was at his beck and call. Vithalbhai, in the true Gandhian spirit, made the most intensive study of the situation. A strenuous tour spread over several days of the entire taluka convinced him that Bardoli was thoroughly prepared for the struggle. Bardoli had thoroughly imbibed the spirit

of non-violence. Vithalbai marvelled at it, but realised how a good man and straight could achieve wonders. Vithalbai made a favourable report to Gandhiji, and Gandhiji came personally to bless the start of the No-Tax campaign. It may be mentioned here that Gandhiji was, at the beginning, inclined to make Kaira the centre of his Civil Disobedience activities, but Vithalbai told him that non-violence would be out of question there, and that Bardoli could be relied on to remain perfectly non-violent. That settled the question.

Kunverji had steeped himself in the philosophy of Mahatma Gandhi, but he paid scant respect to its forms. When Gandhiji came into the midst of these soldiers of non-violent war, he started his practice there of holding congregational prayers every evening at a fixed hour. Vithalbai was frankly sceptical of this method of winning over the crowds that came for a 'Darshan' of the Mahatma, for a political purpose. Kunverji also hardly fitted into such prayer meetings. So while the Mahatma, his followers and an admiring public squatted on the ground with their eyes shut and lips quivering with hymns and *shlokas* from the ancient scriptures, these two recalcitrants regaled themselves outside the charmed circle. Their comrades did not quite relish this exception so willingly made in their favour by Gandhiji, and there was a perceptible murmur. Mahatmaji therefore thought it meet to request both Vithalbai and Kunverji to attend the prayers, as their absence at those meetings had become too conspicuous. Like the disciplined soldiers, that they were, they squatted down with hundreds of others — Vithalbai facing the congregation. The prayer started. As the others shut their eyes, Vithalbai opened his, to see how many were genuinely interested in the business. The first pair of open eyes to meet were Kunverji's. He smiled an arch smile, nodded his head, raised his hand and showed 'two' by his fingers. Why! there was a third looking at him, and a fourth and a fifth: then several more sought what was passing in Vithalbai's mind. The prayers over, Vithalbai laughed a hearty laugh, and said: "Mahatmaji, I thought that I was the only unbeliever here; but I find that at your prayers more eyes are open than shut."

Bardoli officially made known its resolve to start the No-Tax

campaign. at a taluka conference under the chairmanship of Vithalbhai. To an audience of over four thousand representatives of the flower of Gujarat peasantry he feelingly explained in detail the conditions laid down for the starting of mass Civil Disobedience. He clarified every point of doubt. He impressed upon them the necessity of realising clearly of what lay in store for them. He asked them, if they felt any the least doubt about their capacity to stand the strain, to postpone for some time the decision to take the final plunge. All this was very much unlike Vithalbhai, who usually entered the fray without any thought for the morrow or for comfort or leisure. But Bardoli was to be the opening battle in the first offensive of Nationalist India against a well-entrenched bureaucracy. Any reverse at the beginning meant a debacle — a collapse. He would therefore take no risk.

In spite of this warning, Vithalbhai was rejoiced to find that the conference unanimously carried the resolution which effectively put an end to their dull, drab life, and sent it hurtling on the wave of agitation and rebellion. They resolved that the Bardoli taluka was fit for mass Civil Disobedience, that they had fully understood and considered the conditions essential for the starting of mass Civil Disobedience, and 'that unless the Working Committee otherwise decided, or unless the proposed Round Table Conference is held, this taluka will immediately commence mass Civil Disobedience under the advice and guidance of Mr. Gandhi *and the President of the Conference.*'

The taluka formally intimated to the authorities its intention of withholding the payment of taxes. The officials — from the *mamlatdar* to the District Collector — knew not how to interpret this upsurge of human energy, this open and collective defiance of authority. Events happened according to schedule. No taxes could be gathered, because none was paid. What was the Government to do? Their authority was flouted. The people chose to obey, instead, the behests of the Congress. Vithalbhai and Gandhiji, and several other top-ranking Congressmen continued to stay at Bardoli to watch the progress of the Satyagraha. Their worst fears were belied, their highest expectations realised. Truly had the simple peasants, unlettered in the ordinary sense, imbibed the best in the new technique that was being developed. Bardoli



was the touchstone testing the worth of Satyagraha, and Bardoli returned an excellent report.

Just when the non-violent experiment proceeded apace, gathering volume and strength, just when the country watched in animated suspense the outcome of the struggle, just when the people were applauding the spirit and the sacrifice of the peasants, a storm burst, exploding the entire carefully worked-out structure. On the 5th of February, at Chauri Chaura, in the United Provinces — now Uttar Pradesh — a peaceful procession of Congress volunteers was fired upon by the police. As a consequence, an infuriated mob rushed 21 constables and a Sub-Inspector into a police station, and set it on fire, with the result that all of them perished in the flames. This upset the apple cart. The apostle of non-violence was stunned. He himself summoned an urgent meeting of the Working Committee. Vithalbai and a few others were on the spot. The Bombay members rushed hurriedly to Bardoli. Gandhiji was firm. The ukase was issued on the 12th February. Not only had the aggressive mass Satyagraha, but even the defensive individual Satyagraha to stop forthwith. No more picketing, processions or public meetings. To the Mahatma, Chauri Chaura was a warning from God above. Vithalbai was cut to the quick. All his plans had gone awry. But there was no alternative. He had to bow to the decision. It fell to his lot to break the news to Kunverji and the other leaders of the movement. He did his task as gently and as humourously as he could. "The mule refuses to budge", he said. Kunverji and his colleagues understood the full implications of these telling words. Worse followed. Gandhiji ordered that the taxes should be paid up within twenty-four hours. Twenty-four hours! Kunverji and his friends were dumb-founded. The peasants had geared themselves not to pay the tax. They had suffered privations in the wake of that decision. They had disposed of so much of their belongings. How were they to get the necessary money now? But Gandhiji had ordered. The Congress had ordered. The orders must be obeyed. Their revolt was the consequence of the Congress orders, and if the Congress ordered withdrawal, it was not for the disciplined soldiers of the Congress to reason why. To the astonishment of the country and of the Gov-

ernment the peasants somehow paid up the taxes and demonstrated to a wonder-struck world the hold that the Congress and Gandhiji had over their minds and hearts. The withdrawal and the prompt payment of the taxes was another triumph for the Congress.

The agonised appeal of the Mahatma achieved what Government repression in its multitudinous form had failed to achieve. Naturally Government rejoiced at the turn things had taken. But an overwhelming majority of Nationalists, whose ideas of strategy and tactics differed widely from those of the Mahatma, were filled with consternation at this ill-conceived and unfortunate step. Some of the more radical elements in the country felt outraged. They looked upon this victory of Gandhism as a national disaster, even if it meant a martyrdom for the Mahatma. Motilalji and Lajpat Rai, from behind the prison bars, wrote long letters to Gandhiji. "Why should," Panditji asked, "a town at the foot of the Himalayas be penalised, if a village at Cape Camorin failed to observe non-violence? Isolate Chauri Chaura, and if, need be, Gorakhpur, but go on with Civil Disobedience, individual and mass." At the A.-I.C.C. meeting, Bengal and Maharashtra tore Gandhiji to pieces. Gandhiji, however, stood firm, and the storm blew over.

Now came the turn for Government to pounce upon Gandhiji. On the 13th of March, Gandhiji was arrested and committed to Sessions on a charge of sedition. The Epic Trial began on the 18th of March. As soon as the charge was read, Gandhiji pleaded guilty. The trial could have ended there and then. The Advocate-General pressed for a full trial. The Judge disagreed, but wanted to decide the sentence. Gandhiji submitted a long written statement, but prefaced it by a few oral remarks. He took full responsibility, for the occurrences in Madras, Bombay and Chauri Chaura, and added: "I knew I was playing with fire. I ran the risk and if I was set free, I would still do the same. ... It is the last article of my faith. ... I am here, therefore, to invite and submit to the highest penalty that can be inflicted on me for what, in law, is a deliberate crime and what appears to me to be the highest duty of a citizen...."

The Judge sentenced Gandhiji to six years' imprisonment,

on the analogy of the Lokmanya, and Mahatmaji looked upon it as a proud privilege to have his name associated with that of the Lokmanya.

The conviction of Gandhiji was 'followed by three months of readjustment of affairs, payments of money, collection of dues, interpretations of terms, appointment of committees, re-assertion of principles, statement of policies, filling of casual vacancies, recording of services and such other things.' The time for a re-examination of the fundamentals came in June, with the A.-I.C.C. meeting at Lucknow, on the 7th, 8th and the 9th of that month. There Vithalbhai and Das fought hard against the do-nothing policy which the Congress had been following since the incarceration of Gandhiji. They wanted to beard the lion in his own den and carry Non-co-operation into the very citadels of Government. Instead, the A.-I.C.C. contented itself with condemning, in words, the continued Government repression, recognising, for form's sake, the necessity of some form of Civil Disobedience to combat it, and holding that the so-called constructive programme was the best preparation, even for mass Civil Disobedience. One good thing it did was to appoint the Civil Disobedience Inquiry Committee, which included Vithalbhai, along with Motilalji, Ansari, Rajaji, Chothani, Hakim Ajmal Khan (Chairman) and Jamnalal Bajaj (whose place was later on taken by Kasturi Ranga Iyengar).

Looking back at this whole imbroglio, shall we not confess, now, that the movement, which started under such glorious auspices with the boycott of the Councils and the boycott of the visit of the Prince of Wales, bringing the Viceroy down on his bended knees, and culminated in the un-heard-of No-Tax campaign of Bardoli was killed by the intrusion of unreal metaphysics and the confusion of spiritual with temporal aims? Vithalbhai had accepted non-co-operation as a suitable substitute for a policy of obstruction. With all his misgivings against it, he had enthusiastically supported the boycott of Councils — he was the first man to resign from the Imperial Council — because he looked upon it as the first step in a nation-wide strike, and when he found an opportunity to put in the last step by proclaiming a No-Tax campaign at Bardoli, he must have heaved a



Vithalbai of Bardoli days  
1922-23



sigh of gratification, for his dream of a nation-wide rebellion was almost within sight. The Fates willed otherwise. The Mahatma became a martyr, but the country groaned under the unbearable weight of the metaphysical burden. The opportunity was lost. Short term strikes had become unworkable in the circumstances of the country. The only practical solution was a persistent policy of obstruction, and to it, now, Vithalbhai turned his attention. When the policy of Non-co-operation was at the pinnacle of glory, he had exposed its fallacies and criticised its drawbacks. He had never lost sight of the fact that a political movement in India, or anywhere else, could never be merely a spiritual awakening, brought about by some Superman, or a gigantic wave calculated to sweep the whole world off its material civilization. It could be only the result of a popular unrest, fomented by insults and indignities of foreign rule — an episode in the dynamic process of social adjustment. Revolution, through which this is often achieved, is not a religion — nor could Swaraj ever become a mere 'mental state.' To undermine or to overthrow British Imperialism was a material problem, and to build up a State to suit the needs of a people is a question of economics and not of metaphysics. But, at the time, every voice of reason that ventured to question the wisdom of the Mahatma was held to have committed a sacrilege, and ran the risk of being condemned out of hand on that account. Surely, if the movement derived a large part of its strength from the personality of Gandhiji — and nobody can deny this — it should be frankly admitted, also, that it had to pay a heavy price. The philosophy of Non-co-operation was fed on the cult of the 'inner voice' and rank hero-worship. Objective appraisal of the conditions in which it had to work was at a discount. Would it not appear to posterity a sorry spectacle — this — of ardent devotees settling down to degeneration, deceiving themselves and the world with high-sounding phrases and with the pictures of an imaginary victory, where there was none?

## Chapter Nineteen

### CIVIL DISOBEDIENCE ENQUIRY

THE All-India Congress Committee, at its meeting on the 6th, 7th and 8th of June, 1922, requested the Acting President of the Congress 'to nominate and authorise a few gentlemen to tour round the country and report on the situation to the next meeting.' Hakim Ajmal Khan, the Acting President, in response to this mandate, and in consultation with the members of the Working Committee present at the meeting on the 9th of June, appointed a Committee, consisting of (1) himself, (2) Motilal Nehru, (3) Rajaji, (4) Dr. Ansari, (5) Vithalbhai, (6) Jammnalal Bajaj and (7) Chotani. Hakim Ajmal Khan was obviously the *ex-officio* Chairman of the Committee. Jammnalal Bajaj, owing to his pre-occupation with the All-India Khaddar Scheme, could not accept the offer. Mrs. Sarojini Naidu was proposed in his place. On account of her ill-health, she too was not available. The Chairman then invited Kasturi Ranga Iyengar, and he joined the Committee at Jubbulpore on the 9th of July, after the Committee had been at work for about ten days. Chotani could not join in the tour, but he would have put his signature to the report of the Committee, if at the last minute he had not been persuaded to remain neutral. The Committee toured round the country from the 30th of June to the 16th of August, and presented their Report to C. R. Das, the *ex-officio* President of the All-India Congress Committee, on the 30th of October, 1922. Das had come out of gaol in July.

The Committee was called upon to report on the general situation in the country and to place all such material before the All-India Congress Committee as could help it in the 'further consideration of the question whether Civil Disobedience in some form or some other measure of a similar character should be adopted.' The Committee called for written answers to quest-

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ions which they published in the Press and supplied to the various Congress Committees, and examined such witnesses orally as offered themselves for such examination. The Committee received written answers from 459 witnesses, and orally examined 366.

The Report traces the history of Non-co-operation, or the withdrawal of co-operation with the Government, *from the year 1905 to the year of the Report*. It refers, at the very outset, to the Presidential speech of Gokhale at the Benares Session of the Congress, wherein, after alluding to the influential opinion which had ranged itself against the partition of Bengal, he had said: "If the opinion of such men are to be brushed aside with contempt, if all Indians are to be treated as no better than dumb, driven cattle, if men whom any other country would delight to honour are to be thus made to realize the utter humiliation and helplessness of their position in their own country, then all I can say is: *"Goodbye to all hope of co-operation in any way with the bureaucracy in the interests of the people.* I can conceive of no greater indictment of British rule than that such a state of things should be possible after a hundred years of that rule." The Report then proceeds to refer to 'a remarkable speech' delivered two years later by Tilak, in which he had 'expounded the principle of Non-co-operation', quotes Gokhale once more — this time from his speech in 1909, wherein he had explained the doctrine of Passive Resistance — and asks 'those who invoke the blessed memories of Gokhale and Tilak, in and out of season, to run down non-co-operators' to 'ponder over these noble sentiments.' The Report adds: 'While the clear political insight of both these devoted patriots clearly saw the shadows cast by coming events, it was left to Mahatma Gandhi to expound a practical policy and programme of Non-co-operation and to lead the struggle against a Government which had forfeited the confidence of the people.'

The Report then goes on to describe succinctly the orgy of repression, resorted to by Government, notices, in particular, the incarceration of Das, Azad, Lajpat Rai, and Jawaharlal Nehru, shows how a premium was often placed by Government on false evidence, records with pride the triumph of Non-violence, and comes up to 'the momentous decision', taken at Bardoli on the 29th



of January, 1922, 'to launch mass Civil Disobedience.' Here the Report falters. It says: "Expectation ran high. The country was all agog to witness the final triumph of soul force over physical might. But the Gods had willed otherwise. The crime of Chauri Chaura was perpetrated on the 5th of February, 1922, and it changed the whole outlook. The Working Committee met at Bardoli, on 11th and 12th of February and resolved that 'Mass Civil Disobedience contemplated at Bardoli and elsewhere be suspended, and this suspension be continued till the atmosphere is so non-violent as to ensure the non-repetition of popular atrocities such as at Gorakhpur (Chauri Chaura) or hooliganism such as at Bombay and Madras'." The Report then recounts the story of Gandhiji's arrest and conviction, and notes 'the solid fact, which cannot be ignored', 'that the Bardoli-Delhi resolutions and the subsequent incarceration of Mahatma Gandhi were followed by general depression throughout the country.'

The Report then goes on to discuss the successes and failures in the various items of the Non-co-operation programme. The boycott of Councils is pronounced a success. In support of this view, the Report quotes Col. Wedgwood: "The elections have been held, but such elections were hardly worth holding. Vast numbers who would have voted have taken the easy course, and stayed at home. Altogether about 24 per cent. of the electors have voted — more in Madras and Bengal and fewer in Bombay and the Central Provinces." About the boycott of schools and colleges, the Report says: "It must be admitted that so far as the effort was directed to the weaning of the students from Government schools and colleges, it has met with poor success, but it cannot be doubted that the spirit of Non-co-operation has been largely imbibed by the student population of the country as a whole." About lawyers, litigants and Law Courts, the Report says: "If success is to be measured by the number of lawyers and litigants abstaining from resort to the Courts, it must, as in the case of students, be admitted that this item of the programme has failed." It further adds: "Some lawyers, chiefly those in the front rank of the bar, have expressed their disagreement with the principle and programme of Non-co-operation and others have actually opposed it." Of the

boycott of titles, the Report complacently says: "There is no item of the programme which has met with so striking a success as the boycott of titles." But it adds: "We say so deliberately and with full knowledge of the fact that *there have been few renouncements and that the periodical honours' lists have been as full as ever.*" Speaking about 'Swadeshi', which, at the time, meant nothing but 'the production and popularising of Khaddar', the Report says: "The great demand for Khaddar has tempted foreign manufacturers and local dealers to introduce a foreign substitute for Khaddar in the Indian markets and the fraud has been so cleverly carried out that it defies detection." The Report notes with satisfaction that the boycott of foreign cloth had already made itself felt in Lancashire.

