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**Decolonising the Raj:**  
**Bombay under Provincial Autonomy, 1937 – 1939**

**by**  
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**A thesis presented to the Faculty of Arts, Monash University, in  
fulfillment of the requirements for the degree of Doctor of Philosophy.**

**September 2003**

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## ABSTRACT

The decolonisation of British India has been the object of several studies in the past. But while tomes have been written on the final months before independence and the partition of the country, the period of provincial autonomy in the late 1930s has been surprisingly neglected. My study aims to redress the neglect as I believe that the period is a major landmark to the decolonisation of British India.

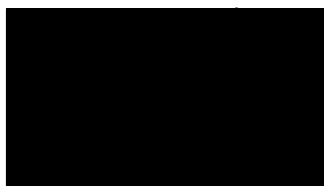
During the 1937-39 period, elections were held in eleven provinces of British India and Congress ministries assumed power in six provinces. The years in power offered the Congress political experience and gave them valuable lessons in governance. It also gave them an opportunity to show what they were capable of and how good they are at keeping their election promises. I focus my study on the Bombay presidency because the presidency was the traditional stronghold of the Congress party and therefore it would have showcased the best that the party had to offer.

The thesis starts with the elections of 1937 and ends with the resignation of the Bombay Congress ministry in October 1939. The elections of 1937 are worth a close examination because they were the forerunners of modern elections in India. After this, for the first time, Congress ministries assumed offices in the provinces. Did these ministries, particularly the one in Bombay keep their election promises? Were they able to put in place the developmental schemes that they had promised? What they did and did not do, helps throw light on a neglected history of India in the twilight of the Raj.

# STATEMENT

This thesis contains no material that has been accepted for the award of any other degree or diploma in any university or other institution. To the best of my knowledge, this thesis contains no material previously published or written by another person, except where due reference is made in the text of the thesis.

Signed,

A solid black rectangular box used to redact the signature of the author.

Vrinda U Mishra

8 Sept 2003

Date

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## LIST OF ABBREVIATIONS

AICC	All India Congress Committee
AITUC	All India Trade Union Congress
BLA	Bombay Legislative Assembly
BPCC	Bombay Provincial Congress Committee
NAI	National Archives of India
NMML	Nehru Memorial Museum and Library
OIOC	Oriental and India Office Collections
PCC	Provincial Congress Committee

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# 1. Introduction

Self-respect apart, common sense tells us that we can lose much and gain little by acceptance of office in terms of the Act....the big things for which we stand will fade into the background and petty issues will absorb our attention, and we shall lose ourselves in compromises and communal tangles, and disillusion with us will spread over the land.... Office will not add to our real strength, it will only weaken us by making us responsible for many things that we utterly dislike.<sup>1</sup>

Jawaharlal Nehru, 1937

The story of British rule in India — the military conquests of the English East India Company, the opening up of the subcontinent to British trade and Western technology and culture, the mid-century mutiny-revolt, the transformations wrought by railways and universities, the rise of nationalism, Gandhi's civil disobedience campaigns, the sudden dismantling of the Indian empire after World War II, the bloody and bitter partition of 1947 — is a vivid and enthralling one. More than half a century has passed since the demise of the Raj, yet the colonial period continues to evoke interest amongst novelists, historians, film makers, politicians and genealogists alike. Every year, new books are written and new interpretations and arguments advanced, adding to our store of knowledge about the greatest of the modern colonial empires.

The first generation of scholars who wrote about the Raj did so when it was still an actuality; not surprisingly then, many English historians focussed on the triumphant narration of conquest and hegemony — the era of the 'Pax Britannica'. More recently though, especially since the 1960s — by which time most of the imperial archives relating to India had been made accessible to scholars — interest has shifted from the 'high noon' of empire to the era of its decline and demise. In the process, historians have begun to

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<sup>1</sup> C.H. Philips, (ed), *The Evolution of India and Pakistan, 1858 to 1947: Select Documents*, Vol. IV, Oxford University Press, London, 1962, p. 249.

realise that this imperial decline — viewed in retrospect—did not start with the Second World War, or the Depression, or even with the Montagu Declaration of 1917, but in the post-Mutiny decision to go over to a policy of devolution. The context for this policy of shift was the trauma of the 1857 revolt, and the need to placate the ruffled feathers of Indian opinion. But the perils of legislating for 250 million Indians without knowing their views, and the financial requirements of maintaining an Empire that necessitated devising new methods of taxation, (which required Indian participation) also pushed them down that path.<sup>2</sup> Further, it was anticipated — correctly — that devolution would help to create a 'buffer of collaborators' who would serve the interests of the Raj.<sup>3</sup>

The beginnings of devolution in India can be perceived in the Indian Councils Act of 1861, which provided for nomination of Indians for the first time as members of the governor-general's and governor's executive councils.<sup>4</sup> Subsequently, Indian representation was progressively increased. Elections to local governing bodies were authorised by the Local Self-government Act of 1882; while the Indian Councils Act of 1892 significantly enlarged the central and provincial legislatures, and allowed for some of their non-official members to be indirectly elected. Then in 1909, the Minto-Morley reforms took the representative principle further by increasing the size of the Imperial Legislative Council to sixty and requiring 27 seats to be filled by elections.<sup>5</sup> Finally, direct elections, although with a severely limited franchise, were introduced under the Government of India Act of 1919, which also provided, at the provincial level, for the

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<sup>2</sup> R. Coupland, *The Constitutional Problem in India*, Part 1, Oxford University Press, 1944, p. 21. Also, Carl Bridge, *Holding India to the Empire*, Sterling Publishers Private Ltd, New Delhi, 1986, p.1 and B.R. Tomlinson, *The Indian National Congress and the Raj, 1936-1942*, The Macmillan Press Ltd, London, 1976, pp.7-8.

<sup>3</sup> Carl Bridge, *Holding India to the Empire*, p.1.

<sup>4</sup> R.N. Aggarwala, *National Movement and Constitutional Development of India*, Metropolitan Book C. (P) Ltd, Delhi, 4<sup>th</sup> edition, 1962, p.29.

<sup>5</sup> Norman Palmer, *Elections and Political Development: the South Asian Experience*, C.Hurst & Company, London, 1975, p.14.

appointment of elected Indians as ministers, with power over what were called 'transferred subjects' (the system of *dyarchy*).<sup>6</sup>

Meanwhile, colonial rule was also ushering in changes of another kind among the Raj's subjects. By the 1880s the concept of Indian nationhood had taken firm shape in the minds of the educated urban elites, and in 1885 the first meeting of the Indian National Congress was held at Bombay. The Congress was formed to discuss pressing issues of the day and extract reforms from the government. As its membership increased and diversified, so the Congress underwent a transformation in character — moving from a position of petitioning for reforms to actively campaigning for change under new, populist leaders such as Bal Gangadhar Tilak.<sup>7</sup> After the entry of Gandhi into the Congress and especially during the 1920s and 1930s, the party further extended its social base by reaching into the country side and forging links with wealthier sections of the peasantry.<sup>8</sup> By 1940, with over three million members, it was truly a 'mass' organization.

The 1930s in India were momentous years. The decade started with the Congress-led civil disobedience movement, which continued until 1934. But even as it was suppressing the Civil disobedience movement, the government pressed ahead with its commitment to devolution, conferring in 1935 increased responsibility and autonomy on the country's eleven provincial administrations.<sup>9</sup> Henceforth, the provinces would be governed by ministries responsible to elected legislatures.<sup>10</sup> The first elections under the

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<sup>6</sup> Tomlinson, *The Indian National Congress and the Raj*, p.10.

<sup>7</sup> *Swadeshi* means 'that belonging to one's country'. Here the term refers to a movement in the wake of the partition of Bengal in 1905 to use Indian made goods and all things Indian in order to hit at the British economy.

<sup>8</sup> See D.E.U Baker, *Changing Political Leadership in an Indian province: The Central Provinces and Berar*, Oxford University Press, Delhi, 1979. Gyanendra Pandey, *The Ascendancy of the Congress in Uttar Pradesh: A Study in Imperfect Mobilization*, Oxford University Press, Delhi, 1978. David Arnold, *The Congress in Tamil Nad*, South Asia Books, Columbia, 1977, Christopher J Baker, *The Politics of South India, 1920-1937*, Cambridge University Press, Cambridge, 1976, Gopal Krishna, 'The Development of the Indian National Congress as a Mass Organization, 1918-1923', *The Journal of Asian Studies*, 25, May 1966, pp.413-430 to name a few.

<sup>9</sup> Tomlinson, *The Indian National Congress and the Raj*, p.17.

<sup>10</sup> Again, although franchise was greatly expanded from that in the 1919 Act, it was still severely restricted.

new constitution of 1935 were conducted in late 1936. The 1936-37 elections are significant, because all the major Indian political parties — including the Congress — participated, and, what is more, campaigned relentlessly at the hustings. Arguably, it was India's first tryst with democracy, and the outcome was fateful too. The Congress secured majorities in six of the eleven provinces, demolishing British predictions that they would be wiped out of reckoning.

On 1 April 1937 'provincial autonomy' came into being. Yet the Congress declined to take office for some months. This was because of the opposition of a number of Congressmen including its then president Jawaharlal Nehru, who was convinced that forming ministries would not only achieve little for the party but would also distract party men from their chief goal — that of achieving independence from British rule.

However, while the Congress vacillated, ministries composed of members of opposition parties were sworn in. Reviled by the Congress as power-hungry and unscrupulous, historians too have largely ignored these first ministries; nevertheless, in the short period that was allowed to them, they tried to put in place developmental programmes to give their rule credibility, and in doing so, revealed, as no amount of British propaganda could have done, that provincial autonomy had vested real power in Indian hands. As it was, their achievements provoked the Congress into changing its mind about office-acceptance. In July 1937, after much soul searching and agonising, the party agreed to form ministries in the six provinces where they had won a clear majority.

For twenty-seven months, the Congress would rule over half of British India, including vast territories like the United Provinces, Central Provinces, and the Madras and the Bombay Presidencies. The situation was an ironic one. When the Congress members of the various legislative assemblies around the country took office in mid July 1937, they had to swear an oath of allegiance to the Crown. In so doing, they transformed themselves

from agitators into de facto collaborators. This transformation did not sit easily with many Congressmen and the subsequent months would see them try to salvage their pride and nationalistic credentials by indulging in propagandist games of one-upmanship with the bureaucracy.

In September 1939 the then Viceroy Lord Linlithgow declared war on behalf of India without any prior discussion with Indian leaders. Although his stand was constitutionally valid, it was an unwise one and was greeted with protests from the Congress Party in particular. Despite Congress' disapproval of Nazism, the party decided that it could not support a war designed to entrench British imperialism and therefore Congress ministers were ordered by its High command to resign from their offices. After some hesitation, they complied in late October 1939. Following Gandhi's 'Quit India' declaration of 6 August 1942, most Congressmen who mattered were thrown into jail, where they remained until 1945. Meanwhile, pressures emanated from various quarters (including the USA) in favour of an early grant of independence to India. The Churchill government doggedly resisted them but it was voted out of office in the British elections of 1945. Its successor — a Labour government — was much more sympathetic to the cause of Indian independence.

After 1945 'the main question the British had to resolve was not whether power ought to be transferred. They had already agreed that it should be. The question was rather, to whom?'<sup>11</sup> In March 1940, the All India Muslim League (AIML) had demanded a separate homeland for Muslims in the sub-continent. With Congressmen in jail, the movement took off and in the elections of December 1945 and January 1946, the Muslim League, campaigning on a Pakistan platform, won all 300 Muslim reserved seats in the

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<sup>11</sup> Ian Copland, *India 1885-1947: The Unmaking of an Empire*, Pearson Education Ltd, London, 2001, p. 70.

Central Legislative Assembly and 427 out of 482 Muslim seats in the provinces.<sup>12</sup> Encouraged by this result, the League became irascible. On 8 August 1946 it called for a 'Direct Action Day' to protest the refusal of the British and the Congress to agree to its homeland demand. This was followed by an orgy of violence and bloodshed throughout the country.