The Report regrets that the collections for the All-India Tilak Swarajya Fund had been greatly hampered by excessive repression and the general depression which followed it. "Another reason", it adds "why subscriptions to this Fund have not poured in freely from all directions is that no statements of accounts showing receipts and expenditure could be published by Committees who were deprived of their records by the police." The Committee was not satisfied with the work of registering Congress members. They noted that the 'entirely unsatisfactory' result was supposed to have been brought about by repression, or the depression caused by the Bardoli resolutions. The Committee was thoroughly satisfied with 'the devotion and readiness for sacrifice demonstrated by the Congress volunteers', but they could not say the same thing of their discipline. The Committee did not quite despair of the problem of untouchability, but they felt that the problem was made difficult by its being 'wrongly mixed up with religious belief.' The Committee was quite satisfied with the progress made by the anti-drink campaign. On the inter-communal unity, the Committee's opinion was that it was the civil service on one side and the Indian mischief-maker on the other who were responsible for the eternal feud between the Hindus and the Muslims, but that 'not a few attempts of mischief-makers to stir up trouble have, on various occasions, been successfully frustrated by the timely intervention of Congress and Khilafat workers.'

After taking a bird's-eye view of the whole history of Non-co-operation, the Committee sums up the then position of the Congress as follows: "The Congress worker after holding his own for two long years against a mighty Government, despite heavy casualties, finds himself suddenly checked at the very moment he, rightly or wrongly, believes that he is ready to deliver the final blow and is practically told (for the best of reasons, *be it conceded*) to begin again, with no guarantee that he will not be similarly checked at the end of the second course of preparation, by some individuals losing their heads in one or more outlying parts of this vast country. A couple of weeks later, public feeling asserts itself at the meeting of the All-India Congress Committee, and in response to it, the right to regulate individual Civil Disobedience, *aggressive and defensive*, hitherto vested in Provincial Committees is restored to them. Soon after this, Mahatma Gandhi goes to gaol, leaving behind a strict injunction against demonstration of any kind whatever. That injunction is too sacred to be disregarded, but the modifications of the Bardoli resolution, secured at Delhi, provide a wide enough outlet for the pent-up feelings of the people as well as full opportunity for a strenuous prosecution of the constructive programme. That outlet is efficiently closed by the Working Committee almost immediately after Mahatmaji's incarceration, and the concession grudgingly made at Delhi is practically withdrawn by the grave warning to Provincial Committees, (dictated, no doubt, by considerations of the highest prudence at that particular juncture) 'against any hasty use of the powers conferred upon them in respect of individual Civil Disobedience, whether defensive or aggressive.' The worker whose zeal was tempered with a love of excitement finds himself ill at ease with what he considers to be the humdrum part of the work, and takes little interest in it. The worker, fired with a genuine enthusiasm sharpened by the love of the work for its own sake, falls an easy prey in the hands of the police who pick him up wherever he is found carrying on his innocent activities, under one of the convenient Sections of the Code of Criminal Procedure or even without the trouble of appearing to act under colour of law. The All-India Committee again meets at Lucknow, and *finding it to be the*

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*general sense in the country that a step forward should be taken* appoints this Enquiry Committee to go into the question and report on the situation after a full investigation. The country now awaits a proper lead from the All-India Committee."

The evidence before the Committee clearly indicated not only a general desire but a pressing need for some form of Civil Disobedience being adopted. What form it should take, therefore, was the only question which the Committee had to decide. The Committee was definitely of the opinion that, if the stringent tests laid down by the All-India Congress Committee in their Resolution, passed at Delhi on the 4th of November, 1921, had to be applied, no province, district or tehsil in India, *except perhaps Bardoli* which was at one time declared to be ready (we may be sure that this exception, haltingly made, was a concession to Vithalbai), was fit for mass Civil Disobedience. While the Committee was of the opinion that the country was not ready, at the time, for a 'general mass Civil Disobedience or a general No-Tax campaign in any province or district', it left the question of adopting mass Civil Disobedience 'in reference to a particular law and order or some local or provincial tax, e.g. the Chowkidar tax in Bengal, to the relevant Provincial Committee. In regard to individual Civil Disobedience, on a review of all the evidence and the circumstances of the country, the Committee thought that the best course would be to restore the Delhi Resolution of the 4th and 5th of November which gave Provincial Committees 'all the powers necessary to determine upon a resort to Civil Disobedience of any kind whatever', 'with the reservation that general mass Civil Disobedience was not permissible.' The Committee was quite clear about the fact that illegal orders of Government were not binding, and they were definitely of the opinion that they could be disobeyed, without a resort to Civil Disobedience as such, but as it was difficult for those who were not lawyers to form a correct opinion about the validity or otherwise of particular orders, the Committee advised a reference to the relevant Provincial Committee before action was taken in such cases by individuals.

So far, the Committee was of one mind, but when the specific items of Non-co-operation came up for consideration, opinion

was sharply divided in the Committee. The item on which there was the greatest difference of opinion was the item of Council entry. On this question, Kasturi Ranga Iyengar, Ansari and Rajaji pitted themselves against Hakimji, Punditji and Vithalbhai. As the Committee, *for all practical purposes*, consisted of six members only, this was an equal division, though, as Hakimji was the Chairman of the Committee, that group's view, in one sense, could be taken as the majority view. It may be of some interest to note here the fact that Chotani had at no time resigned his membership of the Committee, and that, at the instance of Vithalbhai, who had brought him round to his view, he had consented to put his signature to the views of Vithalbhai and his group. Unfortunately, the writer of these pages, who was then the Editor of *Hindusthan*, in his zeal and over-enthusiasm to be the first to give the news, published the information, before Chotani actually signed the document. That was a signal for the no-changers of Bombay to rush to Chotani and to catch him at Bandra, where he was wont to meet his religious preceptor (Mulla) every evening. Pressure was brought on him in the name of Gandhiji, and he was ultimately persuaded to remain neutral. But for the premature publication of the news by the writer of these pages, who had been given the news in confidence by Vithalbhai, Chotani's signature in favour of Council-entry was an absolute certainty; and that would have made the pro-changers' Report actually the Majority Report. As a matter of fact, however, the two groups ultimately placed their separate views in detail, before the All-India Congress Committee. On the 16th of August, at the conclusion of the tour, at the sitting of the Committee at Patna, 'there was a full consultation among the members and *resolutions(?)* were recorded on the various points at issue, and on this question of entry into Councils all the members *except one* recorded their opinion against any change in the existing programme.' But on the 7th of October, when the Committee met at Delhi to pass their report to the All-India Congress Committee, it transpired that 'two of the members had reconsidered their position' (this is the version of Rajaji's group). Needless to say that the one member who disagreed with the rest at Patna was Vithalbhai,

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and that between the 16th of August and the 7th of October, Motilalji and Ajmal Khan had come round to Vithalbhai's view. Rajaji, Ansari and Kasturi Ranga Iyengar appear to have made a grievance of it, though it was more appropriate for the other side to have a complaint against them for disclosing what right etiquette should have treated as confidential.

Rajaji's group thought that Council-entry, in whatever form, involved 'a distinct violation of the principle of Non-co-operation' and a clear departure from the policy of the Congress as enunciated at the Calcutta, Nagpur and Ahmedabad Sessions, that it would be 'a retrogression in the policy of the Congress', and that it 'would enable Government to regain its lost prestige.' They quoted not only the oral evidence tendered by Santanam and Pattabhi in their support, but also George Lloyd, the then Governor of Bombay(!). In their own way, they scanned the evidence of witnesses and showed that 302 of them were positively against Council entry, and that, of the 163 remaining, only 15 were for *total obstruction* in the Councils, such as was contemplated by the other group. They further held that the chances were remote of such a majority at the elections as was one of the essential conditions of the success of the scheme of *total obstruction*. They also pointed out that some of the most eminent leaders were disqualified under the rules by reason of sentences passed on them, and that so long as that rule was maintained, it would be inconsistent with self-respect and dignity for non-co-operators to think of entering into the Councils. Further they invoked the aid of the view of Gandhiji who had deprecated Council-entry in 1920 'on the ground that it was not a good and honest policy to get entrance into an institution *in order to wreck it.*' They made much of the oath of allegiance which every member of the Council had to take, and which included a solemn promise on his part 'faithfully to discharge *the duty upon which he is about to enter.*' They would not be understood to say that it was wrong or immoral to wreck the reforms, but they thought that they should achieve that object from outside, by their own efforts and not by the 'tortuous method' proposed by the other side. That scheme appeared to them to be futile and unworthy to be adopted by the great

National Assembly. And then they asserted that the Reforms *had been already wrecked*, and, in support of that view, quoted, of all people, Valentine Chirol, who, in a statement to the *Times*, had said that the reforms 'have been largely nullified by the dishonest evasions to which recourse was had after the repression of the Punjab Troubles of 1919'. Their one panacea for all the evils was 'the working up of the constructive programme', and their one argument against *total obstruction* through Council-entry was Gandhiji's maxim 'that every institution thrives on obstruction' and therefore Council-entry, instead of paralysing the Government, would actually strengthen it.

Vithalbai, Ajmal Khan and Motilal Nehru placed the opposite view before the All-India Congress Committee. They refused to accept the view of the other side that '*the rough lines*' settled at the preliminary meeting at Patna were 'resolutions' in any sense of that term, and maintained that the first draft was merely a basis for discussion. They accepted the fact that Vithalbai was 'from the beginning in favour' of total obstruction, but added that 'Hakim Ajmal Khan and Pandit Motilal Nehru had, in the interval, independently of each other, after a most earnest consideration of the whole question, come to the conclusion that the only fitting answer to the Government for its uncontrolled repression and the only effective means to save the constructive work from coming to a standstill was to smash the Councils and thus it was that these three members agreed to face the situation created by the Government, instead of shirking the question.' They contended that the very thought of Council-entry would have been repugnant to them, had they found the country prepared to embark upon general mass Civil Disobedience, or even individual Civil Disobedience on a large scale. They could not run away from the grim realities of the situation, and maintained that the tactics and policies of the Congress had to change, from time to time, to suit the varying circumstances. Gandhiji himself had seen the force of this view, and had worked on it, in word and deed. They quoted from Gandhiji's article in *Young India* of the 2nd of March, 1922, wherein, among other things, he had said: "All the somersaults were necessary changes. Remedies vary with the variation in diagno-

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sis." They recounted the various 'sweeping changes' introduced, from time to time, by Gandhiji himself, to suit the altered circumstances, and averred that, because they felt that the final battle by means of mass Civil Disobedience or individual Civil Disobedience on a large scale was not yet, they ventured to examine the changes in the Non-co-operation *programme* on their own merits. They made it clear that those who had strenuously fought against the boycott of Councils had reconciled themselves to that boycott not only (1) because of their sense of loyalty to the National Assembly, but also (2) because they had thought it desirable and necessary, '*in view of Mahatma's declaration of Swarajya within a year*', to concentrate all national forces on working out the whole of the Non-co-operation programme. They had repeatedly declared that they were in a state of war, and they actually spent the year with their knapsacks on their backs. If the boycott of Councils had been complete, there was little doubt that Government would have come to their senses. Gandhiji expected that to happen. But that was not to be. The Nationalists being out of the way, it was a walk-over for the Moderates and they took full advantage of the opportunity to fill the Councils. Thus the position had altered. The period of the struggle had been indefinitely prolonged. Gandhiji himself had already relaxed the boycott of Law Courts, Schools and Colleges. Assuming that the Councils could not do any good, it could not be denied that they could and were actually doing immense harm. It was not correct to say, as the other side made it out, that their proposals amounted to a removal of the boycott of Councils. On the contrary, they maintained that their proposals constituted the best and the most effective method of boycotting the Councils. Their actual proposals were:

"That the Congress and Khilafat at their Gaya Sessions should declare that, in view of the fact that the working of the Legislative Councils during their first term has, besides proving a great obstacle to the redress of the Khilafat and Punjab wrongs and the speedy attainment of Swarajya, caused great misery and hardship to the people, it is desirable that the following steps should be taken, in strict accordance with the principle



of non-violent non-co-operation, to avoid the recurrence of the evil:

- “1. Non-co-operators should contest the elections on the issue of the Punjab and Khilafat wrongs and immediate Swarajya, and make every endeavour to be returned in a majority.
- “2. If the non-co-operators are returned in a majority large enough to prevent a quorum they should, after taking their seats, leave the Council Chamber in a body, and take no part in the proceedings for the rest of the term. They should attend the Council occasionally only for the purpose of preventing vacancies.
- “3. If non-co-operators are returned in a majority, but not large enough to prevent a quorum, they should oppose every measure of the Government, including the budget, and only move resolutions for the redress of the aforesaid wrongs and the immediate attainment of Swarajya.
- “4. As the new Councils will not assemble till January, 1924, we further propose that the Congress Session of 1923 be held during the first instead of the last week of December, and the matter be again brought up for the issue of a final mandate by the Congress in view of the results of the election.”

Vithalbai and his group distinguished between merely contesting the elections and actually entering the Councils, and held that, as the Councils could not possibly be kept empty, it was almost incumbent on them, effectually to prevent the co-operators from getting in. This view had its strongest opponent in Vithalbai's own brother — Vallabhbai — who held that the mere act of going to the electors to seek their suffrage amounted to co-operation with the Government. It is curious to note that Vallabhbai was a strong advocate of the capturing of the District and Local Boards and Municipalities. How he could differentiate between *contesting* those elections and *contesting* the Council elections (not *entering* the Councils), Vithalbai and his group failed to understand. They felt it necessary in the interests of

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the constructive programme itself — if for nothing else — that non-co-operators should *contest* Council elections. Again they believed that it was not quite unlikely that a greater percentage of voters than at the last elections would poll at the ensuing elections, in spite of their non-co-operation, and in that event the success which they had gained at the last elections would be a thing of the past and the whole movement might be adversely affected. Further they held that Congress candidates for election to the Councils would have real and valuable opportunities for Congress propaganda, such as they could not have otherwise.

Coming to the question of their policy in the Council, Vithalbai and his group said that, if conditions did not radically alter in the meantime, they would enter the Councils *to end them and not to mend them*. They would so conduct themselves that either the administration would have to be carried on by veto or the Government would have to concede their demands — in other words, they would non-co-operate. They added: "Hitherto we tried the negative form of non-co-operation in regard to the Councils, and it failed to achieve the desired result in its entirety. We would now try the active form of non-co-operation, that is to say, enter the Councils for actively obstructing and paralysing the Government."

They then proceeded to consider the evidence of the witnesses, and showed that though apparently an overwhelming majority, numbering 302, *in their written answers*, did not favour Council entry as against 163 who favoured it, many of this majority had, *in the course of their oral examination*, considerably modified their written answers. They particularly cited the evidence of Rajendra Prasad, who was indubitably one of the stoutest champions of the Boycott of Councils, to prove that he gave away the whole principle of Non-co-operation in oral evidence and could be with those who were for Council-entry *for utilising the Councils as they were*, if he could only be satisfied that the constructive programme could possibly be helped thereby. In his examination by Vithalbai, Rajendra Prasad had said:

*"If it is now admitted or assured that it is possible to work the constructive programme through the Councils, there is no objection to our going to the Councils, and there is no surren-*

der." Chowdhary, the official spokesman of Utkal, went even further, for he would recommend an alteration of the Non-co-operation programme to include co-operation in the Councils, if that would help the constructive programme. To Vithalbhais question: "If the people are satisfied with the constructive programme, and they think that it can be worked through the Councils, you will ask the Congress to change the programme?" Chowdhary's answer was: "If the people are satisfied, the Congress *will change it.*"

Kowjalgi, Harkaran Nath Misra and several others had modified their written answers against Council-entry, more or less on these lines, in their oral examination. So the numerical weight against Council-entry was proved to be perfectly illusory.

Vithalbhais and his group then took up the grounds of objection, one by one, and briefly commented on them. In regard to the *Fatwa*, they said that a close examination of the language used therein justified a further reference to the Ulema, asking them to reconsider their verdict with special reference to the object with which the elections were to be contested, and the use which was proposed to be made of the Councils. In regard to the oath of allegiance, they contended that, as long as the Congress and Khilafat creeds remained what they were, there could be no objection to swear allegiance to the *Sovereign* of England, and that a non-co-operator who secured his election to the Council with a distinct mandate from his constituency to obstruct the proceedings at every step, could 'faithfully discharge the duty upon which he is about to enter', *only by acting in strict accordance with that mandate*. They admitted that Council-entry involved a material change in the *programme* of Non-co-operation as passed at Calcutta and re-affirmed at Nagpur and Ahmedabad. But the Gaya Congress could make the change, if they thought it fit to do so. They refused, however, to accept that their suggestion was inconsistent with the *principle* of Non-co-operation. They could think of no higher form of Non-co-operation than entering the Councils and non-co-operating with the Government at every step. They pointed out 'that the idea of the boycott of Councils in the *form* adopted at Calcutta was not considered an essential feature of Non-

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co-operation at the beginning, and was only gradually evolved as better calculated to educate the country in the rights of citizenship.' The principle underlying the Calcutta resolution was that Government consolidated its power through the Councils, and what it prohibited was co-operation with the Government which would help such consolidation. To them it was evident that so far from contributing to strengthen the power of the Government, the non-co-operator, who carried out in the Council the policy suggested by them, *would be laying the axe at its very root.*

The aphorism that 'Governments thrive on obstruction' was then taken up for a searching analysis. It was pointed out that the argument had some force only when applied to obstruction *by a minority* such as that of the Irish members or of the Labour Party in the then House of Commons or of the non-official members in the pre-Reform Councils in India. As soon as the party of obstruction commanded a majority, its obstruction, instead of giving vitality to the Government, resulted in its total paralysis. The argument that Government thrive on obstruction had no application when the party of obstruction was in a majority. Mahatmaji's remarks had to be read in the light of the illustration he had given of the Irish members in the House of Commons who did not exceed 100 in a House of 700. His observations would hold good, they said, only if the obstructionists failed to secure a majority. Speaking of the high moral level on which this question was sometimes dragged, they said that the boycott was really based on solid practical grounds, and had nothing to do with far-fetched religious or moral theories, and that it should not be forgotten that Mahatmaji, besides being a great religious social reformer was also a statesman of a very high order.

The real question to be considered in respect of Council-entry was whether the non-co-operators would secure a majority at the elections. The evidence adduced before them convinced Vithalbhai and his friends that they would, *if the Congress and the Khilafat declared in favour of Council-entry.* It is interesting to note that Vallabhbai and Pattabhi were the strongest witnesses on the other side. It is also interesting to note what

Vithalbai and his group has said in this Report: "We may without any breach of confidence refer to the fact that, had it not been for the practical impossibility of obtaining a majority in 1920, many of the prominent workers would not have supported the boycott in the form in which it appeared in the Calcutta resolution. We have little doubt that when Mahatmaji was referring to obstruction in his speech at Calcutta he had this fact present in his mind."

Vithalbai and his group rounded off their minute on the question of Council-entry in the following words:

"Knock these Councils on the head, and you will accomplish what millions spent in foreign propaganda cannot achieve. Wreck the Reforms and you will smash at one blow the huge superstructure of world-wide deception which has cost millions to build up."

If there was such a sharp division of opinion in the Committee on the question of the boycott of Councils, there was some division on the other boycotts also, though not so sharp. On the question of the boycott of Local Bodies, the unanimous recommendation of the Committee was that, in order to clear up the position, it should be declared that *it was desirable* for non-co-operators to seek election to Municipalities and District or Local Boards with a view to the satisfactory working of the constructive programme, but that no hard and fast rules be laid down to regulate or restrict the activities of non-co-operating members beyond their being advised to act in harmony with local or provincial Congress organisations. On the boycott of educational institutions and Law Courts also the recommendations were unanimous. The Committee recommended a strict adherence to the Bardoli resolution, in respect of educational institutions, and recommended the suspension, for the time being, of all active propaganda calling upon boys to come out of schools and colleges. In respect of the Law Courts they recommended the removal of all existing disqualifications of practising lawyers, and the establishment of panchayats and making the established panchayats more efficient. On the right of private defence, Vithalbai differed from the rest, and held that, having regard to the humiliating and at times barbarous

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treatment meted out to non-co-operators during the time they were actually engaged in Congress work, and the further fact that it was impossible to draw the line beyond which it was not permissible to go, *the full right of private defence as given by Law should be reserved to non-co-operators.* The remaining members held that they would rather have the individual suffer than risk any violation of the *true* principle or a general breach of the peace. On the organisation of labour, too, Vithalbhaj had some difference with the other members of the Committee. He had very pronounced views on the subject. The Committee gave lip support to his view, *that there could be no real Swaraj unless it was won with the conscious support of the labouring classes,* but, 'having regard to the general situation', they contented themselves with (and brought Vithalbhaj also to agree with them) reiterating the resolution of the Nagpur Congress 'which has unfortunately not yet been acted upon.' That resolution ran as follows:

"That this Congress is of opinion that Indian Labour should be organized with a view to improve and promote their well-being and secure to them their just rights and also to prevent the exploitation (1) of Indian labour, and (2) of Indian resources by foreign agencies, and that the All-India Congress Committee *should appoint a Committee to take effective steps* in that behalf.' In regard to the boycott of British goods, the Committee's view was unanimous, but Rajaji was not present at the meeting on the 13th of October where this view was agreed upon. His separate note was received on the 23rd October and it was appended to the Report. This note was received too late to admit of being considered by the other members before the issue of the Report, and Motilalji therefore sent his reply to it over his own signature, and requested the other members to wire their agreement with or dissent from it. Vithalbhaj promptly wired his agreement.

The Committee considered the three objections taken by Gandhiji to this boycott: (1) 'that it has been conceived as a punishment and can have no place in Non-co-operation which is conceived in a spirit of self-sacrifice and is a matter of sacred duty', (2) that even as a measure of punishment, it is not swift,

certain and adequate enough to produce the effect intended, and (3) that it is thoroughly impracticable. In regard to the first objection, the Committee held that it was impossible to say of *any* boycott that there is no element of punishment in it, if punishment was taken to mean the causing of loss or harm to the offending party. The Committee held that there was not much suffering or self-sacrifice involved in the use of hand-spun and hand-woven cloth, and the real recommendation for it was the betterment of our economic condition and the removal of the greatest cause of our poverty. The Committee further held that, if the boycott was confined to British goods, it had at least the merit of punishing only the guilty and leaving alone the innocent. As regards the second objection, they held that that objection could hold good if the boycott of British goods were the only punishment applied. None of their activities, taken by itself, was 'swift, certain and adequate enough to produce the effect intended.' It was the cumulative force of all which alone could carry them towards the goal.

They recognised the force of the third objection and were not, therefore, prepared to recommend a wholesale boycott of all British goods, but they thought that it was possible to select certain British goods which could be safely boycotted without much inconvenience. They therefore recommended 'that the whole question be referred to a Committee of experts for a full report to be submitted before the Congress meets.' They however took care to see that the boycott of foreign cloth was not included in the reference to that Committee.

Rajaji's note is characteristically that of a blind follower of Gandhiji. He says: "It is needless to point out that so long as we seek to achieve our goal by the means planned by Mahatma Gandhi, it would be the gravest mistake to introduce an addendum to his programme which according to his clear and repeatedly expressed opinion violates the basic principle of the programme." Further: "If we add any item to his programme which has to be carried out by intense and wide-spread propaganda necessarily based on a clear emphasis of the principle of retaliation, we create an atmosphere fatal to the preparation of the people for the further steps of non-violent disobedience or

non-payment of taxes and for the suffering contemplated in our programme. It would be much better to give up Mahatmaji's programme altogether than to attempt to carry it out, disregarding his most insistent advice and creating an unsuitable and fatal atmosphere." Rajaji thought that they could not afford to tamper with that spiritual cleanliness of the programme.' He also thought that this proposal would increase tenfold the difficulties of the Khaddar campaign.

Motilalji's reply, which was endorsed by Vithalbai, was: "Congressmen are only bound by the principles *accepted and formulated by the Congress* and not by every word or sentiment which might have found utterance from (on) the lips of Mahatmaji. Many of his theories have yet to find favour not only with Congressmen generally, but the country at large, and among them is the doctrine of *Ahimsa* and all that flows from it." He added: "It may be conceded that freedom from hatred is the 'basic principle' of the programme as conceived by Mahatmaji, and accepted by a considerable number of his followers, *but the only basis upon which the Congress as a whole has adopted it is one of pure expediency.*" Further: "To deprive the oppressed of a clean weapon of defence at such a moment by preaching the sermon of love may be justified by high spiritual ideals but is poor ethics in political warfare. I enter my strong protest against the introduction into the political programme of the Indian National Congress of religious and moral theories which are not the common basis of all religions in India."

In conclusion, the Report asks for a co-operation from the Moderates, and warns Lord Reading against his attempt 'to gain the distinction of indicting a Nation of three hundred million under the Criminal Law of India.' It says: "The constructive programme of the Congress opens out a large and productive field for work *by all* who have the good of the country at heart. That we have a considerable number of selfless patriots among the Moderates has never been denied by any responsible non-co-operator. Attempts on either side to convert the other to its own view have so far failed, and there seems to be no likelihood of success in that direction in the near future. But we venture to think that whilst agreeing to differ where difference is un-



avoidable it is possible to discover a common basis for joint action if both parties met in the right spirit. A beginning, however small, once made is bound to lead to very desirable results. In the course of our tour we noticed strong indications of a genuine desire in several parts of the country to work together on the lines we have suggested. As it is the highest duty of a non-co-operator to co-operate with his own countrymen where possible, we trust that those indications will develop into definite proposals at no distant date."

To Government, this is what the Report has to say: "We take the liberty to remind His Lordship (Reading) of what Edmund Burke said in reference to the people of the thirteen colonies which subsequently became the nucleus of the present United States of America. He said: 'The thing seems a great deal too big for my ideas of jurisprudence. It should seem to my way of conceiving such matters that there is a wide difference in reason and policy between the mode of proceeding between the irregular conduct of scattered individuals or even bands of men who disturb order within the State, and the civil dissension which may from time to time, on great questions, agitate the several communities which compose a great empire. It looks to me to be narrow and pedantic, to apply the ordinary ideas of criminal justice to this great public contest. I do not know the method of drawing up an indictment against a whole people'" After quoting this passage from Burke, the Report quotes Lord Russel before the Parnell Commission where Lord Russel relies on this passage and says: "I want to point out to Your Lordships that in truth the attempt is here being made in which Your Lordships are asked to assist to do what Edmund Burke declared had never been done, to draw an indictment against a whole Nation"; the Report proceeds to say: "Lord Reading in the year of grace 1922 is trying to achieve what Edmund Burke refused to attempt and Lord Russel declared to be outside the 'mere ordinary rules of judicature'", and ends up with: "Let His Lordship try. The three hundred millions make no defence and calmly await the result."

The Report was a personal triumph for Vithalbai. It bears the undoubted stamp of his views. Undoubtedly there were some

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compromises, but where there was a fundamental difference, Vithalbhai held his own. On the question of Council-entry, in particular on the 16th of August, when the Committee met at Patna, Vithalbhai was alone in pressing the necessity of Council-entry in the interest of 'total obstruction'; but between that date and the 7th of October, when they met next, Vithalbhai had succeeded in winning over to his side the valuable support of Hakim Ajman Khan, the Chairman and Pandit Motilal Nehru. Chotani was the last convert to Vithalbhai's view. It was Vithalbhai's tact, perseverance and courage of convictions that brought about this result. He was a curious mixture of reckless boldness and cool calculating courage, a stuff of which all visionaries are made. Though he was far from being a visionary, his manner of approach was teleological and his moves tendentious. Wont to move in isolation like the meteors traversing the vast expanse of the universe, he would suddenly descend upon the scene of action, and raise a great commotion by his novel powers on the chess-board of active politics. The elder Nehru and Hakimji who on the 16th of August were, to all intents and purposes, definitely in the no-change camp, whole-heartedly joined hands with the uncompromisingly pro-entry Vithalbhai on the 7th of October. Was this not an achievement to be proud of?

## *Chapter Twenty*

### IN THE BOMBAY MUNICIPAL CORPORATION

**L**ONG before Vithalbhai plunged himself headlong into the wider political agitation of the country, he had evinced a real and abiding interest in the affairs of the Local Bodies in the Province of Bombay. In fact, he started his public life with the membership of the Taluka Local Board of Borsad, and of the District Local Board of Kaira, and had got himself elected to the Bombay Legislative Council, as a representative of the District Local Boards of the Northern Division of the Bombay Presidency. In the Bombay Council, his most important contribution centered round the affairs of the Local Boards and the Municipalities. His work in the Bandra Municipality, as a nominated member of that Body had received due recognition. He had entered the Thana District Local Board also, after he settled down at Bandra, and such was the appreciation of his minute study of all questions bearing on Local Self-Government, and such was the recognition of his ability and versatility that the Thana District Local Board had elected him their President. All the independent leading men of the District had begun to look upon Vithalbhai's flat in Bandra as a place of pilgrimage. With their open help and the secret help of the nominated members, who only outwardly opposed him in the meetings, he had checkmated the highhandedness of the Collector in the many battles he had fought against him.

With the advent of Non-co-operation, he had resigned his nominated seat on the Bandra Municipality. The Congress had decided that all nominated seats should be given up, and Vithalbhai had whole-heartedly accepted that decision. He had, of course, resigned his membership of the Imperial Legislative Council. But Vithalbhai's was a restless soul. His interest in constitutional agitation was unbounded. Though, therefore, he had severed all connection with Legislative Councils, he had retained

his interest in them to this extent that he had all along been instructing Girija Shankar Trivedi, who had obtained a seat on the Bombay Council, in the matter of questions to be asked in that Council, as also in the other type of work that came before it. His main interest, however, lay in Local Self-Government, and what better Local Body could he select for his abundant energy for that kind of work than the Bombay Municipal Corporation? The Congress had not banned entrance into Local Bodies. He, therefore, looked wistfully towards a seat on that Body. The Corporation, as corporation, had no glamour for him. He had spoken about it in contemptuous terms, when the Bombay Council discussed the question of converting several District Municipalities into Corporations. But his low opinion about the Corporation was due to the fact that the Corporation was neither sufficiently representative nor an adequately democratic Body, and he was confident that, working within the constitution, he could certainly make it much more democratic than it ever was before. So Vithalbai would go to the Corporation, if he could. *If he could.* There was the rub. The same difficulty was there as that which he had to encounter when he entered the Borsad Taluka Local Board. He had no property in Bombay. He paid no rates. He was not a graduate of the Bombay University. He was therefore not a voter, and not eligible for election. At Borsad, he had Tulsidas Gadbadas to help him. Tulsidas had transferred to him some property of his own. Here too was a friend who would help him. Velji Lakhmsey Napoo, President of the Grain Merchants' Association and a great public-spirited citizen of Bombay, transferred one of his motor cars to him, and made him a rate-payer, paying the Vehicles tax, and thus a voter, and eligible for election. He got himself elected from the Mandvi ward, which was, at that time, the one stronghold in Bombay of the Indian National Congress. Vithalbai was keen on getting some solid work done in the Corporation. He was quite certain that this, in the circumstances that obtained then, was not possible unless he had the backing of some solid block. Having decided his goal, he now set about devising the means by which he could attain it. On the 23rd of May, 1922, with the help of Jamnadas Mehta,

K. F. Nariman, Dr. Welkar, Jethalal Vora and a few other gentlemen, in a meeting held at the Aryabhavan, he founded the Party, which in a later meeting, held on the 29th January, 1923, got itself called the Municipal Nationalist Party and finalised its constitution. Vithalbai became the President of the Party. At its inception, the strength of the Party was hardly 10, in a Body of over 100. It was the Mandvi Ward Congress Committee that had fought the general elections of 1922. There was, at first some opposition to the move, as it was contended that, as the Bombay Provincial Congress Committee had not then made any move in the matter of contesting elections to the Bombay Municipality, it was not open to an individual ward to forestall their decision. Vithalbai contended — and the Mandvi ward supported him in that contention — that, as the B.P.C.C. had not moved in the matter at all, the Mandvi ward could act on their own responsibility. Any way they put up 8 candidates for the 8 seats allotted to that ward. Vithalbai hoped to get all the seats without a contest. That did not happen. Two more candidates put in their nominations. Vithalbai brought about a compromise. He withdrew one of his candidates in response to the withdrawal of one of the additional two. The election was thus uncontested, and Vithalbai had 7 instead of his 8, as the nucleus of his Municipal Nationalist Party. This was a signal success and it reflected great credit on Vithalbai's tact and resourcefulness. The Mandvi ward was till then an arena of the fiercest contest and many a battle royal was fought thereon. Encouraged by this initial success, and taking advantage of the revision of franchise which Bombay secured in 1923, with the vote going to *rent*-payers (as distinguished from *rate*-payers only) paying no more than Rs. 10 as rent, and the number of seats in several wards being almost doubled — the Mandvi ward itself having 16 instead of the earlier 8, and with the consolidation of the Municipal Nationalist Party, Vithalbai now put his heart and soul in the Municipal Elections. He chalked out a detailed scheme for the organisation of his party on a very wide basis. He wanted as large a number as possible of select men and women being put up as candidates on behalf of the Municipal Nationalist Party. He held that the Corporation was a per-

fect training ground for public work and a first class field for the study of public questions and public administration. The giants of old — both Pherozezshah and Gokhale — had their first lessons in public work in the Municipalities. Vithalbai himself had started with Local Boards and a Municipality. He was therefore very keen on selecting such persons as his candidates as could be expected to do solid work in the Corporation, and bring credit to the Nationalist Party. He would not have mere puppets there, who would raise and lower their hands at the behests of the Party leader. Under his leadership, the Municipal Nationalist Party consisted of several promising young men and women, and a detailed plan for training them up for civic services was considered by the executive of the party. Among those who were selected as candidates were Sarojini Naidu, Bachuben Lotewala, Avantikabai Gokhale, Maheshri, Hansraj Pragji Thackersey, B. N. Motiwala, Babubhai Desai, Ramchandra Bhatt, Ranchoddas Gandhi, K. F. Nariman, Jamnadas Mehta, Dr. Deshmukh, Mohanlal Desai and Hooseinbhoy Laljee.