Fearful of an impending civil war, the British speeded up their time for the transfer of power. In January 1947 they assured that they would quit India by June 1948. Later they brought the date forward to August 15 1947, having, on 3 June finally conceded the irrefutability of Partition. In this way the British Raj, which had ruled the country for close to two centuries, came to an abrupt end.

As evaluated above, there has been a great deal of speculation regarding the dismantling of Britain's Indian Empire. What were the reasons for the British government's acquiescence to the idea of granting independence to India so readily? Why did the Raj come to an end in 1947, when there is nothing to suggest that British leaders envisaged such a possibility even as late as in the early 1940s?

Historians are divided on the subject of Indian independence. Indian historians have by and large tended to view the granting of independence as a *wresting of power* by the nationalist forces. They see the nationalist movement as a virtual juggernaut before which the British government ultimately lost ground and had to capitulate. Indian Marxist historian Bipan Chandra opines:

The British had won the war against Hitler, but lost the one in India. The space occupied by the nationalist movement was far larger than that over which the Raj cast its shadow.<sup>13</sup>

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<sup>12</sup> Robin Jeffrey (ed), *Asia - The Winning of Independence*, The Macmillan Press Ltd, London, 1981, p.99.

<sup>13</sup> Bipan Chandra, *India's Struggle for Independence*, Penguin Books (P) Ltd, New Delhi, 1989, p.488.

Western historians, on the other hand, are more inclined to look at the event as a *transfer of power* placing the responsibility for the withdrawal from India, entirely in British hands. The traditional approach as followed by historians such as Percival Spear is that power was transferred to Indian hands after a period of political tutelage during which Indians were trained in the art of democratic rule.<sup>14</sup> Yet this devolutionary view has, in turn, undergone significant reversal in recent years, with historians such as J.A. Gallagher, B.R. Tomlinson and Carl Bridge arguing that the constitutional reforms implemented by the British were not designed to train Indians in self-government but rather to prop up the Raj with a view to perpetuating its existence for as long as possible. 'Hanging on to New Delhi was worth a few declarations about dominion status in the sweet by and by', opines Gallagher.<sup>15</sup>

Of course the British were by no means thinking of preparing Indians for self-government or granting independence to the country when they started devolving power in the late nineteenth century. In 1888 Sir John Strachey assured Cambridge undergraduates that 'there is not, and never was an India, or even any country of India....no Indian nation, no "people of India" of which we hear so much.... that men of the Punjab, Bengal, the North-West Provinces and Madras, should ever feel that they belong to one great Indian nation, is impossible'.<sup>16</sup> Morley, the architect of the reforms that would become the Government of India Act of 1909, told the House of Commons that 'if it could be said that this chapter of reforms led directly or necessarily up to the establishment of a Parliamentary system, I, for one, would have nothing to do with it'.<sup>17</sup> But what about later on? Again, the evidence is compelling that the British were in no hurry to leave. In 1933, one of Secretary of State Samuel Hoare's principal advisors, Sir

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<sup>14</sup> Percival Spear, *History of India*, Vol.2, Penguin Books, Harmondsworth, 1965.

<sup>15</sup> J.A. Gallagher (ed) *The Decline, Revival and Fall of the British Empire*, Cambridge University Press, Cambridge, 1982, p.121.

<sup>16</sup> Cited in Sumit Sarkar, *Modern India 1885-1947*, Macmillan India Ltd, Madras, 1983, p.2.

<sup>17</sup> Carl Bridge, *Holding India to the Empire*, p.3.

Malcolm Hailey in a talk at Oxford, tried to imagine what India might be like in 1983 — fifty years on. Hailey thought there might be, by that date, some 'reduction of British personnel and an increasing measure of Indianisation of the Army'.<sup>18</sup> These statements by high ranking and influential members of the government clearly give weight to the argument that the British devolved power only in order to 'buttress the Raj by broadening its appeal to the public'.<sup>19</sup>

So *why then* did they leave in 1947? India was the allegorical 'jewel' in the British imperial crown, and therefore, one would think that they would have been very reluctant to part with it. One line of explanation emphasises imperial pragmatism. For example, B.R. Tomlinson suggests that Britain handed over power to India in 1947 largely because it was no longer central to imperial interests:

As a non-industrial depressed peasant economy, India was to prove herself of as little use, in the long run, to the British government as she was to the leaders of Britain's industrial revival. By 1942, Ernest Bevin, at least, was happy to contemplate an independent and industrially developing India, provided that Britain, rather than the United States supplied her with capital goods.<sup>20</sup>

Alternatively, D.A. Low believes that the British were forced out of India by the disappearance or weakening of their key supporters such as the landlords and Muslims and by the withdrawal of popular support as revealed in the Congress victories in the elections of 1936-1937:

It was this which was the Congress' greatest unimpeachable victory over the British for, in a way the Congress agitations had of themselves failed to do, it registered in terms the British allowed as legitimate the uniqueness, strength and range of its popular support in

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<sup>18</sup> Cited in *Ibid.* p.156.

<sup>19</sup> Copland, *India 1885-1947: The Unmaking of an Empire*, p.84.

<sup>20</sup> B.R. Tomlinson, *The Political Economy of the Raj 1914-1947: The Economics of Decolonization in India*, The Macmillan Press Ltd, London, 1979, p.166. Ernest Bevin was the Minister of Labour and National Service in the War Cabinet. Other historians who subscribe to this view are A.D.D. Gordon, *Businessmen and Politics: Rising nationalism and a modernising economy in Bombay, 1918-1933*, Manohar Publications, 1978 and Claude Markovits, *Indian Business and Nationalist Politics 1931-1939*, Cambridge University Press, Cambridge, 1985.

India. This was very soon acknowledged in Britain-by the Labour Party leaders and, in essence, by many Conservatives as well.<sup>21</sup>

Yet a third approach is that of Partha Sarathi Gupta, Howard Brasted and Carl Bridge, who emphasise the importance of ideology in the context of Labour's sweeping victory in the elections of 1945. They argue that the new British Prime minister Clement Attlee 'was not only genuinely committed to the principle of Indian independence, but was also instrumental in translating that principle into concrete procedures of withdrawal geared to achieve it.'<sup>22</sup>

In fact the answer to the question of why the British decided to dismantle their Indian empire in 1947 is not a simple one that can be explained away with a single argument. One cannot dismiss the fact that under Gandhi's leadership the Congress party made strong inroads into the hearts and imagination of the Indian people. Its agitations swept the masses as nothing had before. The party's convincing victories in the 1937 elections, followed by their rule in seven of the eleven provinces in British India, showed not only to the Indian public at large, but also to the British government, that they were the rightful inheritors of the Raj. At the same time, Britain had to cope with the economic pressures wrought by the Second World War. The Indian empire was no longer as economically desirable as it had previously been. Besides, it was becoming clear in Britain that ruling the subcontinent was going to be an increasingly difficult proposition in the coming years. The Naval Mutiny of 1946 was the proverbial last straw in this respect, for it revealed a weakening of the support of the military on which British rule ultimately depended. Finally the formation of a Labour government in Britain made a difference

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<sup>21</sup> D.A. Low, *Eclipse of Empire*, Cambridge University Press, Cambridge, 1991, p.94.

<sup>22</sup> H.V. Brasted, and Carl Bridge, 'The Transfer of Power in South Asia: An Historiographical Review', *South Asia*, 17, 1, (1994), p.108. Also, Partha Sarathi Gupta, *Imperialism and the British Labour Movement, 1914-1964*, The Macmillan Press Ltd, London, 1975.

because the Conservatives under the indomitable Winston Churchill had consistently opposed the dismantling of the Indian Empire.

It is interesting to note that, contrary to the widespread assumption that decolonisation is a process of revolutionary change, Indian freedom was achieved with a minimum of bloodshed and violence. There was no revolutionary overthrow of the colonial regime as would be the case in countries like Indonesia or Vietnam, but a comparatively peaceful transfer of power from the colonial rulers to elite politicians. To a great extent, this was because the Indian national movement, under Gandhi's influence, was ideologically wedded to the principle of non-violence. Not only did Gandhi oppose non-violence on moral grounds, but while he remained at the helm of affairs in the party he was able to convince most of his fellow freedom fighters that a violent uprising would be counter-productive and dangerous to the existing social order.

He knew it was necessary to agitate against them; they would never move without this. But non-violence could keep their worst instincts at bay, and allow their better ones to prevail. Gandhi would have been unnecessary in the Philippines, impossible in Vietnam; he precisely fitted nationalist needs against the British in India.<sup>23</sup>

Unlike Pakistan, where democracy is yet to take deep roots, in India democracy has been lasting. To a great extent, this is because the Congress party, which formed the ruling party in India for over thirty years after independence was experienced in the art of democratic rule even before independence was achieved. The history of the Congress party was not entirely or even primarily an agitational history. Long intervals were dominated by Gandhi's 'constructive programme', while at other periods the party formed tactical collaborative partnerships with the colonial rulers. For example, between 1945-47, the Congress party again dutifully worked the imperial constitution and again formed governments in office in several provinces (and eventually in 1946 at the Centre).

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<sup>23</sup> D.A. Low, *Eclipse of Empire*, p.12.

Low has argued that in winning elections, the Congress party achieved what all its agitations had failed to do: 'it registered in terms the British allowed as legitimate the uniqueness, strength and range of its political support in India'.<sup>24</sup> Extending Low's argument, I will demonstrate that the administrative experience Congress gained, in running the internal affairs of the country during the late 1930s and the mid 1940s, greatly eased the process of transition from colonialism to independence and democracy and helped instill, in its political class, a deep attachment to parliamentary governance and the rule of law.

Specifically, this thesis looks at how Congress was influenced by its tenure of office in the Presidency of Bombay from 1937 to 1939. As the history of nations goes, three years is but a fleeting moment. Yet these were crucial years for the Indian freedom movement because they gave Indians their first real taste of power in the legislative sense. The period 1937-39 was a genuine watershed in Indian history, and as such warrants our close attention.

Nonetheless, this crucial period has received so far little scrutiny from historians. Arguably the late 1930s have been overshadowed in the historical imagination by what followed — the demand for Pakistan, the Quit India movement, the Cabinet Mission, Independence and Partition. At the same time, there has been a tendency (among Indian historians in particular) to willfully downplay the events of the late 1930s because they challenge the stock romantic view that the pre-independence Congress party was an agitational party committed to a nationalist revolution. History writing in India evolved under the shadow of the Congress Raj, and even Marxist historians such as Bipan Chandra and Sumit Sarkar were affected by it. Bipan Chandra's *India's Struggle for*

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<sup>24</sup> *Ibid.*, p.94.

*Independence*, for instance, attempts to explain the period of collaboration with colonialism with the excuse that the nationalist strategy

accepted that mass movements 'by their very nature had ups and downs, troughs and peaks, for it was not possible for the vast mass of people to engage continuously in a long-drawn out extra legal struggle that involved considerable sacrifice..... This strategy also involved participation in the colonial constitutional structure without falling prey to it or without getting co-opted by it.<sup>25</sup>

Likewise Sumit Sarkar explains away the period as 'one full of paradoxes' — presumably unfortunate ones.<sup>26</sup> That the party could collaborate with colonialism, albeit temporarily and for a relatively short period, is something that for them is best brushed aside and forgotten.

Not surprisingly, therefore, most of the small number of historians who have paid passing attention to the period 1937-39 in the context of the nationalist-imperialist encounter in South Asia, have been British or Australian— people like B.R. Tomlinson, D.A. Low, David Baker and Carl Bridge. And, significantly, most of these scholars lay stress on the accommodations reached between the Raj and the Congress, rather than on the latter's periodic trysts with populist agitation and insurrection. Tomlinson, for example in *The Indian National Congress and the Raj, 1929-1942* attributes the decision of the Congress to accept office in 1937 to the pressure of provincial elites who wanted to maintain their local dominance.<sup>27</sup> On the other hand, Low in a succession of books on the theme of *The Eclipse of the Raj* — to quote one title — most recently in *Britain and Indian Nationalism: The Imprint of ambiguity 1929-1942*, suggests that by taking office, the

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<sup>25</sup> Bipan Chandra, *India's Struggle for Independence*, p.25.