For the first time in the history of Bombay, mass meetings were organised for elections to the Corporation. Vithalbai spared no pains in arranging meetings in every ward of the city. Practically, every day there was a meeting. Extensive propaganda was in evidence. Letters and appeals and statements appeared in abundance. Vithalbai presided over innumerable meetings which the candidates themselves and other leading citizens of Bombay addressed during these hectic days. It appeared as if the City of Bombay was in the grip of an election fever, the like of which had never been witnessed before. Vithalbai's own speeches electrified the atmosphere. From the manner in which the election campaign was shaping, it soon became apparent that the Municipal Nationalist Party would have a thumping success. Actually, *thirty-nine* candidates were put up on behalf of the party, and thirty-five of them got elected. For the Mandvi ward, Vithalbai had at first put up sixteen candidates for the sixteen seats allotted to that ward. It was found however that twenty-six candidates stood for election for these sixteen seats. A compromise was once more attempted in that ward, and Vithalbai ultimately accepted it. He withdrew two

of his candidates and the other party eight, so that, once more the Mandvi ward election remained uncontested. Soon after the elections, three more candidates joined Vithalbhai's Party, with the result that on the 1st of April 1923, the Municipal Party entered the Corporation with a strength of 38 members.

Since 1914, Vithalbhai had settled down at Bandra, and when he came to Bombay for his Council work and work connected with other public affairs, he occupied the Bombay Presidency Association rooms opposite the University. But since the time he came into contact with Lotewala, who soon became one of his most intimate friends, he established his Bombay office in the Arya Bhavan, the residence of Lotewala, situated on the Sandhurst Road. With the advent of Non-co-operation, Arya Bhavan became practically his headquarters for all his public duties. Arya Bhavan now was the rendezvous of all public workers who were interested in enlisting the sympathy of Vithalbhai or keen on getting his help and co-operation in any of their public activities. It was here that the members of the Municipal Nationalist Party usually met and discussed all questions of public importance — particularly those connected with the civic affairs.

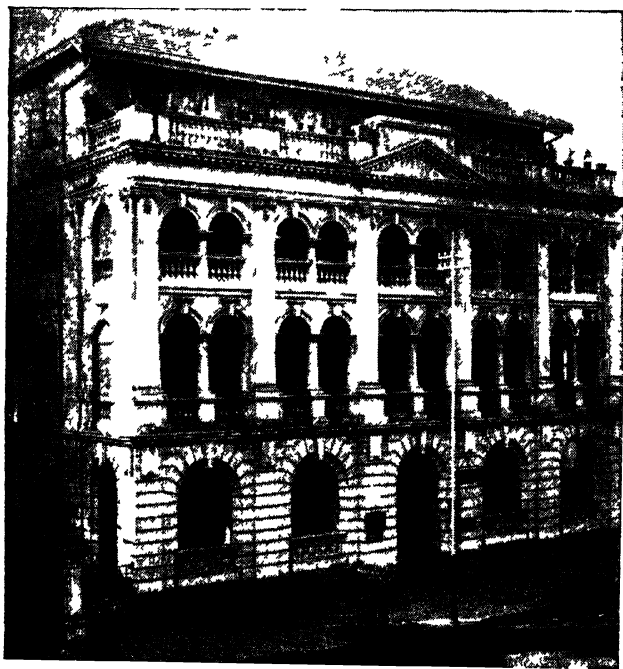
The first meeting, after the elections, of the members of this Party was convened in Mandvi, at the house of Chotani. As an old and experienced member of the Corporation, Hooseinbhoj Laljee took the initiative in explaining the objects of the Party, the nature of the work to be done and the implications of the constitution that was framed. Jethalal Vora was elected Honorary Secretary of the Party.

As the leader of the Party, Vithalbhai took the leading part on behalf of the Party, not only in the meetings of the Corporation, but also in all its important functions, and guided the members of the Party, even in such small details as when to speak and what to read. It was not long before the Party developed into an effective opposition group in the Corporation. Every member of the Party was practically compelled to study the agenda very carefully. Vithalbhai himself took special care in preparing his speeches, and his observations in the Corporation were always significant. In particular, he subjected every pro-





**Bandra  
Residence  
of  
Vithalbhai**



**Arya  
Bhavan—  
the centre  
of  
Vithalbhai's  
activities  
in  
Bombay**

posal of the Municipal Commissioner to the closest scrutiny. The results of Vithalbai's own study were placed before the Party meetings, and there discussed threadbare from the people's point of view, and in the light of these discussions members of the party were given instructions about the manner in which popular feeling was to be given expression to in the Corporation. Not only did Vithalbai himself draw up the salient points from the agenda for presentation in the meetings of the Corporation, but he also insisted on every individual member of the party studying the agenda and bringing up the points for discussion in the Party meetings. Vithalbai had the knack of choosing the right man for the right job. It was his characteristic to ask the person whose calling in life was intimately connected with the matter in hand to make a thorough study of it and then present his considered view, subject to the general approval of the other members of the Party. It was this that enabled Vithalbai not only to get the best out of his men, but also enabled them to utilise their abilities and special talents to the fullest advantage — a fact which deserves notice in the light of what has been happening with Party dictatorships today in municipal administration. He made it a point to give opportunities to every new comer to bring forth the best in him, to develop his latent capacities, to show up his drive and initiative, and he took special care to encourage these young men to take up with enthusiasm such subjects as they were themselves interested in. No flower was born to blush unseen by him. If this peasant boy, this son of the soil, could rise from the ranks of the ordinary citizen, without even a vote to start with, to be the leader of a powerful and organised Party in the Corporation, could he allow the young men that gathered round him to waste their sweetness on the desert air? This broad and generous outlook was one of Vithalbai's many valuable assets. Another point in his handling of these affairs that deserve special notice is that he refused to make every question on the agenda a party question. He selected only a few questions — those that concerned the party and prestige of the Congress — as Party questions, and on those, they had to vote together; and even there, those questions were discussed in the Party meetings, and it was the overwhelming

decision of the Party that prevailed. There is not a single instance of any view, not shared by all the important members of the Party, being foisted on the Party as a Party mandate. This feature of Vithalbhai's Party in the Corporation was its most valuable contribution, and presents a healthy contrast with the practice that one regretfully notices today in the working of the Congress Party in the Corporation.

The first important event after Vithalbhai entered the Corporation with his Municipal Nationalist Party was the breaking of the convention of communal rotation for the Presidential chair. In 1923, it was the turn of a Parsee and Sir Homi Modi, now the Governor of Uttar Pradesh, was the favoured candidate. His Parsee opponent — Dr. Sukhia — had not the ghost of a chance. Vithalbhai would not respect the convention, and gave in his own name as one of the candidates. Sir Homi obtained 50 votes, and Vithalbhai 47, Dr. Sukhia obtaining 5 votes only. Though Vithalbhai did not succeed, this in itself, was an achievement, and he had broken an unsalutary convention.

Sir Homi had an uneasy time with Vithalbhai. Once, when some important resolution was being considered, the hall and the galleries were packed. Sir Homi ordered that the visitors should clear out. Vithalbhai voiced his opposition to the order. He said that it was the birth-right of every citizen of Bombay to watch the proceedings of the Corporation, and the tradition of the Corporation had upheld that right. So long as they did not disturb and interfere with the work of the Corporation, it was not right to ask them to clear out. Sir Homi said that he had given his Ruling, and the visitors had to clear out. If they did not, they would be forcibly removed. Vithalbhai was red with anger. But he remained calm for a minute or two, and then moved an adjournment of the house. The adjournment was carried, and Sir Homi felt out of sorts.

On the 14th of April, 1923, Vithalbhai was elected chairman of the Schools Committee. He had failed to get a seat on the Standing Committee, but had secured one on the Schools Committee. As soon as he occupied the chair, he thanked the meeting in Gujarati. Dr. Jawale raised a point of order. He said

that the language of the Corporation was English, and that, therefore, the language of the Schools Committee also must be English. Vithalbhai ruled that, as there was no specific instruction in this matter anywhere in the constitution, it was open to any member of the Schools Committee to speak in any language — English, Marathi, Gujarati or Hindustani — which was intelligible to the other members of the Committee. It was more or less on account of this episode that he moved in the Corporation itself on the 23rd April, 1923, that it should be open to any member of the Corporation to express himself in its meetings in either English or any of the Indian languages prevalent in Bombay. The proposal was hotly discussed, and it was finally resolved that a member who could not speak in English should be permitted to speak either in Marathi or Gujarati or Urdu.

Vithalbhai's work in the Schools Committee deserves more than a passing mention in this place. Not only was he the Chairman of the Schools Committee, but he was also the Chairman of almost every one of its sub-committees. As Chairman of the Schools Committee he introduced regular inspection of all the schools under the management of the Corporation, and increased the proportion of teachers to students. He was naturally the prime mover in the introduction of free and compulsory primary education within the municipal limits of Bombay. In the F and G wards the scheme was actually put into operation during his regime. He gave great encouragement to the education of the Depressed classes. He introduced the teaching of Hindi in the Municipal Schools. Krishnalal Varma was the Hindi teacher. At his suggestion, the peons, hamals and all the lower staff of the Schools Committee were supplied, free of cost, umbrellas made of pure Khaddar, and a municipal store was opened for the spread of pure Swadeshi goods. In his year and a half's regime as Chairman of the Schools Committee, the number of school-going pupils was more than doubled, and the amount of money allotted to prizes increased enormously.

During Vithalbhai's membership of the Corporation, Clayton was the Municipal Commissioner. Clayton was a capable, seasoned and thick-skinned administrator. If he gave hits, he also received them, and there was no ill-will on either side.

Many were the occasions when Vithalbhair gave a tough fight to the Commissioner on the one hand and the so-called Progressive Party on the other, with Sir Homi as their leader. There was in the Corporation of those days a galaxy of seasoned speakers, good debaters and competent and experienced elders on both sides, and the debates were not only lively and interesting, but also effective and constructive. A recollection of those inspiring debates on matters of civil interests would certainly present a depressing and glaring contrast with the deterioration to which the debates have reached in the Corporation of today.

During his leadership of the Municipal Nationalist Party, that Party was successful in persuading the Corporation to pass several salutary resolutions, prominent among which were: (1) on the use of Khaddar and Swadeshi goods by Municipal officers, (2) on the opening of Ayurvedic dispensaries in the city of Bombay, (3) on the establishment of gymnasiums for the free physical education of the school-going children, and (4) on the boycott of all acts of commission and omission, which favoured the South African interests, either directly or indirectly. Realising that the Municipal expenditure had increased out of all proportions in relation to the taxable capacity of the city, Vithalbhair moved the Corporation, instead of going in for further taxation, to take steps to retrench the top-heavy administrative expenses, and for that purpose, to appoint a Committee of retrenchment. As a result of his efforts in this direction, N. D. Mehta, who had already proved himself to be a capable officer and who possessed a wide and varied experience of the working of Local Bodies, was appointed special officer for this task, and the Corporation was indebted to him for the effecting of considerable savings in the annual expenditure on establishment.

Another noticeable feature of his work in the Corporation was this, that the poor people, who had no godfather in the Executive of the Corporation, could voice their grievances through him. Persons in different walks of life could freely approach him with their complaints and grievances against Municipal administration. He gave all such people a patient hearing, and whenever he found in their complaints a point worth investigation, he unhesitatingly took it up with the administra-

tion. It was well-known that, at this time, a considerable element of corruption had found its way in the Municipal administration. In his own way, and with the help of the Commissioner, on several occasions, he was able to set things right. One day somebody approached him with a complaint that a certain Municipal officer in the Engineering Department would not look into his legitimate demand unless he was bribed. Vithalbhai contacted the Commissioner, and apprised him of what was happening. The Commissioner and Vithalbhai consulted together and decided to trap the officer concerned. They adopted the now well-known 'marked notes' method, and they succeeded. Just a few more cases of this sort followed, and the result was a distinct improvement in the tone and *morale* of the Municipal administration.

If Vithalbhai helped in the removal of such abuses, he was equally keen on seeing that the valuable time of public men was not wasted. It was then the practice of the Corporation to include in their agenda numerous complaints from citizens before they were investigated by any responsible person. Vithalbhai made two suggestions in this matter, and his suggestions were accepted. The first was that those complaints should be included in the agenda which had not been previously examined by the Executive of the Corporation, and the other was that a special Committee should be appointed for the investigation of public grievances, under the guidance of the Commissioner.

Vithalbhai vehemently opposed the proposal of the B.E.S.T. to be allowed to increase the tram fares, and equally vehemently refused to allow the unwarranted increases demanded by the Bombay Gas Company.

On the 11th of October, 1923, Vithalbhai proposed and Jamnadas Mehta seconded the following Resolution: 'That agreeably to the resolution of the public meeting of the Citizens of Bombay, held in the Town Hall on the 11th of September, 1923, this Corporation is of the opinion that no articles manufactured in any part of the British Empire outside India should be used by any of the Departments of the Municipality or by any of its contractors except when they are not available in any other part of the world.' Davis raised a point of order, maintaining that the resolution was inadmissible inasmuch as it intro-

## VITHALBHAI PATEL

duced politics in Municipal affairs and interfered with the powers vested in the Commissioner by Sections 69 to 72 of the Act. President Mody ruled that the resolution was in order. Phiroze Sethna and Dr. Jawale proposed that it be referred to the Retrenchment Committee. The amendment was lost, 30 voting for it and 54 against it. Vithalbai's resolution was thus carried.

In December, 1923, the Bombay Municipal Corporation voted an address to Sir George Lloyd, the then Governor of Bombay. Vithalbai entered a strong protest against this resolution of the Corporation. On the 2nd of December, a monster public meeting was held on the Chowpatty sands where Vithalbai himself moved the resolution of protest. The Resolution (1) strongly condemned, on behalf of the citizens of Bombay, the entire administration of Sir George Lloyd, on the ground that he started his administration with the externment of Horniman and went on to put Mahatma Gandhi himself into prison and hurt our national feelings; (2) that public meeting of the citizens of Bombay then entered a strong protest against the Municipality of Bombay, which, in utter disregard of the wishes of the citizens of Bombay, had voted an address to him, and (3) expressed the opinion that those members of the Municipality, who had voted for the address were not the real representatives of the citizens of Bombay, and that they should forthwith resign their seats. The Resolution further asked the Municipality to hold fresh elections to fill up those seats, as soon as they were vacated.

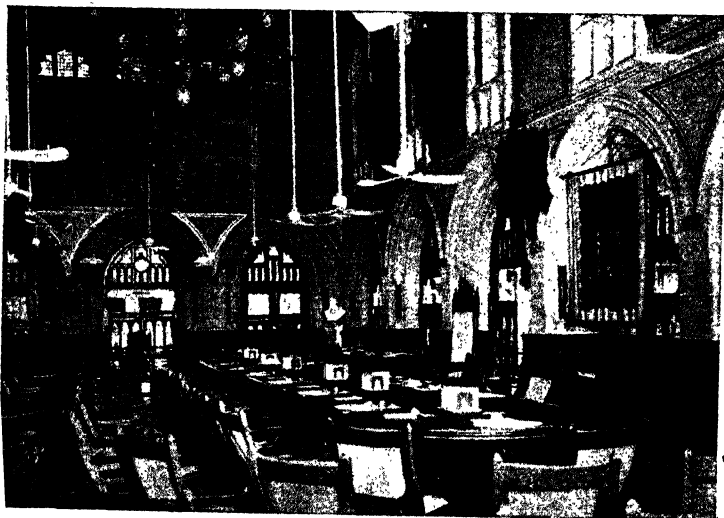
On the 3rd of April, 1924, Vithalbai was elected President of the Municipality. Dr. Jawale was the other candidate. Vithalbai obtained 53 votes and Jawale 47. At this time, several top-notch Congress leaders had found an outlet for their pent-up energy in the management of the Municipal affairs of the country. Vallabhbhai was the President of the Ahmedabad Municipality, Jawaharlal Nehru of the Allahabad, C. R. Das of the Calcutta and Rajendra Prasad of the Patna Municipalities. It has, however, to be admitted that the task that confronted Vithalbai was definitely harder than those which awaited all these other Presidents. The Bombay Municipality had acquired a prestige of its own, partly because of its associations with







**Bombay Municipal Buildings**



**Bombay Corporation Hall**

Pherozechah Mehta, but largely because of its comparatively efficient administration under a Municipal Commissioner who was always a senior man from the Indian Civil Service. Such an officer was all right for the securing of a certain grade of efficiency in the administration, but, as he was essentially a Government servant, well worn in Government service, it was but to be expected, in the then set-up of things, that under such a man the administration could hardly be democratic in any sense of that term. So long as a man of Pherozechah's courage and determination was there in the Municipality, there was a certain salutary check on the autocratic tendencies of the Commissioner, and indirectly on the Government attempts to tamper with democracy and the will of the people, but with the death of Pherozechah, the Commissioner became all-in-all, and began to boss over the Municipality. Vithalbai's business in the Municipality, when he became the President, was not only to introduce the Congress outlook in the administration, but to put a curb on the irresponsible and autocratic attitude of the Municipal Commissioner. That he fully succeeded in this difficult task, that he unearthed many scandals and purified the administration, are matters which were universally acknowledged at the time — by friend and foe alike. This he could do, because unlike all the earlier Presidents of the Municipality, he made it a point to be in the Municipal office, during the whole of the working day—*i.e.* between 11 a.m. and 5 p.m. On the very first day after his election to the Presidential chair, when he went to the Municipal office, he went straight to the office of the Commissioner, and asked him where the President's office was. The Commissioner told him that till then there was no independent office at the disposal of the President. 'That is a wonder', said Vithalbai, and asked the Commissioner to improvise an office for him without further loss of time. The result was that Vithalbai had not only his office established in one corner of the Corporation Hall itself, but he had also the satisfaction that the Commissioner himself felt, that, as the President was always in his office on the spot, he could not thenceforward have his own way all along in the management of municipal affairs. Vithalbai was a giant for work. While he was the President of the Municipality, he was also the

Chairman of the Schools Committee, for some time, and the Chairman of several special committees. He used to attend all these meetings and to call some of them even at night. He saw to it that there were no arrears from month to month.

During 1922-23, for the first time, for a brief period, an Indian acted as the Municipal Commissioner. R. P. Masani was the Commissioner concerned. It had been a recognised practice on the part of Government to nominate the Municipal Commissioner as one of the two representatives of the Municipality on the Bombay Port Trust, and this practice had continued unbroken for 43 years. The Port Trust had always been dominated by the European element, and they would not have a non-European on it. This practice had, therefore to be changed when an Indian acted as the Commissioner. Vithalbhai entered a strong protest against this racial discrimination, and suggested to the Corporation that they should give Government a fortnight's time to go back to their old practice, and if Government did not accept their advice, they should withdraw the Corporation representatives altogether from the Port Trust.

One of the most important municipal activities to which he gave his closest attention, during his tenure of office, was the creation of the Seth Gordhandas Sunderdas Medical College and the King Edward VII Memorial Hospital. He was keen on having a first class Medical College in the City of Bombay, and really first class men on the staff of that College. He therefore went out of the way to persuade several senior men in the medical profession to offer such help as they could in making it an ideal institution. That he succeeded beyond ordinary expectations, is now a well-known fact.

One of the memorable acts of his Presidential regime was a civic address to Gandhiji. A section of the House was opposed to the very idea of this address, and certain other members would not have any debatable political issues referred to in the address. It proved therefore to be somewhat of a delicate task. Vithalbhai, however, managed to win over the Commissioner to his side, and when once the question of voting the address was agreed upon, the Commissioner got hold of the lukewarm members of the Corporation and helped to make the function an unadulterated success.

They found that the Corporation Hall was too small for such a function, and Gandhiji received the civic address in the Sir Cowasji Jehangir Hall.

Here we may note one of the manoeuvres which were characteristic of Vithalbai the man. The seating accommodation in the Corporation Hall has never been adequate enough for all the members to do their work with ease and comfort. Various seating arrangements have been tried there from time to time. Vithalbai once came out with the novel suggestion that all tables and chairs should be removed from the Hall, and the members should squat on the floor spread over with Khaddar durries. The idea simply caught the public mind. They felt that life had come once again into the Corporation after the death of Pheroze-shah. Consternation spread among the Europeans and Europeanized members of the Corporation. How could people dressed in trousers and with boots on their feet squat on the floor covered with Khaddar durries only? The City of Bombay roared with laughter, when they came to know what was happening in the Corporation. Vithalbai's real object in suggesting this change in the seating arrangements was simply to provoke, and embarrass for some time, the westernised members of the Corporation, and needless to say, he did achieve his object. The debate was most acrimonious, and the proposition failed. The non-Congress councillors simply resented this idea of this uncouth Patidar from the Kaira District trying to impose his will on finished gentlemen of the highest standing and position in the commercial and political life of Bombay. Vithalbai enjoyed the fun. He was, in fact, the most amused man in the whole country. He was so happy that he could make life so uncomfortable, at least for some time, for so many non-Congress people.

One of the major reforms he introduced in the Corporation was a ban on alcoholic drinks in the Corporation Hall. A resolution to that effect was passed. Till then it was customary to hold every year what were called the President's dinners in the Corporation Hall, with the Provincial Governor as the Chief Guest, and an abundant flow of the choicest wines. That obviously meant a substantial cost to the host. One happy result of this resolution was this that these dinners themselves have been

dropped altogether, and for all time. Vithalbai's successors too have not reinstated these dinners, because they have held that dinners without drinks were meaningless. The head of the Provincial Government could come to evening parties and have tea with the President and members of the Corporation, but not a drop of liquor could be served in the Corporation Hall at any time. Needless to say, Vithalbai himself gave no dinner to the Governor, when he laid down his office.

The most important incident during Vithalbai's occupation of the Municipal President's chair was his refusal to attend the functions connected with the visit of Lord Reading, the then Viceroy of India, to Bombay on the 2nd of December, 1924. There were in all three functions connected with this visit. One was the welcome to Lord and Lady Reading at Boribunder on their arrival, the second was a dinner in their honour at the Government House, and the third was the inaugural ceremony of the Gateway of India. As President of the Municipality, Vithalbai had received an invitation to all these functions. He had decided to boycott all of them. He therefore wrote to the Secretary, Political Department of the Government of Bombay, on the 24th of November, that he regretted his inability to attend any of those functions in view of the political *malaise* through which the country had been passing at the time, and that he thought, along with so many of his compatriots, that self-respect required that he should not attend any of those functions, and that in not attending those functions he would be but doing his duty as a nationalist. He further requested the Secretary to convey his regards to the Viceroy and to tell him that he had not the slightest idea of showing any disrespect, personally to him.

It was after Vithalbai had written this letter to the Secretary to Government that he attended the urgent meeting of the Corporation to consider the question of the Viceroy's visit to Bombay. Before the proceedings of the meeting started, Vithalbai addressed the Corporation himself, and told them what he had done, and also that the decision that he had taken was not a precedent for future Presidents, that in deciding to do what he had decided to do he was following the dictates of his own

conscience and performing what he considered to be a duty which he owed to the Nation, and that he meant no disrespect to the Viceroy. Vasantrao Dabholkar then raised a point of order, questioning the propriety of Vithalbai's occupying the chair when he was himself coming in the way of the purpose for which the meeting had been specially convened. Vithalbai's reply was that he would have gladly vacated the chair, but he thought that the rules of procedure did not allow him to do so. After the routine work of the meeting was gone through, the meeting was dissolved. Another meeting was taken on the 1st of December, which Vithalbai did not attend. At this meeting it was decided that the President must attend the functions to be held in honour of the Viceroy. Vithalbai stuck to his guns, and did not attend any of the functions. On the 5th of December, after the Viceroy had left Bombay, the Corporation met once more, and this time, it was expected that a vote of no confidence would be moved against Vithalbai. But before anything of that sort could be done, the Municipal Secretary read the following letter of resignation from Vithalbai:

"I am in receipt of your letter No. 8788, dated the 1st of December, 1924, communicating to me the following resolution passed by the Corporation, at their meeting held on the same day:

'That the Corporation are of the opinion that it is necessary that the President of the Corporation should attend the public functions to be held in honour of His Excellency the Viceroy's visit to Bombay, as he has been invited in his official capacity, and as it is extremely desirable that the Corporation should be represented on those occasions, as has been the invariable custom in the past.'

"I very much regret that, for the reasons already stated by me publicly, it is not possible for me to carry out the wishes of the Corporation as embodied in the resolution. I have, therefore, decided to tender my resignation of the office of the President of the Corporation, which I hereby do.

"Several friends have urged that there is no obligation on me to resign, that the majority in favour of the resolution was negligible, that public opinion is solidly behind me in the step

I have taken, and that a decisive majority of the elected Councillors voted against the resolution which would not have been carried but for the vote of the nominated members. Whilst I recognise the force of these facts, they cannot alter the course which I have decided to adopt. As President I am concerned with my immediate electors, *viz.*, the members of the Corporation and, as they have thought it fit to support the resolution which I am unable to accept, the only honourable course for me is to resign. Whether the Corporation were justified in passing the resolution or not, despite the fact that my views on such questions were well-known to them when they elected me to this office, is not a question for me to consider. I am of opinion that those who are charged with the administration of democratic institutions in this country should help to establish constitutional conventions of this character whenever like occasions arise; and this is the consideration that has influenced me the most in determining the step I have taken."

Before the adjourned meeting of the Corporation was held that afternoon, several members were seen discussing among themselves the situation created by Vithalbai's not having participated in the Viceregal functions. Rumours were afloat that Vithalbai, in spite of his resignation, would occupy the chair till his resignation was accepted by the House, but, contrary to expectations, he occupied his seat as an ordinary member of the Corporation. Although, however, Vithalbai's resignation had to be accepted, it was necessary that somebody should be in the chair to conduct the proceedings. Jamnadas Mehta, therefore, proposed that Vithalbai should take the chair for the day. The proposal was passed by a large majority. The same procedure continued for the meetings of the 8th, 11th and 18th of December. The 5th of January, 1925, was fixed for the election of the President once more. Vithalbai had no objection to stand again for election, and Jamnadas proposed his name for re-election. Among those who spoke in favour of his re-election was Byramjee Jeejeebhoy, who observed that whatever might have been the action of Mr. Patel, they did not wish to be vindictive. He hoped that the Corporation with one voice would vote for him. To his mind, Vithalbai had been 'an ideal President'.

The Municipal Commissioner himself participated in the discussion and said:

"I have no hesitation in saying that Mr. Patel's conduct in the chair has invariably been worthy of the high traditions which are connected with the office of the President. He has shown all the qualities which are essential to success in that office, a high sense of responsibility, combined with courtesy and patience. I believe that *no Councillor has ever had the least occasion to doubt the impartiality of his decisions*. As Chairman of the Committees, he has performed the herculean task of reducing the arrears to manageable proportions, and this has been rendered possible by his perseverance involving, very often, the greatest personal inconvenience."

In spite of some opposition, on the grounds of consistency, Vithalbhai was re-elected by a comfortable majority. While thanking the Corporation for his re-election, Vithalbhai expressed his gratefulness to them for having expressed their confidence in him, and therefore, indirectly at least, in the step that he had taken. The so-called 'Progressive' Party may not have agreed with him in his methods of procedure, but at the end of his regime they too joined the Nationalists in acclaiming him as one of the most capable and efficient Presidents of the Corporation. Clayton, the Municipal Commissioner whom he had rubbed the wrong way, times out of number, but who, being a sport, had arrived at a perfect understanding with him — in fact becoming his life-long friend, joined in the felicitations, which may be said to have partly contributed to his subsequent election to the Presidential Chair of the Central Assembly on the retirement of Sir Frederick Whyte.

On his retirement, he was given a grand dinner and a purse. Bills amounting to Rs. 2,200 and Rs. 2,500 were paid out of this sum, towards the expenses connected with the Town Hall meeting held to mourn the death of C. R. Das, and the remainder was, later, handed over by him to Gandhiji.

Vithalbhai's successor on the Presidential *gadi* of the Corporation was 'Baptista Kaka'. While, for himself, Vithalbhai had secured only an improvised office, he now saw to it that Baptista had a proper office and a motor car at his disposal. Even after



V I T H A L B H A I P A T E L

he ceased to be President, Vithalbhai continued to take interest in the Bombay Municipality until his multifarious duties as the Hon'ble the President of the Central Assembly left him hardly any time for the kind of work he was doing in the Bombay Municipality. For it was during these post-Presidential days of his that Vithalbhai worked on a Committee of three, to supervise the campaign against malaria which the Health Officer had initiated. And if Bombay has now practically got rid of malaria, some of that credit undoubtedly goes to Vithalbhai.

By the middle of 1927, Vithalbhai realised that he could no longer do any work for the Bombay Municipal Corporation. It was therefore that he wrote the following letter to Clayton on the 9th of September 1927.

'From

The Hon'ble Mr. V. J. Patel,  
President, Legislative Assembly

'To

H. B. Clayton, Esq.,  
Municipal Commissioner,  
Bombay

'Dear Mr. Clayton,

I feel it is not right for me to continue any longer as a member in the Bombay Corporation. I expressed that feeling to you personally in March last, before I went to Europe, and, as you are aware, several leading members of the Corporation asked me not to resign. It has not been possible for me to attend a single meeting of the Corporation since then, and it will not be possible for me to be in Bombay for some months to come, as I have already pledged my services to the Gujarat Provincial Congress Committee on the 1st of October in the relief operations which have been inaugurated.

'I, therefore, hereby resign my seat on the Bombay Corporation. Will you kindly convey to all concerned my grateful thanks for the uniform courtesy and kindness they have shown



**Group of Corporators, after Vithalbhai gave charge to Baptista**



IN THE BOMBAY MUNICIPAL CORPORATION

me during the period that I was a member of the Bombay Corporation?

I am,  
Yours Sincerely,  
(Sd). V. J. Patel.'

Clayton's reply to Vithalbai is dated the 12th September, 1927. It runs as follows:

'Dear Mr. Patel,

I am passing on your letter of September 9th to the Municipal Secretary. I certainly regret the fact of your resignation sincerely, but I agree that in the circumstances you are right to resign. Your brother has done magnificent work in Gujarat. I am glad to say old Mr. G. F. Sheppard sent a contribution of Rs. 1,000 to the Relief Fund. He tells me he saw you in London.

'With best wishes,

Yours Sincerely,  
(Sd) H. B. Clayton.'

On the 2nd of November, 1927, the Municipal Secretary, Mr. R. P. Desai, communicated to Vithalbai the resolution of the Corporation by which they finally accepted his resignation and conveyed to him the Corporation's 'high appreciation of the very valuable services rendered by the Hon'ble Mr. Patel, as a member of the Corporation for over five years.'

## Chapter Twenty-One

### THE NAGPUR FLAG SATYAGRAHA

**T**HE incarceration of Gandhiji had brought about a stupor over the whole country, and the report of the Civil Disobedience Committee only led to a stalemate. While Vithalbai, Motilalji, Das and men of their persuasion would have bearded the lion in his own den, entered the Councils and offered 'total obstruction', there were younger men who were itching for some sort of Civil Disobedience, which was practically ruled out by the Civil Disobedience Committee, as an impracticable proposition. Those Congressmen, who had been, as it were, mesmerised by Gandhiji, and had in fact lost their power of thinking for themselves, were obsessed by the idea of Non-violence. To them Non-violence had become the be-all and end-all of all national activity. They had forgotten that Non-violence was only a method and not the struggle itself, and that the inactivity into which they had plunged the country was most demoralising. Vithalbai had become restless. He had been giving pin-pricks to Government by introducing Khaddar, wherever he could, in the Bombay Corporation, and by boycotting the visit of the Viceroy or opposing the address to a Governor, but he was conscious that all these methods were only an indication of an attitude and that the actual achievement was insignificant. A splendid opportunity arose in the Budget of 1923. The Assembly had thrown out the proposal for the enhancement of Salt duties. From the times of Gokhale in the Imperial Council, the salt tax figured as the *bête noire* of popular opposition. The Viceroy had certified the enhancement. Men like Montagu Webb and Victor Sassoon had condemned the enhancement. Several non-Congressmen were afraid that the Viceroy's certification would provide the non-co-operators 'a fresh lease of life.' The opportunity, however, was not availed of, obviously because that would have meant mass civil disobedience or civil disobe-

## THE NAGPUR FLAG SATYAGRAHA

ence on a large scale, and Congressmen had decided that the country was not prepared for it. In these circumstances, the only thing that could keep the movement going was some sporadic attempt by somebody or some body of men who could raise a revolt without any specific sanction from the Congress. And this is exactly what actually happened.