<sup>26</sup> Sumit Sarkar, *Modern India 1885-1947*, p.4.

<sup>27</sup> Tomlinson, *The Indian National Congress and the Raj*, p.64.

Congress became enmeshed in a 'spiders web', which slowly transformed its legislators from hardline opponents into pragmatic collaborators.<sup>28</sup>

Even so, the main focus of these historians has been on the broader Congress organisation, its political vicissitudes and strategies, rather than on the party's work in government. Marguerite Dove's *Forfeited Future: The Conflict over Congress Ministries in British India* seeks to comprehend the decision-making processes within the party at a period that was arguably 'a critical, confused time for the Congress'.<sup>29</sup> While her work provides interesting insights into the backstage manoeuvres involved in the Congress party's dithering over the acceptance of office, it stops in mid 1937, leaving the question of its performance in office unanswered. Also, it is not clear what Dove means by the term 'forfeited future'. Is it the Congress party whose future was forfeited — or India's as a nation?

Likewise, David Arnold's monograph *The Congress in Tamil Nad* insightfully documents the growth of the Congress party between 1919 to 1937 and is invaluable for understanding the intricacies of South Indian politics but it does not talk about Congress in office; Arnold dismisses the work of the Madras ministry in a few paragraphs.

And the same is true of Christopher Baker's *The Politics of South India 1920-1937*.<sup>30</sup> Like Arnold, Baker also fails to discuss the performance of the Congress ministry in Madras presidency. This is a gap that future historians must address.

Of the handful of monographs that deal intensively with the period 1937-39, Vinita Damodaran's *Broken Promises: Popular Protest, Indian Nationalism and the Congress Party in Bihar, 1935-1946* is one of the more substantial. Damodaran argues plausibly that pressure from provincial leaders forced the Congress to accept office. The pro-office group

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<sup>28</sup> D.A. Low, *Britain and Indian Nationalism: The Imprint of ambiguity 1929-1942*, Cambridge University Press, Cambridge, 1997, pp. 268-269.

<sup>29</sup> Marguerite Dove, *Forfeited Future: The conflict over Congress Ministries in India 1933-37*, Chanakya Publications, New Delhi, 1987, p.3.

<sup>30</sup> Christopher J Baker, *The Politics of South India, 1920-1937*, pp.324-325.

of Congressmen, she says, believed that the acceptance of office in the provinces would restore 'the flagging Congress organisation and revive the morale of the people'.<sup>31</sup> Damodaran's account of the working of provincial autonomy in Bihar under the first Congress ministry from 1937 to 1939 is, however, rather one-dimensional. There is an emphasis on peasant issues to the exclusion of everything else. Thus, while Damodaran has no difficulty proving her hypothesis that participation in Government led to a weakening of the commitment of the Congress party to social change in the countryside, the change is not proven in regard to — for example — the business community. The book is not really about *popular* protest but rather, about *agrarian* protest.

Again, D.E.U. Baker's *Changing Political Leadership in an Indian Province* covers Congress politics in the Central Provinces and Berar between 1937 and 1939 in considerable detail — and his analysis of the struggle for power between the Marathi and Hindi speaking Congressmen of the province is masterful. Yet, only fleeting mention is made of the CP Congress Ministry's policies and that too only where it impinges on his theme of factional struggle. We are left with tantalising glimpses of the rule of the Congress ministry — with few details. For example, in discussing the communal situation he writes:

During Shukla's ministry, Muslim politicians extended the activities of the League and sought to woo the Muslims from the Congress. The Hindu Sabha was also active during this period, organizing meetings in Nagpur and elsewhere to condemn both the Muslims and the Congress..... such activities fostered the growth of communal tension, which the government was unable to control.<sup>32</sup>

This begs the question of whether the government genuinely tried, and — if so — why it did not succeed. By contrast, communities feature extensively in Enayetur Rahim's

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<sup>31</sup> Vinita Damodaran, *Broken Promises: Popular Protest, Indian Nationalism and the Congress party in Bihar, 1935-1946*, Oxford University Press, Delhi, 1992, p.35.

<sup>32</sup> D.E.U. Baker, *Changing Political Leadership in an Indian Province: The Central Provinces and Berar: 1919-1939*, pp.190-191.

*Provincial Autonomy in Bengal (1937-1943)*. But his argument that the Congress (as the chief opposition party in Bengal) was largely responsible for the spread of communal unrest in Bengal is contentious and highly debatable. Moreover, the book is under-researched, lacks a critical approach and at times descends into a eulogy of Fazlul Haq, the then Chief Minister of Bengal and leader of the Krishak Proja Samity.<sup>33</sup>

More balanced is Salil Misra's *A Narrative of Communal Politics: Uttar Pradesh 1937-39* — in part because it devotes some space to probing the role of the Hindu Mahasabha during this period. Yet Misra too asks a number of questions for which he fails to provide adequate answers. For example, he does not explain adequately why the Congress failed to contest all the Muslim seats in the 1937 elections in U.P and why they gave up the fight to 'represent' all Indians so easily.<sup>34</sup>

Given the paucity of good studies on the period, almost any one of the Congress ministries of 1937-39 would have made a suitable thesis topic, but I selected Bombay because of its inherent importance as a region — it was then, as it to some extent remains, the commercial and financial heart of the subcontinent — because I already knew something, having lived there and studied at the University of Bombay, of its chequered history, and because the Presidency was one of the strongholds of the Congress in British India. If the earliest nationalist organisations had been founded in Bengal, Bombay was where the Congress movement had its formal beginnings. The Presidency also had a tradition of supplying Congress leaders — men such as such as Dadabhai Naoroji, Gopal Krishna Gokhale, Bal Gangadhar Tilak, Vallabhbhai Patel and Mahatma Gandhi. And Bombay Presidency was where Gandhi's hold on the popular mind was greatest. In 1930 a

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<sup>33</sup>For instance, regarding the Congress attitude to the question of office acceptance, Rahim declares, 'in the absence of any information it is difficult to say what recommendation was made to the national Congress on this issue, but it was widely rumoured that a large section was in favour of office acceptance'. Emphasis is added. Enayetur Rahim, *Provincial Autonomy in Bengal (1937-1943)*, Institute of Bangladesh Studies, Dacca, 1981, p.101.

<sup>34</sup>Salil Misra, *A Narrative of Communal Politics: Uttar Pradesh 1937-39*, Sage Publications, India, 2001, pp. 335-336.

prominent businessman told the then viceroy Lord Irwin: 'so great is the support to Mahatma Gandhi in this movement here, that the masses [in Bombay], will not stand anything said against him publicly'.<sup>35</sup> The presidency was therefore one that had a special relationship with the party. Logically then, the Congress government in Bombay should have showcased the best that the party had to offer.

As to provincial autonomy in Bombay, virtually the only major study is that by Rani Dhavan Shankardass, *The First Congress Raj: Provincial Autonomy in Bombay* published over two decades ago.<sup>36</sup> Actually Shankardass' treatment is quite comprehensive, covering the ministry's educational and social policy, its role in the settlement of industrial disputes, and its financial and agrarian reforms. Also the book raises an important question: did the Congress Ministry in fuelling the expectations of radical change let down its putative constituency? Shankardass' verdict is 'guilty as charged'. She concludes that the Congress merely recycled conservative British policies and in the end proved no different from India's colonial masters. However, although Shankardass' book is well researched, some areas crucial to a proper appraisal of the performance of the Bombay ministry are neglected. She overlooks, for instance, the conflicts between the governor and his ministers, and the escalating communal tensions of the period. Also by treating the Congress ministerial experience in Bombay in isolation, she passes up an opportunity to evaluate its performance in the light of what was achieved — or not — in other Congress-ruled provinces.

This thesis takes up the questions raised by Shankardass and by Damodaran in the context of Bihar — namely, did the Congress in office perform in ways that justified its abandonment of revolution in favour of qualified collaboration? Did it meet the

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<sup>35</sup> Quoted from Judith M Brown, 'The Role of a National Leader: Gandhi, Congress and Civil Disobedience, 1929-1934' in D.A. Low, *Congress and the Raj: facets of the Indian Struggle 1917-1947*, Heinemann Educational Books Ltd, London, 1977, p.143.

<sup>36</sup> Rani Dhavan Shankardass, *The First Congress Raj: Provincial Autonomy in Bombay*, Macmillan India Limited, New Delhi, 1982.

expectations of its constituents? Or did it turn its back on the needs and aspirations of the 'small people', and in so doing, weaken its social base? Did it, indeed, as David Arnold has argued in respect of Madras, become so contaminated by the exercise of power that by 1939 it had become almost unrecognisable as a populist movement — had become just another 'Police Raj'?<sup>37</sup> But the thesis also seeks to extend the existing paradigms about the period of provincial autonomy by placing it firmly in the context of the transfer-of-power story. I will argue, as indicated above, that the relative ease of the 1947 transfer (at least in so far as the constitutional and provincial arenas were concerned) and India's subsequent adherence to demonstrated forms and legal frameworks of governance is rooted in the Congress party's initial taste of full executive power and responsibility from 1937 to 1939.

Nevertheless, it is not my aim to make this a Congress-centric study. One of the problems of some previous works on the provincial autonomy period is that they begin only with the assumption of office by Congress in July 1937. The book by Shanker Dass falls into this category. This is inadequate because it fails to provide a comprehensive view of the period. Assumption of provincial power by the Congress party was an outcome of the first elections held under the Government of India Act of 1935, and intense electioneering and high political drama gripped the first few months of the year over the issue of acceptance. Accordingly, this study will begin with a treatment of the election and the evolution of the Congress from an attitude of non-cooperation to one of accommodation with the government. It will then look at the accomplishments of the interim ministry formed in Bombay while the Congress was making up its mind — a hitherto neglected story. These concerns occupy the next two chapters; while the fourth deals with the negotiations that attended the formation of Congress ministry in Bombay and the problems the party faced in making the transition from opposition to government.

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<sup>37</sup> David Arnold, *Police Power and Colonial Rule: Madras 1859-1947*, Oxford University Press, Delhi, 1976, p. 231

The kernel of the thesis, however (chapters 5, 6 and 7) is devoted to assessing the performance of Bombay's Congress Ministry. It will be seen that the ministry began work with the intention of undertaking a programme of nation-building. Their object was to realise the vision for India that the party and particularly Gandhi, had articulated. I try to discern then how successful the Congress in Bombay was in fulfilling this dream. Chapters 5 and 6 look at the situation in regard to labour and peasants, while Chapter 7 looks at issues of civil liberty and examines how far the ministry was able to keep faith with its pre-election rhetoric which promised to remove bans on political associations, free political prisoners and repeal what was called 'emergency legislation'.

The circumstances that led to the resignation of the ministry in 1939 are the focus of Chapter 8. Contrary to the impressions given by Shankardass, the Congress often considered resignation. The party frequently raised the prospect of resignation in an attempt to force the hand of the governor where their views were in conflict. But each time, as we shall see, the cause of the tension was diffused and a compromise achieved. However, in October 1939, resignation of the Congress ministries became a *fait accompli*. Chapter 8 explains why.

Since this thesis is an account of a discrete period it has been necessary to maintain accuracy with regard to the chronological unfolding of events. A study of this nature is therefore essentially narrative and descriptive. Yet at the same time, reasons for events and decisions taken require analysis. I have therefore combined both approaches in my work. To sum up, what follows is a study of high-level politics and administration in Bombay Presidency from 1937-39, situated in the context of the longer term British devolution of power in the subcontinent. Along the way, I try to provide answers to a number of questions. For instance: what were the issues involved in a colonial structure when the political party that has won a majority in the elections declines to accept power?

What did the Congress government in Bombay do with the new power at its command? How did they address what they regarded to be 'failures' of British policies? Did they succeed in bringing about some 'Indianisation' of the system? A study of what they did and what they did not do and why, offers interesting insights into political and administrative conditions in the dying years of the Raj.

## 2. 1937 – New Beginnings

In 1937, the Bombay presidency stretched along the western coast of India, from Gujarat in the north to Kanara in the south. It had an area of 77,221 square miles and a population of more than 18 million. Four major languages were spoken — Gujarathi, Marathi, Kannada and Sindhi. There was a wide diversity of geographic conditions ranging from the rich plains of Gujarat watered by the rivers Narmada and Tapti to the rocky Western Ghats south of Bombay city, and the rice-growing Konkan on the seaside of the Ghats intercepted by creeks that made communication difficult. The principal occupation of the people was agriculture, which supported sixty four percent of the population. Industrial activity of which textile production occupied pride of place centred around Bombay city and to a lesser degree in Ahmedabad and Surat.<sup>1</sup>

Until the passing of the Government of India Act on 2 August 1935, Sind had been a part of the presidency but the act dissected it and gave Sind the status of a separate province.<sup>2</sup> More importantly the Act provided for a dyarchical federal centre in which there would be representatives from both British India and the 'Native States' and gave substantial autonomy to the eleven provinces of British India — Madras, Bombay, Bengal, United Provinces, Punjab, Bihar, Central Provinces and Berar, Assam, the North West

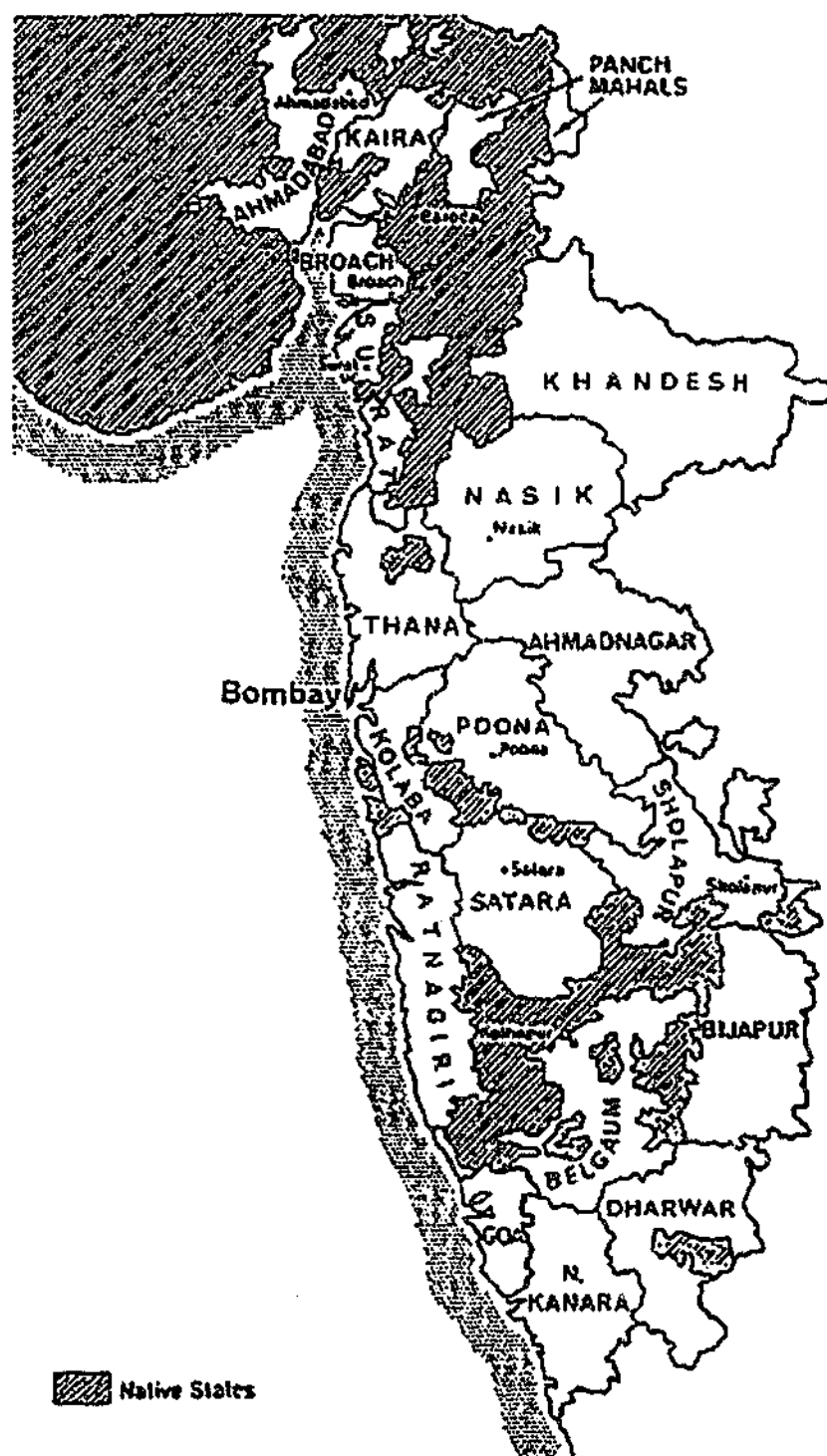
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<sup>1</sup> Francis Low (ed), *The Indian Year Book, 1938-39*, Vol.XXV, Times of India Press, Bombay, 1939, p.67.

<sup>2</sup> This had been a longstanding demand predominantly of the Muslim elites of the province. The Hindus of Sind were on the whole for Sind to remain a part of the Bombay Presidency. Noel Boreham, *Communal Politics, Sindhi Separatism and the Creation of Pakistan*, unpublished thesis, University of New England, 1998. Besides Sind, Orissa was another province newly created by the act. Further, Burma was separated from British India.

Frontier Province, Orissa and Sind.<sup>3</sup> The franchise was enlarged to include about ten percent of the country's population and the electorate was divided on communal lines.<sup>4</sup>

Fig. 1



Bombay Presidency (excluding Sind)

<sup>3</sup> The federal provisions of the act were never actually put into effect because of the resistance of the Indian princes.

<sup>4</sup> After the Muslims under the Aga Khan addressed a Deputation to Lord Minto, then Viceroy in 1906 asking for separate electorates, communal electorates had been a feature of all subsequent reforms. All-India Muhammadan Deputation on separate electorates for the Muslims, 1 October 1906 cited in Desika Char, *Readings in the Constitutional History of India, 1757-1947*, Oxford University Press, Bombay, 1983, pp.425-427.

Provincial autonomy meant that, henceforth, provincial administration would be in the hands of ministries, responsible to legislatures having a majority of elected members.<sup>5</sup> Nevertheless, the governors of the provinces would continue to wield significant power. For instance, they had 'discretionary powers' regarding the summoning of the legislature, the appointment of ministers, the giving or withholding assent to bills and the administration of 'backward' areas.<sup>6</sup> As well, they had 'special responsibilities' with regard to, among other things, safeguarding the interests of minorities and protecting the rights of civil servants.<sup>7</sup> Governors were also vested with the authority to promulgate ordinances at times of 'emergency', which would be valid for six months. Likewise, in the event of a breakdown of what was termed the 'constitutional machinery', they could assume direct control by means of a proclamation submitted to the Secretary of State and laid before the imperial Parliament.<sup>8</sup>

The 1935 Act granted Bombay a bi-cameral legislature consisting of a Legislative Assembly with 175 members and a Legislative Council with 30 members of whom 26 would be elected (the governor was allowed to nominate four).<sup>9</sup> In all, there would be a total of 205 members representing the presidency in the legislature. The duration of the Legislative Assembly was five years, after which it would be dissolved. The Legislative Council, on the other hand, would be a permanent body with one-third of its members retiring every third year.<sup>10</sup> The franchise was extended on the basis of four requirements — chiefly, proof of residence in the presidency, payment of income tax, ownership of

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<sup>5</sup> *Ibid*, p.17.

<sup>6</sup> Coupland, *The Constitutional Problem in India*, p.134.

<sup>7</sup> This was the famous Section 52 of the Government of India Act, 1935, which was objected to by the Congress and which became the focus of the controversy regarding office acceptance after the election results were announced.

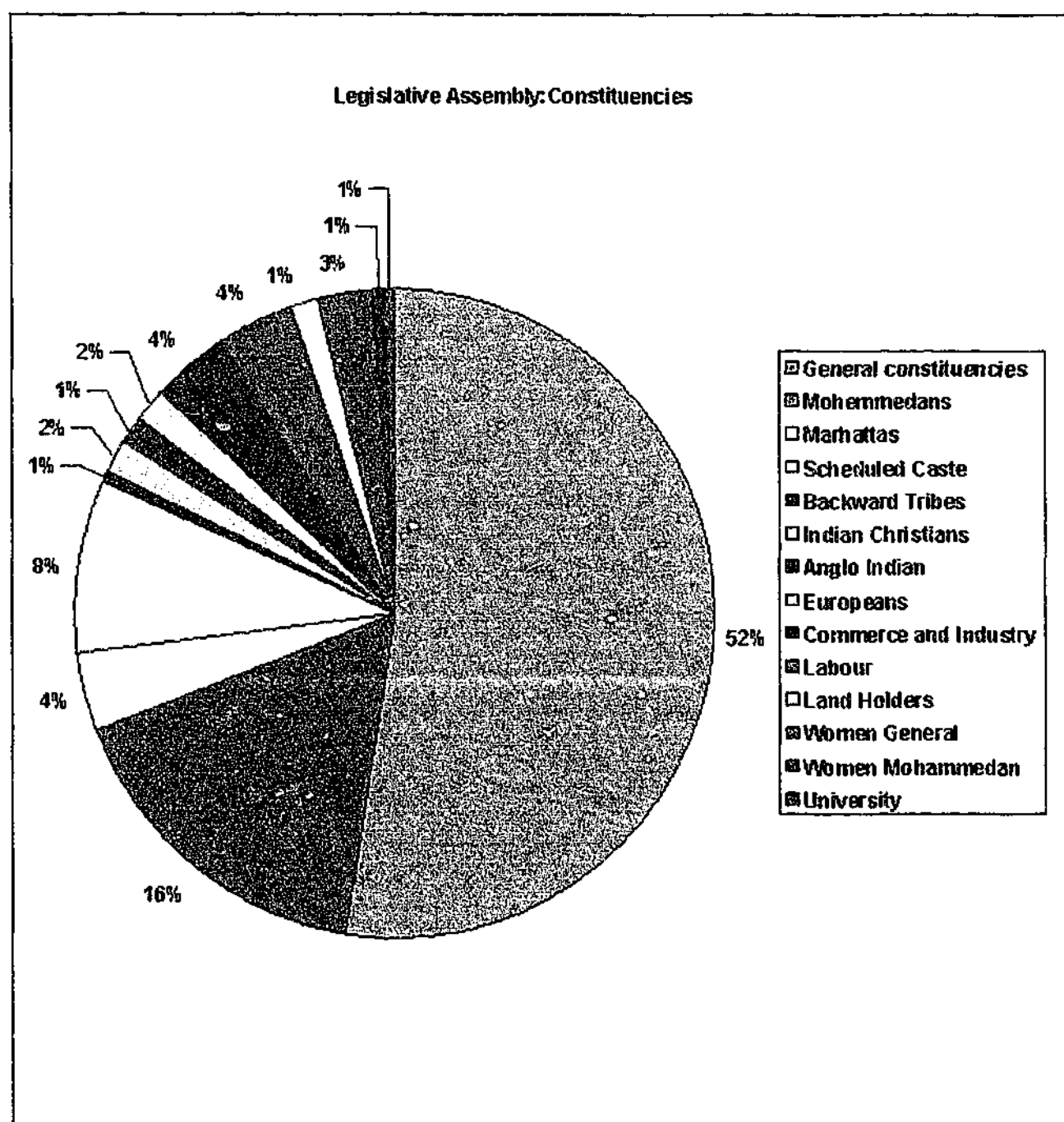
<sup>8</sup> Section 93 of the Government of India Act, 1935. The governors finally resorted to this when the Congress ministries resigned *en masse* in Oct 1939.