On the 18th, i.e., the Gandhi Day, of March 1923, at Jubbulpore, in the Central Provinces, some enthusiastic Congress volunteers carried the National flag in a procession, in the cantonment area. They wandered all over the cantonment, and ultimately came to the Municipal building. They went to the top of that building and hoisted the flag there with great *eclat*. This was too much for the police to bear, particularly as the President of the Municipality was a European and a Deputy Commissioner. They brought the flag down, and trampled it under their feet. This naturally incensed the people, and the District Congress Committee upheld the Satyagraha. They now sanctioned the processions; and the procession, the hoisting of the flag, its being pulled down, and the arresting of the volunteers concerned became an every day affair in Jubbulpore. From Jubbulpore the idea travelled to Nagpur, and there on the 13th of April, the anniversary of the Jallianwalla Bagh Massacre, this Satyagraha began in right earnest. To commemorate that anniversary, several young volunteers of Nagpur took a procession, with the National Flag hoisted on their shoulders, towards the Civil Lines of the city. For some time the C.P. Government hesitated to put their full repressive machinery into action. Section 144 of the Criminal Procedure Code could come into action, only in such circumstances as were likely to cause a breach of tranquility. Obviously that was not effective enough, with the non-violent character of this demonstration. It was not long, however, before they discovered that the hoisting of the National Flag could be constituted into a disrespect towards the Union Jack, and that many loyal subjects, particularly in the Civil Lines, deeply resented this alleged disrespect. The District Magistrate, therefore, now read an order, technically under that same section, i.e., Section 144 of the Criminal Procedure Code, prohibiting, for two months, in the first instance, all

processions and all special meetings within the Civil Station area, unless special permission was asked for and given for the same. This order was promulgated on the 1st of May. Every day, thenceforward, a batch of some ten volunteers started off with the flag, entered the prohibited area, courted arrest, were tried in criminal courts and sentenced to six months imprisonment. Lively scenes were witnessed, day after day, by the multitudes which gathered to watch the sombre but exciting trial of strength between the bureaucracy on one side and the masses on the other. There was neither tumultuous frenzy nor senseless frivolity in the whole business of this really non-violent Satyagraha. As soon as the expected batch of volunteers came within his ken, the officer concerned gave the customary signal, and the Magistrate and the police got ready. With knightly courtesy they received the volunteers waving high their flag, and marched them off, under arrest, into the district office, in the din of the thundering huzzas of the enormous crowds that thronged the roads. This was a daily routine. By the end of May, the number of arrests went beyond two hundred and fifty.

On the 18th of June, the District Magistrate issued the prohibitory order for a further period of two months. This fresh order was issued, so it was stated, in consequence of a petition from 62 residents of the area who had complained that the crowds were a source of annoyance to them and a public nuisance. On the day of the order there was a great police round-up, and no less than 275 volunteers were arrested. The total arrests up-to-date had come up to a thousand. The sweeping and indiscriminate arrests of several Congressmen, besides the volunteers, of the city served to infuse new life into the movement, and now, batch after batch of volunteers from distant provinces began to come in.

In the meantime, Vithalbhai was fidgeting that the Congress, as Congress, bore no hand in this affair. The Congress worthies, he knew, were anxious to see that the atmosphere of civil disobedience was not fostered in the country. His own attitude to this Satyagraha, at this stage, was not quite clear; one thing is certain: he was quite reticent about it. He did not want any premature publicity being given to what he proposed to do for

it. No-changers looked upon him as an anti-Gandhite and an anti-Non-co-operator. They could hardly expect him to be one of the active sympathisers of this Satyagraha. In fact, a friend, one day, did attempt to draw him out, in this matter, in a casual conversation. This friend asked him to do something to help the movement, but Vithalbhai quietly replied in his characteristically witty style: “भाई ! आ तो धर्म युद्ध कडेलाय, अने तू तो रावण पडये: आपणाची शुंथाय?” (“Friend! this is verily a Dharma-Yuddha, and I happen to be Ravana, what can be expected of me?”)

As Editor of *Hindusthan*, the present writer, used to write against the movement. My personal contact with Vithalbhai had been by now very close and intimate. I can confidently say that, by now, I was in the privileged position of having his confidence in full measure. Vithalbhai was in a position not only to influence, but also to control — almost to dictate — the editorial policy of *Hindusthan*. And yet he never objected to my editorials against the movement. The fact is that I myself did not know his clear mind till he actually appeared on the Nagpur scene. Vithalbhai knew my views, and yet he never made me feel that I was doing anything that was not quite all right. I was left severely alone. This explains why I was not even informed by Vithalbhai of his own intention to plunge into the fray. I was in the know of almost all his movements. It was I who was invariably asked to arrange for his tickets and reservations for his rail journeys. And yet, this time, it was some one else who was asked to arrange for this Nagpur journey of his, I was kept completely in the dark.

I wonder if Vallabhbai would have shown this tolerance to a camp follower of his in similar circumstances!

That reminds me of an incident, which I may as well record here. My editorials in *Hindusthan* on Council-entry, Khaddar and allied subjects were naturally disliked by the orthodox followers of Gandhiji. *Hindusthan* occupied, in those days, a place of some importance in the public life of Gujarat. To put it frankly, its popularity in Gujarat was unassailable. It was this that made it more than an eyesore to the leaders who believed implicitly in the orthodox aspects of Non-co-operation. One



day in 1922, I was called, or I happened to be, at the residence of Revashankar Jhaveri, an old friend of Gandhiji and Gandhiji's host, where I met Vallabhbhai. Vallabhbhai straightaway told me that I was going too fast in my criticism of the Non-co-operation programme, and that if I did not change my critical and hostile attitude forthwith, he would be obliged to organize a campaign for the boycott of *Hindusthan*. "I wish you do it. I will then get an opportunity to expose the intolerance of some of our leaders and show to the world, by bringing out at my cost the electro-blocks of the letters written by you, how thin-skinned you were" was my reply. At this distance of time, and when I look back at this incident in a calmer atmosphere, I dare say I was wrong in my youthful enthusiasm in believing that Vallabhbhai actually threatened me with dire consequences. Revashankar apparently appreciated my reply, and observed that, after all, I was a *chela* of his brother, and called upon Vallabhbhai to give his reply. Vallabhbhai coolly remarked: "આખરે અમારી ભત તે એકજને!" ("After all birds of the same feather!")

What considerations actually weighed with Vithalbhai ultimately, when he lent his active support to the Flag Satyagraha, it is difficult to say. One may speculate about it, but one can hardly be certain in the matter. He was not a man to be moved merely by questions of prestige or by appeals to sentiment. He must have been guided by the one predominant motive behind all his national work — that of giving a fight to the foreign Government anywhere, on any front and on any account. The quintessence of his political philosophy could be gathered in his own words, the words he uttered, when, on a later occasion, at a public meeting in Nadiad, he was asked to explain his point of view in connection with the Civil Disobedience Movement. He said then: "મને પ્રેમથી જીતતાં આવડતું નથી, કે હું મહાત્મા થે નથી. હું તો 'એક સામાને ગુ'ચવી, ઘેરવી અને પછીથી હેરાન કરવાવાળો માણસ છું. તેમ ન થાય ત્યાં સુધી મને શાન્તિ થાય નહિં, અને તેને ( સરકારને ) સુખે સૂવા દેવી નહિં, એ ધર્મમાં માનનારો હું છું. અંતમાં ફરીથી હું તમને કહું છું કે આ પાર કે પેલે પાર, રખનેવાલા રામ, બસ ચક્રાવો!" ("I do not know how to win by love, nor am I a Mahatma. I am a man who would

embarrass, corner and then harass the opponent. So long as that does not happen, I am not at ease, and not to allow it (the Government) to have undisturbed sleep—that is the religion I believe in. In the end, I tell you once more — ‘This way or that way, depend upon God and go ahead.’ ”)

To understand Vithalbhai and his approach to such problems is to have full knowledge of the man — Vithalbhai. The dominating passion of the inner man was firmness. **His whole attitude to the Non-co-operation movement was governed by one and one passion only — that of fighting the foreigner at any cost, anywhere and at any point.** Metaphysical considerations, ideological controversies, doctrinaire discussions and abstract theories of right and wrong did not worry him. His was the common man’s approach based on realism, experience and common sense. Many a public worker has misunderstood Vithalbhai, because he did not care to clothe his philosophy of action in some pompous habiliments.

All things considered, what must have happened is this: while Vithalbhai would have hardly cared to have this Satyagraha started, when it was once started, he must have thought that the orthodox non-co-operators were making a mess of it. In fact in one of the public meetings convened on behalf of the Mandvi Congress Committee, he had twitted these orthodox non-co-operators on their inertia. He had said there: “Several young men have been courting arrest at Nagpur for proper respect being paid to our National Flag, and our non-co-operators have been sitting here with folded hands. Gandhiji is in prison. Rajaji has been spinning yarn in Madras. All the Congress Committees have been dumb and deaf — as if they do not even know what is happening at Nagpur! I invite the attention of the Working Committee to this great dereliction of duty on their part.” The Working Committee, which met in Bombay about the end of May, 1923, and from which at that time Vallabhbai, Rajaji, Rajendra Prasad, Brij Kishore Prasad, Gangadharrao Deshpande and Jamnalal Bajaj had resigned, had contented itself with offering congratulations to the Nagpur volunteers on their having started the Flag Satyagraha and calling on the volunteers throughout India ‘to be ready to join the struggle when required.’ Appar-

ently they were not required till Jammalal Bajaj himself was arrested in connection with that Satyagraha. After the arrest of Jammalal Bajaj there was no leader worth the name to guide the movement at Nagpur. Vallabhbhai must have felt then that it was necessary for him to give some active help, particularly in view of the apparent indifference or uncertainty of the Congress attitude. It was certainly a matter of prestige for the orthodox elements of the Congress. Jammalal Bajaj was very closely associated with Gandhiji and a tower of strength to many a non-changer, and if the movement had fizzled out after his arrest, it would have been a matter of shame for Jammalal's closest friends and associates. Many a man in Bombay and Gujarat believed that the local response was, on the whole, very poor and that without adequate outside help, the movement could hardly survive. These considerations must have weighed with Vallabhbhai when he decided to take a prominent part in the Nagpur Satyagraha. In fact, Jammalal's arrest was the reason why the All-India Congress Committee met at Nagpur on the 8th, 9th, and 10th of July 1923. Vallabhbhai went to Nagpur to attend this meeting and it was at this meeting that Vallabhbhai was officially put in charge of the Satyagraha — as from the 10th of July. It was then that the Satyagraha developed into an All-India movement, and volunteers and funds poured in substantially from all parts of India — Gujarat contributing the largest share, both in men and money.

On his way to Nagpur, Vallabhbhai stopped for a day in Bombay, and had some consultations with Vithalbai at the Arya Bhavan. Whether they talked of this affair at all is itself doubtful, but the fact remains that Vithalbai had given no clear indications of his being in favour of this struggle until the brothers met at the Arya Bhavan, just before Vallabhbhai left for Nagpur.

Though what happened at the conference between the brothers in Bombay, before Vallabhbhai left for Nagpur, nobody can say with any certainty, certain it is that the very next day after that meeting, the elder brother, with his ever smiling face, while leaving the Corporation building, as if for some trivial business, showed an unusual interest in saluting and bidding goodbye to all those members of the municipal staff whom he chanced to

meet on his way down the staircase leading to the back door. There was something dramatic in his behaviour that evening, and it was only when Bombay awoke to the news, displayed the next day, that Vithalbhai's unusual and ceremonious behaviour of the previous afternoon was cleared up. Vithalbhai had just slid away by the back door and whisked off to the Victoria Terminus, and rushed into one of the compartments of the Nagpur Mail just before the signal for its departure was given.

Vithalbhai's participation in this struggle should have opened the eyes of the orthodox non-co-operators to this very valuable facet of his character. His greatest virtue lay in his willingness and ability to subordinate his personal views to the views of anybody else who appeared to him to have undertaken an activity which was calculated to be in the best interests of the country. He would give everybody a chance. Even when he thought, *prima facie*, that a particular move was not quite right, he would wait and weigh the pros and cons of the situation, before rushing into hasty opposition. He took particular care to study the currents and undercurrents of the situation, weigh the advantages and disadvantages, and determine the merits and demerits of the move proposed, before proceeding in his opposition or sounding a dissentient note. It was in this spirit that he stood by Gandhiji in the National struggle, and subordinated his personal views to Gandhiji's grandiose plans, and allowed them full scope without any let or hindrance from him. Of course, off and on, he did ridicule some of the idiosyncrasies of Gandhiji — his meaningless and excessive emphasis on Non-violence or his intolerable avidity for the spinning wheel, but on all the real essentials Gandhiji had no reason to believe that in Vithalbhai he had not one of the most faithful of his followers. This very virtue of Vithalbhai, however, frequently landed him in hot waters. It has never received the appreciation it deserved. Many a public man has entertained serious misgivings about the very *bona fides* of the support he gave to various public causes. Some of the Santanist votaries of Non-co-operation missed not a single opportunity to throw mud at him, while he was alive, and one is not quite sure that they have fully understood him even after his death. They claimed, and have been claiming the monopoly of wisdom and

patriotism, just because they believed and continue to believe that they were and are entitled to that privileged position by virtue of their being, what they claim to be, cent per cent. followers of Gandhiji.

The Satyagraha at Nagpur began to assume vast proportions since Vithalbai and Vallabhbhai reached Nagpur. The storm convulsed the whole of India for some time, and had dragged on for over a quarter of a year. With his penetrating insight, Vithalbai took in the whole situation and played his cards astutely. In Sir Moropant Joshi, he had a close friend in the Provincial Executive Council. When Sir Moropant heard of his friend's presence in Nagpur, he made it a point to meet him personally, and had several intimate talks with him. The result was that the Provincial Executive Council began to show more than common interest in the settlement of the dispute. Vithalbai saw several other members also of the local legislature, and discussed with them the whole affair. On the 7th of August, the local Council considered a resolution for the cancellation of the orders issued under Section 144 of the Criminal Procedure Code. Sir Moropant, on behalf of the Government, announced that, if no disturbances of any kind occurred till the 17th, the prohibitory order would be withdrawn, and a procession would be permitted through the Civil Lines, *if permission was sought for*. This assurance did not satisfy the members of the Council, and after a prolonged discussion for two days, the Council carried the resolution by a majority of 5 — 31 voting for, and 26 against. Encouraged by their success, two days after, i.e., on the 9th, the Council considered two other resolutions: one, asking for the withdrawal of all prosecutions that were still pending in connection with the Satyagraha, and the other, for the unconditional release of all volunteers and Congress workers imprisoned as a consequence of the Flag agitation. Government contended that if the House supported these resolutions they would be virtually endorsing Civil Disobedience (which, be it granted now, was true, and that was what the pro-Congress members of the Council wanted), and further, that Government would be abdicating their authority if they released all those who had infringed Law and Order (which was not true, because clemency on the part of a

strong Government can never mean an abdication of their authority). In spite of the opposition of the Government, both these resolutions were carried by a majority of 4 votes — those voting for, being 31, and those against, 27.

So far so good. But the success of the Satyagraha could be gauged mainly by what was to happen on the 18th of August, when the right royal flag procession was to be taken out. On behalf of the Government, Sir Moropant had already announced in the Council on the 7th of August, that the procession would be permitted on that day if there was no disturbance till the 17th, *and if the necessary permission was asked*. Vithalbhai and his colleagues were sure that there would be no disturbances. Disturbances were never a part of their programme, but as for the other condition — they were equally adamant in that regard. They were not going to seek any permission whatever. The result was therefore very much in suspense. In the meantime Vithalbhai had met Sir Frank Sly, the Governor of the Central Provinces, a number of times. Sir Frank was an old friend, a fellow-student in England, and Vithalbhai paid frequent visits to him at the Government House for informal chats. So informal were these chats that, during them, he called the Governor Frank and himself Sly or gave the Governor the option of calling himself Sly and Vithalbhai Frank. In no case, he said, could the two adjectives go together. What actually happened at these informal meetings has never seen the light of the day. Maybe, they talked about this affair. Maybe, there was some understanding between them. But certain it is that neither Vithalbhai nor any of his colleagues, nor any of the Nagpur Congressmen ever asked for permission to take out the procession on the 18th. The Working Committee, which met at Vizagapatam early in August, had noticed the smooth, non-violent and successful conduct of the Nagpur Satyagraha under the direction of Vithalbhai and his brother Vallabh-bhai, and recorded 'its grateful appreciation of the help rendered *by Sjt Vithalbhai Patel* in the conduct of the Nagpur Satyagraha, and requested him to continue to be on the spot and help to guide the movement along with the member-in-charge (Vallabh-bhai).' Vithalbhai's confabulations with Sir Frank Sly and Sir Moropant Joshi, his numerous talks and discussions with the mem-

bers of the Nagpur Legislature, and his successful piloting of the pro-Satyagraha resolutions through the Nagpur Council, bear eloquent testimony to his exceptional tact, sagacity and political acumen — qualities in which he had hardly any equal even in those days of astute and eminent politicians in India.