<sup>9</sup> All provinces were not similarly endowed. The Central Provinces and Berar, Orissa, the North-West Frontier Province, Sind and the Punjab had only one chamber - the Legislative Assembly.

<sup>10</sup> N.C.N. Acharya, *Indian Elections and Franchise*, The Alliance Co, Madras, 1937, p.10.

property, educational qualifications or service in the military forces.<sup>11</sup> Altogether about two and a quarter million people, comprising about 16% of the total population of the presidency were enfranchised by the Act.

**Fig.2.**



Source: Data Collected from *The Indian Annual Register*, Vol 1, 1937.

<sup>11</sup> *Ibid*, pp.203-213.

Two kinds of constituencies were formed by the Act for the purpose of electing members to the Provincial legislatures. They were Territorial Constituencies and Special Constituencies. The Territorial Constituencies were further divided on religious and racial lines into General, Muhammadan, European, Anglo-Indian and Indian Christian constituencies in both urban and the rural areas to represent the multitude of communities in the presidency. The Special Constituencies aimed to provide representation to Scheduled Castes, Backward Tribes, Landholders, University, Women and Labour.<sup>12</sup>

The leading political parties in the country, notably the Indian National Congress and the Muslim League, responded to the Act chiefly by condemning it. But there was one major difference in the stand taken by the Congress and the Muslim League. While the Congress rejected the Act in its entirety,<sup>13</sup> the League recommended that 'the provincial scheme of the constitution be utilised for what it is worth'.<sup>14</sup> This sparked considerable debate in the Congress at the time, firstly about whether the party should contest elections at all, and secondly whether it should accept office if it won. These issues dominated the Lucknow session of the Congress in April 1936 and almost threatened to create a schism in the party between the younger members, the so-called 'left-wingers' like Nehru and Subhash Bose (who were firmly opposed), and the older 'right-wing' faction of Rajagopalachari, Vallabhbhai Patel, Bhulabhai Desai and Rajendra Prasad (who were in favour). Finally in tried and true Congress fashion of putting off difficult decisions until

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<sup>12</sup> Of the 175 seats in the Bombay Legislative Assembly, 114 were general seats, 15 of which were reserved for the Scheduled castes and 7 for the Marathas. Of the rest of the seats in the Assembly, 29 were Muhammadan seats, while there were 2 seats for Anglo-Indians, 3 for Indian Christians, 1 for Backward tribes, 7 for the representatives of commerce, industry, mining and planning, 2 for landholders, 1 for the university, 7 for labour, 5 for women and 1 for Muhammedan women. N.C.N. Acharya, *Indian Elections and Franchise*, p.11.

<sup>13</sup> Nehru denounced it as 'a charter of slavery'. J. Nehru's presidential address at the Lucknow Session of the Congress, 12 April 1936 quoted in Philips, C.H (ed), *The Evolution of India and Pakistan 1858 to 1947. Select Documents*, Vol.4, Oxford University Press, London, 1962, p.248

<sup>14</sup> All India Muslim League Resolution on the Act, Bombay 12 April 1936 quoted in K.K. Aziz, *Muslims under Congress Rule, 1937-39*, Vol. I, National Commission on Historical and Cultural Research, Islamabad, 1978, p.20.

they became totally unavoidable, it was decided to postpone the issue of office acceptance until 'a proper time'.<sup>15</sup>

Meanwhile though, Congress at Lucknow took the first step down the constitutional road by deciding to contest the elections. This done, the Congress Working Committee met at Wardha towards the end of April 1936 and formed a parliamentary committee (also called the high command) consisting of Rajendra Prasad, Vallabhbhai Patel, Abul Kalam Azad, C. Rajagopalachari, Bhulabhai Desai, Narendra Dev and G.B. Pant, together with the presidents of all the provincial Congress Committees, and Abdul Gaffar Khan from the North-West Frontier Province, to oversee the organisation of the election campaign. The Committee met at Wardha again in July 1936 and elected Vallabhbhai Patel as its president with Rajendra Prasad and G.B. Pant as secretaries.<sup>16</sup>

The issues that dominate election campaigns are generally those articulated in the election manifestos of the contesting political parties. The Congress Election Manifesto, drafted by Nehru and issued in August 1936 at Bombay, was a confusing document that attempted to reconcile differences within the party and reflected the party's dilemma on the issue of contesting elections and thus becoming part of an administrative machine that party members had spent their lives fighting. Therefore, while stressing its rejection of the Act, it declared that the party would contest elections with the aim of entering the legislatures and 'wrecking' the reforms.<sup>17</sup> It put off the question of office acceptance once again and announced that the party would address a number of important but hitherto neglected issues such as poverty, unemployment, the indebtedness of the peasantry,

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<sup>15</sup> B.N. Pande (ed), *A Centenary History of the Indian National Congress (1885-1985)*, Vol.3, Vikas Publishing House Private Ltd, New Delhi, 1985, p.131.

<sup>16</sup> *Ibid*, p.11.

<sup>17</sup> S. Gopal (ed), *Selected Works of Jawaharlal Nehru*, Vol.7, Orient Longman Ltd, 1975, pp.459-464. The word 'wrecking' assumed different meanings for different factions within the Congress. To the socialists and those who opposed the assumption of office by the party if it won elections, it meant obstructing the smooth functioning of the act, thereby paving the way for its eventual suspension. However to those who supported the acceptance of office, it meant carrying out the Congress policies in the legislature and constantly endeavouring to expose the weaknesses of the Act. Marguerite Dove, *Forfeited Future*, p.175.

improvement in the conditions of industrial workers, removal of disabilities faced by women, protection of women workers, removal of untouchability and the social and economic uplift of the Harijans, the encouragement of *khadi* (home-spun) and village industries and improvement in the treatment of political prisoners.<sup>18</sup> But there was no explanation of how these problems would be addressed without accepting office or by following an obstructionist policy in the legislatures.

Yet the party was determined to ensure that its candidates stuck to the issues mentioned in the manifesto. Nehru called the manifesto 'the rock on which we have to build our election campaign' and demanded from the Provincial Congress Committees (hereafter PCCs) that they give it the widest publicity in the language of the province.<sup>19</sup> The PCCs were directed to make a copy of it available to every candidate. As for the candidates, they were instructed to read the manifesto carefully, refer to it in their election statements and distribute copies of it widely among their electorate.<sup>20</sup> The high command was particularly worried about enthusiastic party men making wild claims and subsequently failing to deliver. Therefore the rank and file were warned not to make any pledges during the campaign at the cost of losing their party membership.<sup>21</sup> Amongst others, N.G. Ranga, who asked the Congress candidates of Andhra, Tamil Nad and Malabar to pledge themselves to work for the uplift of the peasants, was found to be guilty of 'an act of gross indiscipline'.<sup>22</sup> In his position as the President of the Congress Parliamentary Committee, Sardar Patel had the responsibility for selecting party candidates for the elections and running the electoral machinery of the party. He was supported in the

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<sup>18</sup> S. Gopal, *Selected Works*, Vol.7, pp.459-464.

<sup>19</sup> Circular to the Provincial Congress Committees dated 23 September 1936, NMML, A.I.C.C. File. No. P-1/1936.

<sup>20</sup> Circular to the Provincial Congress Committees and Parliamentary Boards dated 1 December 1936, NMML, AICC File No. G-37/1936.

<sup>21</sup> P.N. Chopra (ed), *The Collected Works of Sardar Vallabhbhai Patel*, Vol.VI, Konark Publishers Pvt. Ltd, 1995, p.159.

<sup>22</sup> *Ibid*, pp.158-159.

discharge of these duties by a network of joint parliamentary committees formed by local PCCs.<sup>23</sup>

Controversy dogged the entire campaign, commencing with the nomination of candidates for the presidency. Perhaps not confident enough to put its trust solely in lofty ideals and the patriotism of voters, the Congress went about the process of selecting candidates very carefully to ensure maximum prospects of victory at the polls. Even though ostensibly the only criteria for a Congress nomination were loyalty to the party and submission to party discipline, popular candidates of other parties were also lured to contest elections on a Congress ticket. For instance, in the Nasik and Khandesh districts, members of the Non-Brahmin Party were provided with monetary inducements to stand for elections on the Congress card.<sup>24</sup> Understandably, this brought about a volley of complaints from party men whose requests for nomination had been ignored. Some of them protested by contesting elections as rivals to selected Congress candidates or by forming their own political parties. For instance, in Nasik, dissatisfaction over the alleged selection of 'non-genuine' Congress candidates led to the establishment of a rival Congress party, dubbed 'New Congress Party for Nasik District' by veteran local Congressman G.B. Bhutekar.<sup>25</sup> Bhutekar's grievance was that those who had served the Congress 'loyally for years' had been overlooked in favour of those with no background of similar service, a claim that was not entirely without substance.<sup>26</sup> He was supported by a few other disgruntled Congressmen including a member of the Nasik Parliamentary Board, Vasantrao Naik, who resigned his Congress membership in protest.<sup>27</sup> Another contentious nomination was that of Jinabhai Joshi, a Gujarati, for the E and F wards of Bombay city.

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<sup>23</sup> The Bombay Presidency would have 14 such committees-3 for Bombay City, 5 for Maharashtra, 3 for Gujarat and 3 for Kamataka. *Ibid*, p.192.

<sup>24</sup> Brabourne to Linlithgow, 12 December 1936, Report No.2, OIOC, MSS EUR F 97/11.

<sup>25</sup> *Times of India*, 1 December 1936.

<sup>26</sup> *Ibid*, 2 December 1936.

<sup>27</sup> *Ibid*, 8 December 1936.

The claims of R.S. Nimbkar, a Maharashtrian member of the Trade Union Congress for this seat were overlooked in favour of Joshi on the grounds that none in the Bombay City Congress Parliamentary Committee was 'in favour of Nimbkar's selection'.<sup>28</sup> Since Patel was a Gujarati right-winger, this led to a flurry of allegations that Patel was deliberately nominating right-wing candidates and that Gujarati candidates were being promoted at the cost of Maharashtrians.<sup>29</sup>

The party had frequently to resort to taking what was called 'disciplinary action' to deter disappointed party men from squabbling and violating party discipline. Frequent warnings were issued by Nehru and Patel against errant Congressmen, and those found guilty were taken to task.<sup>30</sup> This crackdown climaxed in January 1937 when Nehru sent a circular to all Provincial Congress Committees asking them to report the names of recalcitrant Congressmen with details of any action taken against them or — in the event that no action had been taken — requesting the Congressmen concerned to furnish their explanations directly to the AICC office for his consideration.<sup>31</sup> Usually such men were punished by having their membership in the Congress suspended. For instance, four Congressmen who had persisted in standing in opposition to the official Congress candidates at Sholapur, West Khandesh, Poona and Nasik were deprived of their membership and debarred from rejoining for two years by Shankarrao Deo, the President of the Maharashtra Provincial Congress Committee.<sup>32</sup> Despite this, unrest among the

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<sup>28</sup> P.N. Chopra (ed), *The Collected Works of Sardar Vallabhbhai Patel*, Vol.VI p.129.

<sup>29</sup> Rani Dhavan Shankardass, *The First Congress Raj: Provincial Autonomy in Bombay*, p.31.

<sup>30</sup> "Some people think that success in the election is nothing but the sharing of spoils. But I would want you to understand that the nomination of candidates is not the distribution of sweets", admonished Nehru at Faizpur, 25 December 1936. S. Gopal, *Selected Works*, Vol.7, p.596.

<sup>31</sup> Circular to Provincial Congress Committees and the Provincial Parliamentary Boards, *Indian Annual Register*, Vol.2, 1936, p.213.

<sup>32</sup> *Times of India*, 22 January 1937.

Congress rank and file continued to simmer, and further disciplinary action was required during the campaign and even after it to pull the malcontents into line.<sup>33</sup>

The nomination of candidates and the scrutiny of nominations ended on Friday 18 December 1936. The elections were scheduled for the week of 11-18 February 1937 with the 11<sup>th</sup> set aside for the Legislative Council and the 15<sup>th</sup> and 17<sup>th</sup> for the Legislative Assembly (except the women's constituency, which was set down for decision on the 18<sup>th</sup>). Since 15 February and 17 February were the days when the majority of the votes would be cast, they were gazetted as public holidays so that as many voters as possible could exercise their franchise.

Apart from the Congress, the political parties contesting elections in the presidency were the Muslim League, B.R. Ambedkar's Independent Labour Party, the Democratic Swaraj Party,<sup>34</sup> the Khoti Sabha<sup>35</sup> and the Non-Brahmin Party. Beside these parties, there were also a number of 'Independents' who were a heterogeneous collection of people, consisting of some Congressmen denied a nomination by the party, Muslims, Europeans, Anglo-Indians, Indian Christians, representatives of commerce and industry and landholders.<sup>36</sup>

Initially the momentum of the Congress election campaign was erratic. It was formally launched with much pomp and symbolism in the morning of 18 December 1936 with a Flag Salutation Ceremony at the Gokuldas Tejpal Pathshala, where the first session of the Congress had been held in 1885, before an audience of Congressmen from all over

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<sup>33</sup> Two congressmen, S.M. Patil and R.K. Bhogle of Bombay City, had disciplinary action taken against them even after the elections were over - Patil for having opposed the Congress candidates in the Assembly elections from the City General Constituency and Bhogle for having supported a rival of the Congress nominees. *The Times of India*, 23 February 1937.

<sup>34</sup> The Democratic Swaraj Party was established in October 1933. The brainchild of Jamnadas Mehta, it was against Gandhi's civil disobedience programme and aimed to capture all the places of power in the state structure. Its creed was almost identical to that of the Congress but its membership was open to non-Congressmen also. K.K. Chaudhari, *The Gazetteer of India-Maharashtra State-History of Bombay Modern Period*, Government of Maharashtra, 1987, p.227

<sup>35</sup> This was a party of landowners (khote) in the Konkan districts.

<sup>36</sup> Brabourne to Linlithgow, 13 February 1937, Report No.4, OIOC, MSS EUR F 97/11.

the city and suburbs. K.F. Nariman, President of the BPCC, started the proceedings by lighting what was referred to as a 'sacred flame'. *Vande Mataram* was then sung by a chorus of women volunteers, and this was followed by the unfurling of two Congress flags by Nariman — the regular one attached to a flag-post in front of the Pathshala, and the other attached to a standard which would be carried by volunteer runners, along with the 'sacred flame,' to Faizpur where the annual session of the Congress was to be held later in the month. The fire symbolised the nationalism which had started in Bombay fifty-two years before and which had now spread to the remotest parts of the country.<sup>37</sup> The fire and flag were intended to reach Faizpur on December 27, the opening day of the Congress session (when the first flag salutation ceremony would be held there).

However, this grand beginning was followed by a period of ennui in the campaign during which the Faizpur session occupied all the attention of the party. It regained momentum, after a considerable interval, only towards the end of the first week of January 1937.<sup>38</sup> This was a matter of some concern to pro-Congress newspapers like the *Bombay Chronicle*, which ran an editorial in early January lamenting the fact that in many rural areas the Congress had hardly begun its campaign, and urging the Bombay Provincial Congress to put its act together without further delay.<sup>39</sup>

The first of a series of Congress election meetings was held at Gandhi Maidan in the Bombay suburb of Parel on 7 January. The meeting was addressed by, among others, K.F.Nariman. The campaign then got into high gear with a 'whirlwind' ten-day programme organised by the BPCC. This focused on enrolling people to work as volunteers for the party and collecting funds to sustain the campaign. The enrolment programme particularly targeted politically aware students and other young people who

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<sup>37</sup> *The Bombay Chronicle*, 18 December 1936.

<sup>38</sup> Brabourne to Linlithgow, 15 January 1937, Report No.3, OIOC, MSS EUR F 97/11.

<sup>39</sup> *Bombay Chronicle*, 10 December 1936.

had the free time and enthusiasm to become volunteers for the Congress. The party opened a number of election centres throughout the city and suburbs so that volunteers could work close to home. A major fear of the party officials at the time was that voters would fail to grasp the significance of the elections and would not cast their votes at all.<sup>40</sup> Therefore the prime task of volunteers was to reach as many of the electorate as possible so as to impress upon them the necessity of coming to the polling stations and casting their votes for the Congress. To this end a number of 'street corner meetings' were organised, which were addressed by party leaders and by the volunteers. Another major responsibility of the volunteers was raising funds. The week beginning 17 January was declared 'Congress Election Fund Week' and as a part of collection drive the BPCC issued 'Congress Coupons' to the value of ten, five and one rupees, which were sold by the volunteers. These efforts were intended to climax in a grand celebration of 'Independence Day' on 26 January.<sup>41</sup> Among other activities scheduled for that day, Congress Button Flags would be sold to aid the fund collection drive.<sup>42</sup>

The government responded to these Congress initiatives by placing a ban on the Independence Day pledge, which was to have been read as a part of the celebrations on 26 January. This was considered at a meeting of the BPCC on the evening of 25 January. Despite the clamour of the Congress Socialists who wanted to defy the ban, wiser counsel prevailed in the light of Nehru's directive not to play into the hands of the government.<sup>43</sup>

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<sup>40</sup> It would seem that their fears were not entirely unjustified. The election results would reveal that only 34.8% of the General Urban voters had voted. The percentage of Mohammedan Urban voters (37.1) and Indian Christians (40.3) who exercised their franchise was only marginally better. *Return Showing the Results of Elections in India*, 1937, Cind 5589, p.211.

<sup>41</sup> *Ibid*, 15 January 1937. The Congress had celebrated 26 January as Independence Day since 1930 because of the pledge of Independence taken on that day in 1930 by Jawaharlal Nehru at Lahore.

<sup>42</sup> The Congress efforts reportedly yielded a collection of ninety eight thousand rupees. Brabourne to Linlithgow, Report for the second half of January 1937, 1/5 February 1937, NAI, Home-Political (Secret) File No. 18/1/37.

<sup>43</sup> *Times of India*, 26 January 1937. There was only a single instance of an open defiance of the ban - in the Ratnagiri district. Brabourne to Linlithgow, Report for the second half of January 1937, 1/5 February 1937, NAI, Home-Political (Secret) File No. 18/1/37.

26 January dawned bright and clear. Much before sunrise, *prabhat pheris* or processions of Congressmen and women, school children and volunteers singing patriotic songs wended their way from various parts of the city to Azad Maidan, a prominent empty expanse in the heart of Bombay city, that was often used for public meetings. They then marched to the Congress Headquarters at Girgaum. The Congress tri-colour was very much in evidence in the procession. Some members of the procession also carried posters bearing slogans such as 'Congress represents the Indian Masses', 'Congress is the voice of the Nation', and 'A vote for a non-Congressman is a vote for slavery'. The procession marched in the following order. First went a batch of Sikh volunteers playing the band. Then came a volunteer carrying a huge tri-colour; then two volunteers holding a banner "Independence Day", then members of the Bombay National Guards marching in military formation, then a contingent of women volunteers and finally local Congress leaders led by Nariman and S.K. Patil. At Congress House, after the singing of *Vande Mataram*, Nariman unfurled the tri-colour to the accompaniment of the bugle and cries of 'inquilab zindabad' ('long live the revolution'). The singing of the song *Zenda Oncha Rahe Hamara* ('our flag shall fly aloft') followed.<sup>44</sup> After this Nariman made a speech in which he referred to the special place occupied by the Congress in the hearts of the people and appealed to voters to support the party in the coming elections.<sup>45</sup>

Once the campaign had started in earnest, various Congress leaders like Jawaharlal Nehru, Sarojini Naidu, Rajendra Prasad, Bhulabhai Desai and Vallabhbhai Patel inundated the Bombay Presidency. Popular leaders like Vallabhbhai Patel, who toured the presidency in a van fitted with loudspeakers, drew large audiences.<sup>46</sup> Besides these leaders of 'national' stature, local bosses like Nariman, Patil and Shankerrao Deo also toured the

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<sup>44</sup> *The Bombay Chronicle*, 27 January 1937.

<sup>45</sup> *Times of India*, 27 January 1937.

<sup>46</sup> Brabourne to Linlithgow, Report for the second half of January 1937, dated 1/5 February 1937, NAI, Home-Political (Secret) File No. 18/1/37.

province, exhorting the people to vote for the Congress. All struck the same predetermined posture. On the one hand they affected an attitude of disdain towards insignificant matters like actually winning the elections; on the other, they sought to create the impression that voting for the Congress was the duty of every righteous, patriotic Indian since it was a part of a loftier goal — the ultimate freedom of the country. A Congress election poster depicted India as a beautiful woman, clad in a Maharashtrian style sari, standing sadly behind prison bars — with the legend 'Vote for Congress and open the door to liberty' written prominently on the wall outside.

Nehru put across this double-edged message very clearly when he said, 'we do not fight for petty and ineffective reforms but for India's independence and freedom for Indian masses'.<sup>47</sup> The rhetoric of local Congress leaders was more dramatic: 'With God above and Mother Earth below as your witnesses, do your duty to your country. Before getting into the polling booths, remember that you are Indians; remember the duty that you owe to the National Tri-colour and the Indian National Congress, and then obey the dictates of your conscience,' exhorted Bhulabhai Desai.<sup>48</sup> But the gist was similar.

This rhetoric was particularly aimed at stirring the latent feelings of regionalism among the voters and generating a feeling of competition with other regions to the advantage of the Congress. For example, K.M. Munshi on his tour of the Karnataka region of the Presidency declared that Karnataka had to maintain its reputation and return only Congress candidates, otherwise Gujarat and Bombay would 'leave it behind', while Shankerrao Deo, president of the Maharashtra PCC, urged Marathi speaking voters to heed the verdict in Orissa and Bihar and other provinces where elections had already been held and where Congress had secured a majority.<sup>49</sup> Similarly, S.K. Patil, the general secretary of

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<sup>47</sup> *The Bombay Chronicle*, 8 December 1936.

<sup>48</sup> *Ibid*, 11 February 1937.

<sup>49</sup> *Ibid*, 8 January 1937 and 10 February 1937.

the BPCC, taunted a crowd at Chowpatty beach in Bombay by reminding them of the recent Congress victory in Orissa. If the ill educated and poverty stricken masses of Orissa could 'uphold the prestige and the glory of the Congress', he thundered, 'surely the enlightened and patriotic voters of Bombay could give a similarly glorious account of themselves?'<sup>50</sup>

As election fever increased, both the Congress and its opponents adopted various questionable ways to silence or intimidate each other. For instance, the Congress had an unpleasant surprise when its two election meetings in Bombay were 'captured' on 17 January — one by supporters of the Trade Union Congress led by R.S. Nimbkar, the labour leader mentioned earlier who had been refused a Congress nomination — another by supporters of Ambedkar and his Independent Labour Party.<sup>51</sup>

Even more acute, though, was the rivalry between the Congress and the Democratic Swarajist Party. This was especially so in Poona, where the leader of the Swarajists, L.B. Bhopatkar, denounced his Congress opponents as 'rank Moscovites', and warned that the party's increasing communist leanings would severely undermine Indian religion and culture. Formerly Bhopatkar had been a Congressman, and an ardent one — he had served as president of the MPCC for five years, and had gone to jail during the Civil Disobedience movement. By comparison, his chief rival B.M. Gupte, the official Congress candidate (although he too had gone to jail), was better known for his work in the co-operative movement. Their rivalry resulted in a number of incidents involving the throwing of

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<sup>50</sup> *Ibid.*, 1 February 1937.