The 18th of August dawned. Vallabhbhai proclaimed the time and the route of the procession, and the procession moved right royally, waving the National Flag with visible pride, through the prohibited area. The prohibitory order was there. In fact it had just been renewed. A battle royal was expected. But nothing happened. The procession moved on without any let or hindrance, and the day ended in peace and reconciliation all round. The honour of the Flag, the honour of the Country, was thus fully vindicated. Government bowed to popular agitation, or — shall we say?— Government yielded to the superior diplomacy of Vithalbhai. Even Pattabhi, who has been singularly unfair to Vithalbhai throughout his 'History of the Congress', has to say in regard to this Satyagraha: "Virtually then, the Patel brothers were looking after the campaign, and to them is due the credit for bringing it to an honourable termination."

It may be noticed here that the Anglo-Indian Press — particularly the *Statesman*, claimed victory for the Government, alleging that the Congress had applied for permission and that the Government had magnanimously given it. When Vithalbhai returned to Bombay after the triumphant end of this struggle, he read with amazement this ludicrous invention of the Anglo-Indian Press. As one associated with the direction and guidance of the movement, he considered it his duty to expose the hollowness of these face-saving tactics of the Government-sponsored Press, and did so in one of his characteristic speeches at a meeting held in the Marwadi Vidyalyaya, Bombay. The C.P. Government issued no statement whatever in the matter, and there was an end to this childish display of wounded vanity on the part of the Anglo-Indian Press. In recognition of the services of Vithalbhai, Vallabhbhai and their co-workers as also of the sturdy volunteers, the Delhi Congress offered its 'heartly congratulations to the organizers of the Flag Satyagraha movement at Nagpur, and the volunteers on having, by their heroic sacrifice and suffering, upheld the

honour of the country, by carrying the fight to a successful finish.'

This is perhaps the most notable occasion when Vithalbhai and Vallabhbhai worked together on the same political platform. It may also be instructive to note that in two of the three Satyagrahas which Vallabhbhai led, more or less on his own responsibility, it was Vithalbhai who helped him out of the difficulties in which he had found himself. It is hardly open to question that the Nagpur Satyagraha would not have ended in the way it did, to the satisfaction of all concerned, but for the invaluable help which Vithalbhai gave to his brother, whom the All-India Congress Committee had put in sole charge. To anticipate briefly a later event — the same view, we believe, has to be accepted by every impartial student of the Indian politics of those days, of the second Satyagraha of Bardoli — the No-Tax campaign of 1928, when the Bardoli ryots refused to pay the enhanced revenue of 25 per cent. charged to them, at the periodical resettlement of that year. The Taluka Conference had then invited Vallabhbhai to lead them in that campaign. The Government of Bombay had imported Pathans to strike terror in the minds of the dour and recalcitrant peasants who refused to bend, though Pathans were to the right of them, and Pathans were to the left of them, and Pathans in front of them. Vallabhbhai was in a quandary. The Governor of Bombay had declared 'that all the resources of the Empire would be used to crush the No-Tax campaign of Bardoli.' Vithalbhai, at that time, occupying the position of the President of the Assembly, after some manoeuvring in the Bombay Council, wrote to the Viceroy that he would resign and assume the reigns of that campaign himself, along with his brother, if Government did not relent. The threat had an immediate effect. A formula was evolved by which the excess assessment was deposited, for the time being, by an intermediary. This arrangement about the intermediary, also was manoeuvred by Vithalbhai. A special court was established, consisting of Bloomfield and Maxwell. They recommended an enhancement of no more than 6½ per cent., and in the end, virtually, there was no enhancement at all. All prisoners were released, all the property was restored — even the sold-out lands went back to their owners, and even the



Patels and Talatis who were dismissed regained their lost jobs. Nothing but the manoeuvres of Vithalbai and the Viceroy's personal interference would have brought about this eminently satisfactory result. Needless to say that the Viceroy would not have interfered, but for Vithalbai's threat to resign.

The other Satyagraha, the one which Vallabhbhai led on his own initiative, and without any help from Vithalbai or anybody else, was the Satyagraha of Borsad in 1922, against the punitive tax imposed on that taluka in connection with the dacoities of Babar Deva, an arch dacoit. Babar Deva's own atrocities, however, reprehensible, were not so heinous as those of a Muslim dacoit, who had murdered a Borsad pleader and become an outlaw. When these dacoities reached enormous proportions, the Governments of Baroda and Bombay decided to set a thief to catch a thief and '*entered into a pact with the Muslim outlaw*, who undertook to catch Babar Deva, and deliver him to the authorities, provided that he was well-armed, and further, that he received the assistance of four or five constables with rifles and cartridges.' This Muslim outlaw, as a matter of fact, used these men and their munitions for his own nefarious activities of all kinds, and never cared to do what was expected of him. The pact between the police and this Muslim dacoit brought about a hideous situation. 'The shots that were taken out of the bodies of persons injured in the dacoities proved to be Government shots' and clearly proved that the police rifles and ammunition were being used by the dacoits. Vallabhbhai now took the matter in his own hands. He asked the people not to pay the punitive tax, and challenged Government to prove themselves to be innocent of the atrocities committed by their own police. Vallabhbhai posted 200 volunteers to watch day and night, and proved to the hilt, by photographs and other means the complicity of the police in the whole affair. The result was that, first, the Baroda Government and, later, the Bombay Government verified the allegations and withdrew the Police. The moment Vallabhbhai and his volunteers appeared on the scene, Babar Deva himself disappeared.

Here the situation was not as hard as in the other two Satyagrahas, but full credit is due to Vallabhbhai for his powers of

organisation and for the thoroughness with which he exposed the abominable iniquities of the police, who, instead of providing security of life and property to the people, themselves aided and abetted a notorious dacoit. Vithalbai might not have been as successful in this type of work as Vallabhbhai. Vithalbai's distinctive strength lay in an intensive study of public and complicated problems, in an exceptionally intellectual ability to perceive and penetrate into constitutional subtleties, and in a more than common and an almost uncanny understanding of the flaws and weaknesses in the Government machine. Vallabhbhai has built up his strength and reputation by hard and continuous organisational work. He can at any time raise an enormous volunteer army, particularly in Gujarat, keep them in perfect discipline and make them as efficient as any soldiers in the world. The two brothers were complementary of each other, and if it had been given to them to work on the same political platform, they would surely have worked wonders. But the fates had willed otherwise and though their personal relations remained perfectly sweet and intimate, almost up to the death of Vithalbai, they differed radically from each other in their methods of approach to the political problems of the day. For one thing, Vallabhbhai went completely under the influence of Gandhiji. He could be a good lieutenant, and merge his own individuality, into Gandhiji's. It is hard to believe that he could seriously accept all the chimerical ideas of Gandhiji, the shrewd and practical man that he is himself; but it has to be admitted that he did surrender his entire judgment to the Mahatma during his life time. Vithalbai was constitutionally incapable of being anybody's lieutenant, much less of a man who lived in a dreamland calling up before him a phantasmagoria of brilliant but impossible visions. In one word, the differences between these two brothers centered round their fundamentally different attitudes to Gandhiji.

It was fortunate that Gandhiji was not directly involved in any one of these three Satyagrahas. It is difficult to say what their outcome would have been if Gandhiji had interfered with them. Each of them was capable of assuming gigantic proportions in Gandhiji's hands, and creating an unprecedented stir, but it is very doubtful whether any one of them would have ended

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the way they did. Whatever may have happened to the other two Satyagrahas, it is quite certain, at any rate, that the Nagpur Flag Satyagraha would have gone in a totally different channel. Vallabhbhai, under the influence of Gandhiji, would never have allowed Vithalbhai to manage it as he did.

## *Chapter Twenty-Two*

### VITHALBHAI AND VALLABHBHAI

**E**VER since Gandhiji appeared on the horizon of Indian Politics, that region of Gujarat, which has been largely occupied by the Patidars, has held the political stage of India. First it was Kaira, then Bardoli, then Borsad, then again Bardoli, and then the territory covered by the famous Dandi march of the Salt Satyagraha of 1930. This region had been, as it were, receiving a continuous training in Non-violent Non-co-operation from 1918 to 1930, and the two Patidars who have given this region this peculiar distinction have been these two brothers — Vithalbai and Vallabhbhai. There is, of course, one other pair of Patidars, who must be mentioned along with them, who worked with them and for them, but whose names appear to have been forgotten by those who ought to have remembered them; for without any disparagement of their co-workers, they may be considered to be the real makers of Bardoli — Kunverji and Kalyanji — Kunverji, perhaps more than Kalyanji — but for whose initial and all-pervading work neither Vithalbai nor Vallabhbhai — nor Gandhiji himself could have achieved the results they achieved in this region. It may however be conceded that, as their work along with that of their many co-workers had been definitely confined to this region, and as that work itself was limited to the hundred and one odd jobs that one has to do on the spot, their fame has not travelled beyond the Patidars' own homeland, and they have not come into the lime-light which has covered much lesser men in our country.

Vithalbai was so like Vallabhbhai and so unlike, at the same time, that, for a proper appreciation of the contribution these two brothers have made towards the struggle for Indian Independence, it would be extremely desirable, if not absolutely necessary, to institute some sort of comparison between them. Comparisons may be odious, and should perhaps be avoided, as

a rule, but unless some attempt is made to compare these two brothers, it would be difficult to assess at their full value the peculiar and distinctive contribution each of them has made towards the deliverance of this country from the foreign yoke.

Vithalbai started on his political career much earlier than Vallabhbhai. In fact there was a sort of pact between the brothers at the time. Vithalbai was to devote himself entirely to national work, and Vallabhbhai to the lowlier work of looking after the family and earning the wherewithal to feed it. Talking about this arrangement between the brothers, Vallabhbhai has said on one occasion: "Both of us had been feeling for some time that the country could not secure independence, unless it produced some *sanyasis* and that there must be some men at least in the country who could devote themselves entirely to national service in the spirit of self-sacrifice. We therefore entered into an understanding between ourselves that one of us should devote himself entirely to the service of the country and the other to the service of the family. Accordingly my brother Vithalbai gave up his flourishing practice as a Barrister and gave himself up for national service, and the responsibility of supporting the family fell on my shoulders. This, in effect, meant that all merit (युक्त) was his and all the sin (पितृ) was mine. There was however this silver lining to this transaction, that I had a legitimate share in his merit (युक्त) inasmuch as my having undertaken all the responsibility of supporting the family was in itself a direct aid towards his acquisition of merit (युक्त)."

An anecdote, which sheds some light upon the relations between the brothers may well be narrated here. Once Vithalbai was completely 'broke', and he needed some money very badly. Vallabhbhai's coat was hanging on a peg nearby. He thought within himself that Vallabhbhai should give him the money he needed, but he would not ask Vallabhbhai in so many words to do anything of the sort. He simply kept on walking to and fro the coat — not a word passing out of his mouth, the while. Within a few minutes Vallabhbhai understood the significance of these perambulations and asked Vithalbai to take as much money as he needed from his coat. Vithalbai never thought of amassing any money for himself, and, when he

needed it in the earlier part of his public career, he could always depend upon Vallabhbhai to satisfy his requirements.

Since the time Vithalbai entered the Bombay Council, in 1913, he, in effect, gave his entire time to the service of the country, as he understood that service to be. His method of that service changed from time to time, but at no time since then, did he take off his eyes from the goal that he had set before himself — the goal of re-invigorating this ancient land of ours. Vallabhbhai began his public life with his association as a volunteer under Gandhiji on the occasion of the Kaira Satyagraha in 1918. It was then that he suspended his splendid and growing practice at the Bar and cast in his lot with Gandhiji. Like his brother, he too now burnt his boats behind him and threw himself completely into National Service. It may be noted however that he began as a lieutenant of Gandhiji, and continued as Gandhiji's lieutenant throughout Gandhiji's life-time. Gandhiji could always count upon Vallabhbhai's whole-hearted allegiance, and Vallabhbhai on Gandhiji's implicit confidence in him. The two men completely understood each other. Each of them could divine what the other would do in a given situation. Gandhiji could always depend upon the shrewd common sense of the practical Vallabhbhai, and Vallabhbhai could always look up to the imaginative stimulus supplied by the idealistic Gandhiji. It is quite probable that they had also to accommodate themselves to each other. For we cannot believe, try as we may, that Vallabhbhai could always gulp down, without question, all the fantastic ideas of Gandhiji and consent to leave the *terra ferma* of practical politics for the mid-air of visionary idealisms. Nor could Gandhiji bring himself round, without demur, to walk on the level and firm ground of the humdrum and crude realities of this mundane world. In the end, we fancy, there was a sort of adjustment acceptable to both. And once the compromise was effected, Vallabhbhai faithfully carried out the orders of Gandhiji, however obnoxious they might have been to him at the beginning.

Between Vithalbai and Vallabhbhai there were many more things in common. Born and bred in a Patidar family of the yeoman farmers of Charotar, they had inherited all the characteristics which distinguish this class of men from their neighbours,

as well as from all other men. Hard-headed and hard-fisted, practical and pragmatic, up to a degree, these men have very little imagination, and they hardly ever care to go beyond the immediate requirements of the situation they have to face. If constitutionally incapable, however, of worrying themselves over a situation that has not arisen, when that situation actually arose, nothing in the world could prevent them from fighting it boldly, courageously and with a grim determination. Vithalbai had these characteristics in abundance — but with a difference; and so has Vallabhbhai. Vithalbai remained hard-headed throughout his life. Vallabhbhai, more often than not, surrendered his judgment into the hands of his master. Both of them soon got rid of their sense of economy — Vithalbai much earlier than Vallabhbhai. Vithalbai remained practical and pragmatic to the end of his life. He certainly treated the facts of history with particular reference to the practical lessons that could be derived from them — whether those facts belonged to Irish history or the early history of the British rule in India. Vallabhbhai's practicality has been limited to this that he has always inclined towards action rather than towards speculation, but history has hardly any lessons to teach him; he would, along with many other Congressmen, believe that the world's great age began anew with the advent of Gandhiji's Non-co-operation in India. As for imagination, it is undeniably true that Vallabhbhai left all imagining to be done on his behalf to the safe custody of Gandhiji, during Gandhiji's lifetime, and that, after Gandhiji's death, he has left it to the capacious brain of Jawaharlal Nehru. Vithalbai would not revel in imaginary visions of any sort. He looked ahead, but never too far ahead. One step at a time was enough for him, as for Gokhale. He had fixed his goal fairly early in his life. That goal was Swaraj. And his meaning of Swaraj was clear and pellucid. Swaraj meant for him complete freedom from British domination. He would not change his meaning of Swaraj from time to time, as Gandhiji did. Metaphysical subtleties were not for him. Nor was he very squeamish about the means to be employed for the achievement of this goal. With him the end justified the means. If he accepted Gandhiji as *the* leader of the Nation, that was not because he saw the saint in him, but because he looked upon him, for the

time being at least, as a consummate politician, and because he realised that, at the time, there was nobody in the country who had such command over the masses as was necessary for the achievement of real Swaraj.

Vithalbhai was as stubborn a fighter as Vallabhbhai has been. But there is this difference between them. All the fights of Vithalbhai were, strictly constitutional. He would not mind taking advantage of all the weaknesses in the armour of the opposite side. He would not shrink from the use of guile and diplomacy if they could serve his ends. So long as he was within the four corners of the constitution, he cared not a jot, whether he *appeared* perfectly straightforward. He would never show his cards until the game was over. Vallabhbhai, on the other hand, has always been,—comparatively speaking — downright in all his attacks — not that he is not subtle at all — but with all his subtleties he can never come within a measurable distance of Vithalbhai. Till the death of Gandhiji, he was always prepared to take his orders from Gandhiji, even in regard to the minute details of the fights he fought. To turn the left cheek for slaps, when the right check can bear them no longer, was a policy which neither of the brothers could stomach with equanimity, but Vallabhbhai apparently, under the influence of Gandhiji, had learnt to follow it, not only as a policy but as an article of faith. It may not be quite unfair to Vithalbhai to say that he had given that policy no more than a lip service, and if he did not actually, and always revolt against it for the greater part of his contact with Gandhiji, that was only because he felt that such a revolt was capable of doing more harm than good to the cause to which he had dedicated himself. In all other ways, if Vithalbhai was a born fighter, Vallabhbhai also has been an equally obstinate fighter. Vithalbhai always treated his opponent with a certain amount of non-chalance, and yet he appears to have had the knack of winning over to his side some of those who usually figured as his opponents, but woe betide the person whom Vallabhbhai has put down as politically inconvenient to him.