<sup>51</sup> *The Times of India*, 18 January 1937. 'Capturing' was the term used to denote the forcible taking over of the election meeting of a rival party. This was done in many ways, of which the most common appears to be the swarming the dais by a large group of opponents who would then proceed to evict the dais of those who originally occupied it. They would then start giving speeches and raising slogans in favour of their party candidate. Sometimes, the audience would be infiltrated with members of a rival party, who would disrupt the election meeting and bring the proceedings to a halt by hurling various kinds of substances on the dais or playing loud music. After this, they would take over the dais.

stones, rotten eggs and vegetables and the capturing of each others election meetings in the city.<sup>52</sup>

Intimidating the speakers of rival parties by jeering at them or creating a nuisance while they were speaking was also a frequent occurrence. A case was reported from Nasik, where someone in the crowd disrupted a meeting of the Democratic Swaraj Party by playing loud music on a gramophone. This was the signal for a section of the crowd, obviously Congressmen, to start jeering at the speaker, causing the meeting to end in a fiasco.<sup>53</sup> In another incident, police were forced to disperse a Congress election meeting at Lalbaug in Bombay City on the night of 7 February 1937 after stones were rained on the dais, injuring one man. Afterwards, heavily bandaged, the injured man went to the Kamgar Maidan where another election meeting was in progress and caused some commotion among the audience with his dramatic appearance.<sup>54</sup>

Disrupting rivals' election meetings was not an activity restricted to the Congress or to its opposing parties however. Independent candidates and their supporters also enthusiastically employed themselves in such adventures. On the evening of 27 January, an election meeting in the Framji Cawasji Institute in the city was brought to an abrupt end when the supporters of A.P. Sabavala and Sir Jehangir Boman Behram, two independent rival Parsee candidates for the Bombay Legislative Council, clashed amid a hail of rotten eggs. The meeting had been organised by Sabavala, but by the end of the fracas, the rival group had succeeded in taking possession of the dais and could be seen exhorting the confused audience to vote for the other candidate.<sup>55</sup>

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<sup>52</sup> *Times of India*, 5 February 1937, 11 February 1937 and 15 February 1937.

<sup>53</sup> *Ibid*, 5 February 1937.

<sup>54</sup> *Ibid*, 8 February 1937.

<sup>55</sup> *Ibid*, 28 January 1937.

Eager to justify its claim to be the only fully representative party, Congress endorsed several 'minority' candidates; two Parsees (K.F. Nariman and Dr. M.D.D. Gilder), one Muslim (Syed Abdullah Brelvi)<sup>56</sup>, and one Christian (Joachim Alva). Since Nariman and Gilder were popular men in their own right, the party was reasonably assured of their success. But Brelvi and Alva had an uphill task. Two Muslim League candidates were opposing Brelvi, and Alva faced off Dr.J.A.Collaco, who had been the elected member from that constituency for a long time. Therefore the campaign to get Brelvi and Alva elected occupied a lot of the attention of the Congress leaders. Indeed Brelvi's candidacy came almost to assume life and death importance to the party, with popular all-India leaders like Sarojini Naidu and Nehru queuing up to address meetings in his constituency and speak in his favour.<sup>57</sup>

The Muslim League, too, was worried about Brelvi and fought hard to discredit him. Jinnah and other League speakers called Brelvi 'anti-Muslim', and posters appeared in the Muslim-dominated areas of the city bearing the title "Life or Death: A Question of Honour", which alleged that Brelvi was a 'slave' of the Hindus.<sup>58</sup> There was also a protracted war of words between Brelvi and Jinnah in the columns of the *Bombay Chronicle* of which Brelvi was the editor.

The elections for the Bombay Legislative Council and Bombay Legislative Assembly were held, as mentioned earlier, from 11 February-18 February 1937. Great care was taken to ensure that the voters understood how to exercise their franchise. Long before the elections were due to be held, the government through the office of the Director of

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<sup>56</sup> He was the Congress candidate for the Bombay South Muslim Constituency and was also the editor of the *Bombay Chronicle*.

<sup>57</sup> Sarojini Naidu called Brelvi 'a man of rare character and moral courage' and the 'best man among Bombay Muslims' while Nehru declared that to oppose Brelvi was to help 'narrow communalism'. *The Bombay Chronicle*, 6 February 1937 and 11 February 1937.

<sup>57</sup> *Ibid*, 12 February 1937.

<sup>58</sup> *Ibid*, 8 February 1937.

Information, issued detailed instructions on polling arrangements. All major newspapers printed specimens of the ballot paper, and the *Bombay Chronicle* went to the extent of instructing the voters how to cast their vote for the Congress by printing a picture of a ballot paper with crosses marked against the names of Congress candidates under the title, 'Congress appeals: Vote as shown below'.<sup>59</sup>

The first polling day in Bombay, 11 February, opened in bright sunshine but around 10.30 a.m there was a heavy downpour, which saw polling almost grind to a standstill for two hours. Yet nothing the elements could unleash could dampen the enthusiasm of the Congress volunteers, who loudly cheered every voter going to the polling booths. It was a day of many 'firsts'. Women in *purdah* exercised their franchise for the first time in special polling booths.<sup>60</sup> Telephones were installed for the day in the polling booths for the first time. Elaborate arrangements had been made by the authorities to ensure that the day passed off peacefully — a result for which T.E. Streatfield, Collector of Bombay and H.C. Smith, the Government Electoral Officer, deserve considerable credit.

Apart from occasional instances of volunteers mobbing voters in an attempt to lure them to vote for Congress candidates, the voting generally passed off peacefully.<sup>61</sup> The only arrests made on the day were of two over-zealous Congress volunteers who had had literally tried to drag some voters to the polling booths after they had got down from their cars.<sup>62</sup> Generally the mood at the hustings was one of easy-going joviality — epitomised

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<sup>59</sup> *Bombay Chronicle*, 17 February 1937. Before independence, different voting methods were practised. In some places, coloured boxes were kept in the polling station, with each candidate being allotted a box of a distinct colour and the voters were required to place his vote in the box allotted to his candidate. The other method was the marked ballot paper system, in which all the names of the candidates were listed on a ballot paper. The voter had to place a cross against the name of his candidate. When more than a member was to be returned, he had to mark crosses against more than one name. In the United Provinces, both these systems were used in the elections of 1937. P.D. Reeves et al, *A Handbook to Elections in Uttar Pradesh 1920-1951*, pp. lii-liii. However, the marked ballot paper system appears to have been the prevailing system in the Bombay Presidency.

<sup>60</sup> *The Times of India*, 12 February 1937.

<sup>61</sup> *Ibid*, 12 February 1937.

<sup>62</sup> These arrests were much resented by the Congress whose chief complaint was that the volunteers of other parties who had been as disorderly had escaped being similarly punished. *Bombay Chronicle*, 12 February 1937.

by the canvasser of an independent candidate who smilingly asked Mrs. Sarojini Naidu for her vote.<sup>63</sup>

Whether this cordial spirit would survive the big test of the 15<sup>th</sup> and 17<sup>th</sup>, however, remained to be seen. The 15<sup>th</sup> was the day that would decide the fate of Brelvi and Alva. Ominously, there was a last-minute burst of Congress electioneering on the 14<sup>th</sup>, a Sunday. From an early hour in the morning, volunteers went about the city on foot or on bicycles and trucks chanting Congress slogans and singing patriotic songs. Muslim-dominated localities were especially targeted. Later in the day, volunteers assembled at the Congress Headquarters where they were given elaborate instructions by Nariman and Congress Socialist leaders K.R. Masani and Yusuf Mehrally regarding their duties on the days of the Assembly elections.<sup>64</sup> Last but not least, on the morning of the 15<sup>th</sup>, the *Chronicle* issued a last-minute appeal to the Muslims to vote for Brelvi and 'do their duty to the Congress and the motherland'. Christian voters were exhorted with the words, 'Indian Christian voters of Bombay City, give unto your motherland what belongs to her: Vote for Mr. Joachim Alva'.<sup>65</sup> Anticipating trouble, the government again tried to take precautions to ensure that polling was peaceful. During the day Sir Charles Turner, chief secretary to the government, and T.E. Streatfield, Collector of Bombay, personally visited polling stations to ensure that the arrangements put in place were working satisfactorily.

Nevertheless, there were animated scenes at polling centres. M.A. Jinnah, President of the All-India Muslim League, and Congress leaders Sardar Patel and Sarojini Naidu, visited the polling booths to cheer on the candidates of their respective parties. Everywhere they went, they were mobbed by enthusiastic supporters. Candidates made elaborate arrangements to remind the voters of their respective electoral symbols with dummy tigers

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<sup>63</sup> *Ibid.*, 12 February 1937.

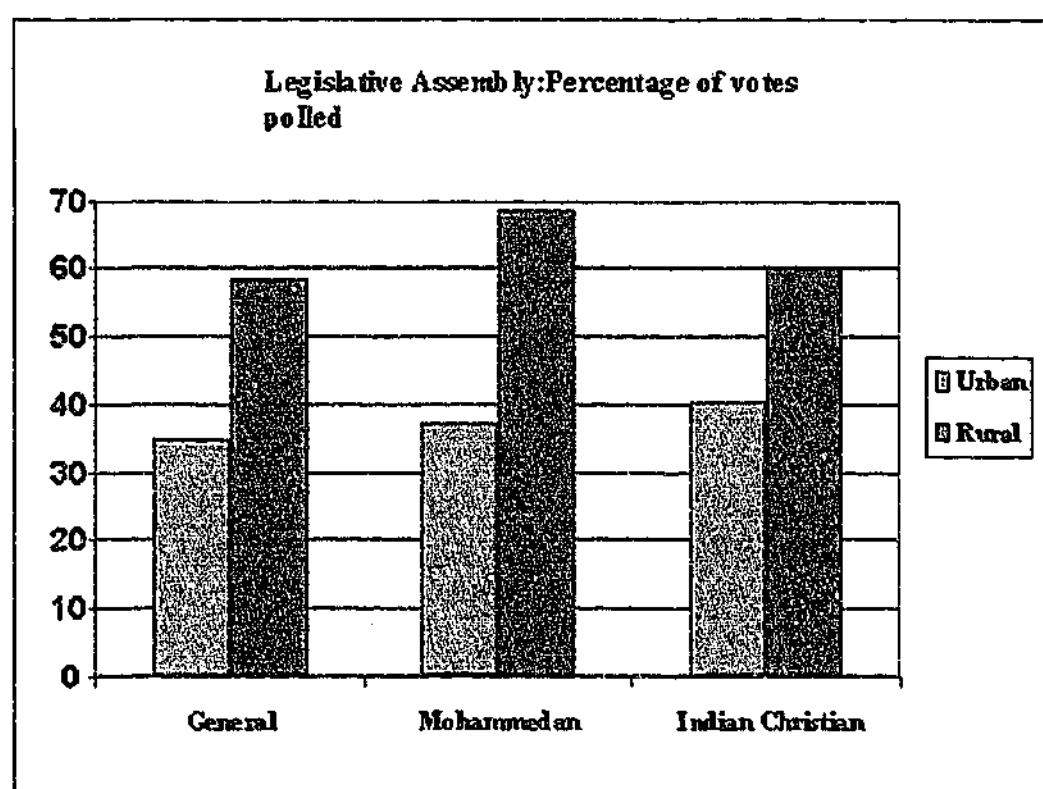
<sup>64</sup> *Ibid.*, 15 February 1937.