An an organiser and as a manager of the Party machine, Vallabhbhai has acquired a reputation which he richly deserves. Possessed of a shrewd and strong common sense and an un-



impeachable judgment in the choice of men that would serve his immediate purpose, Vallabhbhai has excelled in the art of getting round him an array of devoted workers who would do anything for him. It will, however, have to be admitted by every impartial observer of his ways that, in his understandable desire to create an effective Party machine, he has ruthlessly removed all intelligent critics of his — even such of them as were on the whole well-disposed towards him — from the political and public life of Gujarat. The workers he gathered round him when he was in Gujarat — and they were a legion — were not to ask the reason why; they had simply and blindly to carry out his instructions whatever they were. No wonder therefore if there has hardly been any one among his numerous followers of those days who can at any time shoulder the responsibilities of a leader of men such as he himself has been. He has, unwittingly perhaps, kept away a galaxy of young talent in Gujarat, who, if they had not been so suppressed, might have by this time blossomed out into undoubted leadership. It is indeed very surprising that this shrewd and far-seeing organiser has gathered round him so many yes-men — some of them, known opportunists —, representing the most mediocre elements of society whom nothing but his backing could have pushed into the positions of unmerited leadership which they have been enjoying today.

If Vallabhbhai has been an organiser and a builder of a party machine, Vithalbhai too, in his time, had to manipulate and organize a Party and perfect a machine. His work, in several respects, was much more difficult than Vallabhbhai's. Vallabhbhai had always the invaluable backing of Gandhiji himself behind him. Everybody knew that Vallabhbhai enjoyed the complete confidence of Gandhiji. Following Vallabhbhai was following Gandhiji, and Gandhiji had definitely mesmerized the masses. Vallabhbhai therefore had only to raise his finger, and the unthinking masses gathered round him. He could then make his own selection, and he selected his men in the perspective of what he deemed to be their worth for his party. Vallabhbhai's supremacy in Gujarat, particularly in the Congress machine of Gujarat was practically the supremacy of Gandhiji. His phenomenal rise to fame and power, not only in Gujarat, but all over India was

a direct consequence of his being acknowledged as the accredited lieutenant of Gandhiji. With many of his followers Vallabhbhai has been a good investment. Not so Vithalbhai. Though Gandhiji always treated Vithalbhai with respect, and Vithalbhai reciprocated that feeling, there was an undoubted distance between these two mighty leaders. Vithalbhai would never surrender his judgment to Gandhiji, and Vallabhbhai always surrendered it unreservedly, even when he had serious doubts of his own. Gandhiji's intuition and inner voice were apparently at least a matter of supreme reverence to Vallabhbhai. Vithalbhai, occasionally, if not always, could laugh at them. Even at the risk of his being described as an iconoclast and a carping critic, he hardly ever missed a single opportunity to express his doubts and misgivings about several of the chimerical ideas of Gandhiji. The general public was in the know of this difference in the attitude to Gandhiji of these two brothers. Those, therefore, that would follow Gandhiji through thick and thin, and therefore could follow Vallabhbhai, were hardly the men who would look up to Vithalbhai. Large masses of men being thus excluded, Vithalbhai had to depend for his party on the intelligentsia, and among the intelligentsia there would always be critics — intellectual critics — who had to be convinced by reason. Appeals to reason are bound, in their very nature, to be far less effective than appeals to emotion, and if Vithalbhai could never gather round him a vast concourse of people, there is nothing to wonder at in that phenomenon. The facts therefore that he could occasionally convert men like Motilal Nehru and Hakim Ajmal Khan, that he could build up a fairly strong party in the old Bombay Council, that his was the first Municipal Nationalist party in the Bombay Corporation, and that the Swaraj Party in the Assembly was largely his own creation go a long way towards establishing the claims of Vithalbhai to be looked upon as a first class organiser and builder of party machine.

With all that, Vithalbhai too has failed to leave behind him any body of workers who could take up his work where he left it, and carry on his tradition. For one thing, he had no such ambition. If he himself was nobody's *chela*, he could hardly care to have any *chelas* of his own. His whole outlook on life

and approach to political problems effectively prevented such a consummation, however devoutly it may have been wished for. He was an intellectual aristocrat. Most probably he believed it to be a kind of degradation of human dignity to be fawned upon by servile followers. He held himself aloof — perhaps above — any party or group personalities. He was, in fact, a lone star. He preferred standing or falling all by himself, and though he had on several occasions his own party, he was hardly of the party himself. He ploughed often enough a lonely furrow, and not unfrequently ran a one man party. This severely individualistic attitude of Vithalbhai frequently placed Vithalbhai in a very dangerous situation. For an instance, may be noted here his peculiar position for some time in the Swaraj Party itself. Nobody could deny either the valuable contribution he made towards the creation of that party or the importance of the place he occupied in the machine of that Party, and yet when his opponents prejudiced the mind of Das against him, there was a time when the pistol of disciplinary action was actually held at him. Of course, Vithalbhai was not a man to be cowed down by such empty threats. He coolly remarked then that a person who could create the Swaraj Party could easily bring another Party into being if he found it necessary to do so. It was thus that the storm raised against him at the Swaraj Party Executive in Calcutta was blown over.

That Vithalbhai has not left behind him anybody who could carry on the type of work he excelled in is hardly creditable to him. But that has been our National weakness. Not only have Vithalbhai and Vallabhbhai failed in preparing a second line of defence, but it will also be generally accepted that no great Indian leader, with the possible exception of Gandhiji himself, has yet been able to look sufficiently into this matter, and work in this direction. Has Lokmanya Tilak left any body to carry on his traditions? Has Gokhale? or even Pheroze Shah Mehta?

Though Indian to the core, Vithalbhai appreciated European manners, European culture and European institutions. Such a man could hardly get admirers in the then set-up of our country. They would rather go to Vallabhbhai who has all along been

a downright Indian in superficial manners as well as in the more essential aspects of life. Vithalbai moved among men, most of whom had the capitalistic outlook, and yet he shunned capitalism. His sympathy for labour was evident,— witness, for instance, his attitude towards the Steel Protection Bill. All his amendments to that Bill in the Select Committee were in the direction of a socialization of that industry, and he had very nearly succeeded in getting them accepted. In fact he lost them by one vote only. But for the determined opposition of Motilalji he would have succeeded. How then could he have a hold on the capitalists with whom he moved and had his being? Vallabhbhai has recognised capitalism as an unavoidable, almost a necessary, adjunct of society. Vallabhbhai has, in consequence, several followers among them. Vithalbai had an intellectual sympathy with labour. He recognised the vast importance of labour in the new social structure. But he had hardly any chances of moving with the Indian labouring classes. In England he almost identified himself with the Labour Party. He might have become a Fabian, if Fabianism had become a live issue in India. Even that, however, is doubtful, for above all, he was a practical man, and would not have cared for any 'ism' until that 'ism' became a practical proposition.

Leadership came to Vithalbai as the result of long and strenuous labour. Vallabhbhai could command it as a lieutenant of Gandhiji. Vithalbai was as blunt and plain spoken as Vallabhbhai has been, and he had attained as much brilliance in public life as Vallabhbhai has. He had the same iron will as that which Vallabhbhai has; his personal appearance was as awe-inspiring as Vallabhbhai's and he was as unsentimental as Vallabhbhai has been. In spite of his forbidding outward appearance, on a closer contact, however, he was seen to have a charming and amiable personality. He was indeed generous to a degree. Vallabhbhai has been a man of few words, but Vithalbai was a man of fewer words. In fact, we may well go to the length of saying that he was the least communicative of men. A common criticism of Vithalbai was often expressed in the following expressive but untranslatable Gujarati words: દાદી હાથે પણ પેટનું પાણી ન હાથે (You can see his beard moving, but

you can never know what is passing in his mind). Many an anecdote is told of this aspect of his nature. On several occasions, when he was anxious not to give out his own view on any matter, he would content himself with the muttering of the words 'Narayan, Narayan'. Those who have seen or read *Sowbhadra* ( a Marathi drama) might remember how Arjuna, the hero of the play, assuming for the nonce the garb of a *Yati* or *Sanyasi*, mutters the words 'Narayan, Narayan', whenever he wants a thing done or a thing not done, as, in his role of a *Sanyasi*, it was not open to him to use the faculty of speech except to utter the name of God. Vithalbhai may have taken his cue from this episode in *Sowbhadra*, which he may have seen. Choubal once actually asked him whether he had adopted that manner of speaking from *Sowbhadra*. But it is equally likely that it was a relic of his earlier upbringing in the Swami Narayan cult whose followers greet each other in this way. Vithalbhai used these words of greeting, not with any sense of reverence, but for the purpose of covering up a multitude of things he wanted to conceal — a sentiment, an emotional experience or a disturbed state of feelings, or for the purpose of showing his cynicism towards his political opponents. There were four Narayanas among his political opponents of the time. Sir Narayan Chandavarkar, Sir Narayan Samarth, Narayan Malhar Joshi and Narayan Vishnu Gokhale. In public gatherings or committee meetings, when feelings ran high and one or more of these Narayans were present, Vithalbhai would say 'Narayana, Narayana', and the whole assemblage would laugh vociferously. Even to this day, many a friend of Vithalbhai recalls his name by its association with these words.

When Lord Reading retired, and a farewell function was arranged in his honour and when he spoke of his inexhaustible love of India, Vithalbhai trotted out his usual 'Narayan, Narayan.' Everybody laughed and Lord Reading actually asked Vithalbhai what it was that he said. Vithalbhai of course gave an evasive reply, but what he meant was clear to everybody else. How could Vithalbhai or, for the matter of that, anybody else accept the professions of Lord Reading, at their face value?

That Vithalbhai kept his own counsels, and would give out

even to his nearest friends only as much as thought he might, is demonstrable from a personal experience of the present writer on a crucial occasion. My relations with him were the most intimate. Hardly ever did he keep back anything from me. And yet, for some mysterious reason, his attitude and ruling on the Swaraj Party walk-out, he would not disclose to me.

On the day previous to this walk-out, I had planned to leave Delhi for Bombay. I told him how urgent it was for me to leave for Bombay that day, but he would not give his consent for my departure. I did not wish to displease him on the eve of my departure and therefore earnestly pleaded for his consent. When he found that I would not yield, all he said was that I would regret my action, and that, if I respected his wishes and postponed my departure just by a day or two, he would be most happy. He would go no further. I could not get an inkling of what was up his sleeve. I begged him to take me into his confidence and convince me about why I must stay on. His only reply was that I would miss a great fun, and that I would regret my obstinacy. In spite of all his pressure, I stuck to my original plan and left Delhi the same day. So upset was he by my obstinacy that he would not bless me with his usual greetings which I had always enjoyed at my departure from Delhi. Even today, I do not quite know why I was so obstinate. I dare say I could have stayed on, and yet I did not. I could see he was in an agony when I left, and yet he would not tell me why he wanted me to stay on. If only he had told me what he expected would happen the next day, I would most certainly have stayed on. Maybe the Swarajists were not quite definite, maybe he himself was not clear in his mind, maybe he thought it was premature to reveal the secret even to me — whatever it was, the fact remains that he did not give me the slightest indication of the working of his mind in the matter, because he did not wish to do so. And so it was,— rather than disclose his mind to me who was then acknowledged by everybody as his closest associate and in his entire confidence, he allowed me to leave Delhi, when he so much wished that I should stay on. Needless to say that I did regret my obstinacy

when I read the next day, in the papers, all about the Swarajists' walk-out and the ruling that followed.

With Vallabhbhai, life in this world has been a serious and earnest proposition. With Vithalbai life was mere *Leela* or play for the brief span of time during which man has to strut on this stage of the world. Vithalbai was an intellectual giant, and he was as studious as he was intelligent. It was his habit to probe into the depth of every problem — political or social — which confronted him, and his *penchant* for accuracy in facts and figures developed in him an analytical and a critical mind. Vallabhbhai probably is not much behind Vithalbai in natural ability, but it is very doubtful whether Vallabhbhai has ever cared to give any time to the study of political and social problems in the conventional sense. Probably he has never felt the need of such study. Neither his power nor his prestige has ever depended on his powers of exposition or his learning and acumen. Mahatmaji's intuition and inner voice, coupled with his own personal experience and natural ability, have on the whole sufficed him for all his practical purposes.

If there are several striking traits which distinguish these two brothers from each other, the resemblances between them are also equally striking. Both started their life as lawyers and prospered as lawyers. Both called at the Bar. In course of time both of them dedicated their lives whole-heartedly to the service of the Nation and came to occupy the coveted position of National leaders. Both started their public life as members of Local Bodies. Both became Presidents of important Municipalities, and as such gave tough fight to Government, before they fought against Government on the wider political field. Both gave up lucrative legal practice for full time National work. Both, in course of time, became front rank Congress workers, but while Vallabhbhai always worked outside the Legislatures and under the wings of the mighty 'Father of the Nation', Vithalbai spent the best period of his life within the Council halls, and among intellectuals who quickened his intellectual activity and stimulated his constitutional studies.

Many a man was surprised, during the life-time of Vithalbai, to see these two brothers, so sweet and intimate in their

personal relations, taking diametrically opposite sides on the political stage and fighting with verve each other's distinctive ideologies. In political history, however, instances of persons, holding opposing views and using dissimilar means but working together for a common objective are not so rare as one might imagine. The few occasions on which such men do work together on the same platform, obviously, have a charm of their own. There was a perfect understanding between these brothers, and they helped each other, whenever they could do so without compromising on the fundamentals. Neither envy nor jealousy ever disfigured their relations. Each of them was happy at the rise of the other, and would refrain from doing, either by word or deed, anything which might prove detrimental to the other's prestige.

It is noteworthy that when these brothers realised that the Civil Disobedience Committee's Report had created an awkward situation for them, they struck an interesting bargain between themselves. Vithalbai, as the votary of total obstruction from within the Councils, and Vallabhbhai, as the advocate of the boycott of Councils in accordance with Gandhiji's ideology, were bound to come into sharp conflict on the public platform. And with the public of Gujarat, after Gandhiji, it was these two brothers who mattered most. Therein lay the danger. They saw clearly that they would be faced with an ugly situation, if they went to the same platform for the propaganda of their diametrically opposite ideologies. Obviously they did not want the public to witness the sorry, if not ridiculous, spectacle of two brothers, who till the other day were of one mind, quarrelling on the public stage.

They therefore came to an understanding. It was arranged that Vithalbai should not go to Ahmedabad and Vallabhbhai should not come to Bombay, for their propaganda. And in fact they solemnly kept this pact till Vithalbai's death. Vithalbai avoided going to Ahmedabad and, when he could not avoid going and did go there, he refrained from making any public speech whatever. And Vallabhbhai avoided coming to Bombay, and when he could not avoid doing it and came, his visit was a strictly private visit. It was only after Vithalbai's death that Vallabhbhai came to settle down in Bombay.



Be it said to the eternal credit of Vallabhbhai that he ever gave due respect to Vithalbhai — such respect as the younger brother is expected to give to the elder brother on the traditional lines of Hindu culture. The present writer can truthfully say that he has known of no occasion whatever when Vallabhbhai showed any disrespect to Vithalbhai, though their political creeds were so fundamentally different. On the other hand, Vithalbhai was known to have poked fun at the cost of Vallabhbhai, ever and anon, to have called him *Subha* of Gujarat and such other names, to the amusement of the friends that gathered round them. Everyone of their friends has noticed that Vallabhbhai refused to be provoked by the most provoking remarks of his brother against him. While the world looked upon them as adversaries, they were as friendly to each other as any brothers could be, until just a while before Vithalbhai's untimely death.

Love of fight was the dominating characteristic of these two eminent brothers of those times. It had full scope in those troublous days. Destruction was more important than construction. The so-called constructive work of the Non-co-operation brand was no more than an eyewash. At any rate, the whole output of it up-to-date has been so negligible that nobody can cavil at our description of it in these terms. In the political set-up of the country as it was during his life-time, Vithalbhai had very few opportunities to show any facets of his constructive statesmanship. Vithalbhai was an architect; while Vallabhbhai has been an engineer. He could plan out things on a large scale, while Vallabhbhai can execute things that have been planned for him by men in whom he has implicit faith. That is why he proved such an excellent lieutenant of Gandhiji. Vithalbhai did not live long enough to see his plans put into execution, and during his lifetime his greatest handicap was that he had hardly any lieutenants to carry out his plans, and even his associates hardly ever gave him full co-operation. The outstanding occasion on which he could show his constructive ability to some extent was during the brief period of his occupation of the Speaker's Chair. It was then that the country saw in him a constructive statesman of a high order, a far-seeing diplomat, an astute and fearless politician. Vallabhbhai

has been more lucky. He has been having several opportunities to show to the world what stuff he is made of and what constructive work he can put forth during the time that has happily been allotted to him.

The temptation to compare these two brothers with the great liberators, politicians and statesmen of Europe must be resisted for more than one reason. For one thing the conditions of struggling India have been essentially different from the conditions of the several European countries which produced those great Europeans. The country in Europe which comes nearest to India is unhappy Ireland, and nobody need doubt that we had our Parnell in Vithalbai and have our de Valera in Vallabhbhai. The other temptation — that of picturing an Indian Cabinet with Vithalbai as the Foreign Minister and Vallabhbhai as the Home Minister is still more fascinating. What would India have been with these brothers working together in perfect unison — a chance they never had? But is it worth while dreaming of the might have been.

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