<sup>65</sup> *Ibid.*

and horses paraded on trucks. In the polling station for the Bombay City Indian Christian Constituency, the services of pretty girls were utilised by candidates to welcome voters and ask them to vote for their candidates. Newspapers reported a spirit of friendliness and camaraderie among the supporters of Collaco and Alva, who, in between their frenetic shouting and mobbing of voters found time to share a quick joke often at the expense of the candidates whom they were supporting.<sup>66</sup> Both Muslim League and Congress hired fleets of cars and buses to patrol the streets and take voters to the polling stations.<sup>67</sup>

Interestingly, for all this, voter turnout in the rural areas ended up being higher than in the urban areas of the presidency. There are reports of colourful processions of bullock carts with beautifully decorated bullocks wending their way from remote villages to polling stations filled with enthusiastic villagers eager to cast their votes.<sup>68</sup>

Fig.3.



*\*Source: Cmd 5589, 1937-38, Return Showing the Results of the Elections in India 1937.*

<sup>66</sup> *The Times of India*, 16 February 1937.

<sup>67</sup> *The Bombay Chronicle*, 17 February 1937.

<sup>68</sup> *The Times of India*, 18 February 1937.

The apathy of the urban voters of 1937, not only in the Bombay Presidency but also all over British India, is intriguing in light of the fact that since independence, participation rates have been much higher in the cities.<sup>69</sup> One reason could be that elections were not a novelty for the politically aware middle class and affluent urban voters of 1937. They had long voted in local elections and since 1919 in provincial elections, and were increasingly dissatisfied by what was offered to them in the guise of 'reforms'. Arguably, the Government of India Act of 1935 with its limited franchise and many safeguards and special powers for the governors failed to satisfy their aspirations of self-government, and they responded with indifference. On the other hand, the rural electorate may have viewed the elections from an entirely different perspective. Most of the peasants who voted in 1937 did so for the first time. These elections therefore constituted their first real opportunity to repudiate their political masters, the landlords and the British government. In a number of places, landlords watched in consternation as their humble tenants flaunted their dictates and voted Congress.<sup>70</sup> Also, the aggressive Congress campaign, the novelty of having popular Congressmen like Sardar Patel and Nehru in their midst, and the emotion generated by their speeches enthused the peasants politically as nothing had before. They seem to have had the notion that by voting (and particularly by voting Congress), they were expressing their patriotism. Further, the respect and devotion accorded to Gandhi probably played its part in the Congress' success in the countryside, as there are reports of villagers bowing before the ballot boxes of Congress candidates as a mark of respect to the Mahatma before casting their votes.<sup>71</sup>

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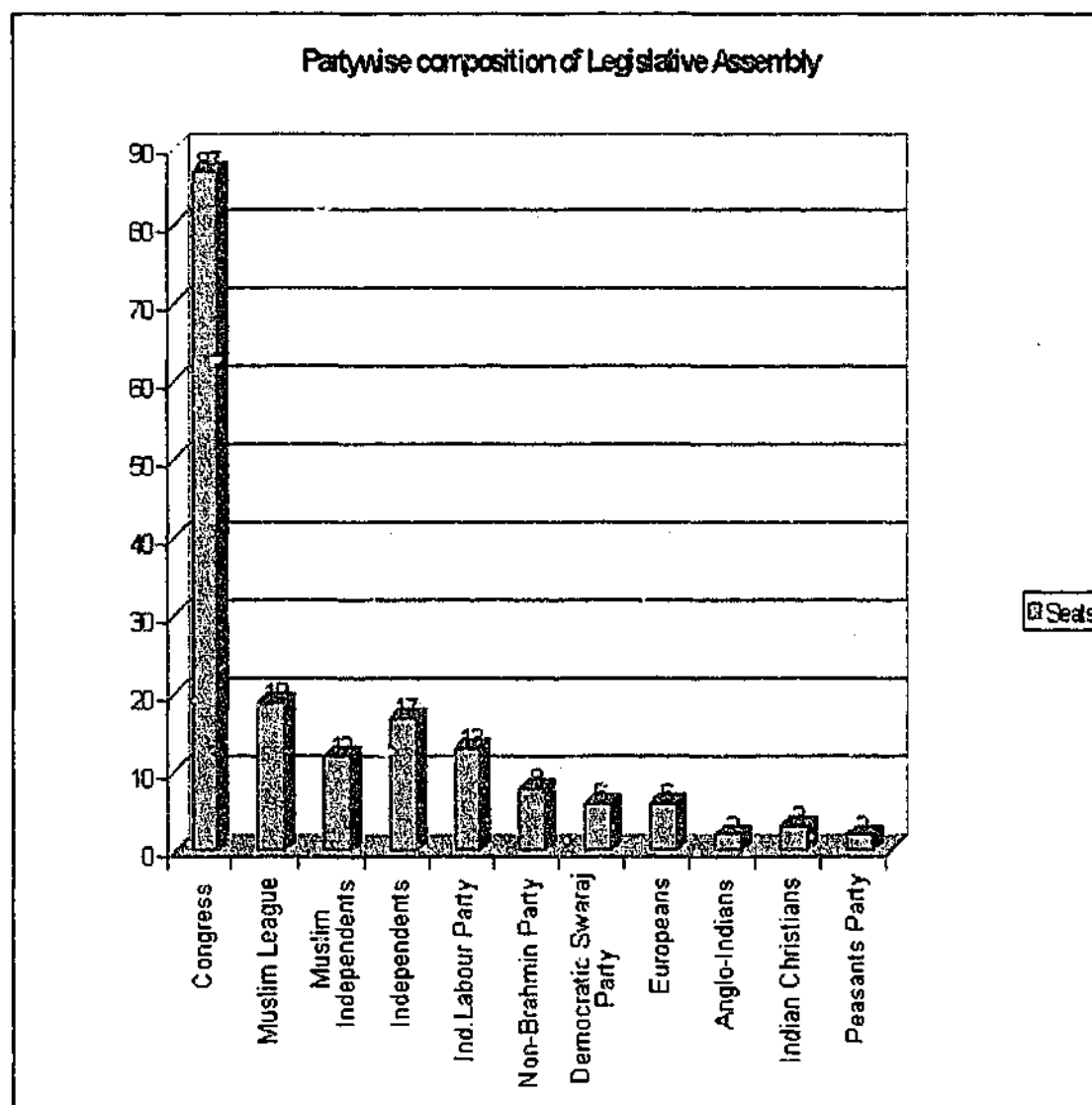
<sup>69</sup> It is interesting that post-independence election trends reveal that the urban voter turnout in India has always been higher than the rural areas while the 1937 elections clearly show the opposite. The post-independence urban voter turnout has been calculated as being about six to eight percent higher than the rural turnout. *India Decides: Elections 1952-1995* by David Butler, Ashok Lahiri and Prannoy Roy in Partha Chatterjee (ed), *State and Politics in India*, Oxford University Press, New Delhi, 1997, p.130.

<sup>70</sup> Robin Jeffrey, *Asia - The Winning of Independence*, pp.91-92.

<sup>71</sup> *Ibid*, p.92.

As mentioned earlier, the elections were on the whole free from violence. There were, however, some disturbances at Kandgal in the Bijapur district, and in Poona, the centre of the Congress-Swarajist conflict, grass-roots tensions necessitated the prohibition of processions and the carrying of sticks and missiles.<sup>72</sup> There were also a few instances of malpractice involving people who attempted to impersonate others and vote twice. This happened even on 18 February, the day set aside for elections to the women's constituency. Generally, impersonation led to arrests, but in the case of the women, beyond not allowing them to vote again, no action was taken.<sup>73</sup>

Fig.4.



Source: Data collected from *Indian Annual Register, Vol. I 1937*.

<sup>72</sup> Brabourne to Linlithgow, Report for the first half of February 1937, 16/23 February 1937, NAI, Home-Political (Secret) File.No.18/2/37.

<sup>73</sup> *Times of India*, 19 February 1937.

The counting of votes for the Legislative Council started on 19 February, and for the Legislative Assembly on 23 February. As the results trickled in, it was clear that despite some voter apathy in the urban areas and its lack of a concrete programme, the Congress was inching towards a majority.<sup>74</sup> The predictions of the government regarding the number of seats that would go to the Congress in the elections proved to be way off the mark. Final results revealed that in the Legislative Assembly the Congress had won 87 seats—which was just one short of an absolute majority.

Except in Thana, Bijapur and Dharwar, where they secured only five out of a total of nineteen seats, the Congress did well in both general constituencies in all the districts of the presidency. In Gujarat, which was a Congress stronghold, the party won all the general constituency seats in the Legislative Council and the Assembly. Ex-Congressmen like Bhutekar, who had put up opposition to the Congress, were trounced at the polls. In Poona, the centre of Congress-Democratic Swaraj party rivalry, Bhopatkar, the Swarajist candidate, was defeated by the Congress candidate Gupte by a margin of over three thousand votes.<sup>75</sup> There could be no greater confirmation of the hold of the party over the general populace than the debacle of candidates who had imagined that they could break away from the party and still hope to win. Leaders like Nehru declared that he felt 'humbled' by this affirmation of people's loyalty to the party while the Maharashtra Congress in a self-congratulatory note attributed the party's success to the exertions of the Congress workers of Maharashtra and gloated that their victory was a 'grand' one; one that they had managed to snatch in the teeth of much opposition.<sup>76</sup>

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<sup>74</sup> The results of the elections for the Legislative Council revealed that the Congress had won 14 out of the 26 seats. (The Council had 30 seats out of which 4 would be nominated). Brabourne to Linlithgow, Report for the second half of February 1937, 1/5 March 1937, NAI, Home-Political (Secret) File.No.18/2/37.

<sup>75</sup> *Times of India*, 25 February 1937.

<sup>76</sup> S. Gopal, *Selected Works of Nehru*, Vol. 8, p.27. Also Report of the Maharashtra Provincial Congress Committee from 8 December 1936 to 31 December 1937, AICC File No.P-25/1937, NMML.

There were a number of reasons for the Congress victory: a well entrenched organisational network spreading to remote parts of the province; the personal popularity and appeal of Congress leaders like Gandhi and Nehru; the intensive propaganda carried out by the Congress leaders (especially Nehru who campaigned long and hard without respite throughout the length and breadth of the country to ensure the Congress victory); and the success of the stratagem of equating voting for the Congress with patriotism. The news of Congress victories in states such as Bihar and Orissa at the height of the election campaign in Bombay and the exhortations of party leaders to the people of the presidency to follow their example probably also worked to its advantage.<sup>77</sup>

Yet the victory was not entirely a sweet one. The party failed to win even a single Muslim seat; nor did it capture any Indian Christian seats. The Congress was also able to secure only four out of fifteen seats reserved for the Scheduled Castes. This showed that it still had a long way to go as far as the winning the confidence of minorities and backward communities was concerned.<sup>78</sup> The Muslim League, after winning 19 seats in the Assembly and trouncing the Congress on every Muslim seat, proved that it was becoming a power to contend with and belied the claims of the Congress party to represent all Indians.

The election results for the entire country revealed that the Congress had obtained absolute majorities in five provinces, namely Madras, the United Provinces, the Central Provinces, Bihar and Orissa. Although Congress failed to get an absolute majority in Bombay it emerged as the single largest party in the legislature. As in Bombay, the party fared poorly in Muslim constituencies all over the country except in the North West

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<sup>77</sup> The government grudgingly attributed Congress' successes less to political convictions and more to the 'extravagant promises made by candidates'. Brabourne to Linlithgow, Report for the second half of February 1937, NAI, Home- Political (Secret) File.No.18/2/37.

<sup>78</sup> *Ibid.*

Frontier Province where the influence of 'Frontier Gandhi' Abdul Gaffar Khan helped it win 19 seats out of 50.<sup>79</sup>

Yet the Muslim League, too, failed to substantiate its claim to represent the country's Muslims. In Muslim majority provinces like Bengal and Punjab, parties other than the Congress and the League won the majority of seats.<sup>80</sup> In Sind, another Muslim majority province, neither Congress nor the League won a single seat.<sup>81</sup> This poor showing on the League's part in Muslim majority provinces reflected its still embryonic organisational structure and its elitist leadership composed predominantly of landed aristocrats from the United Provinces whose politics had little to do with the needs of the Muslim masses in Bengal and the North-West.<sup>82</sup> Jinnah had been trying, prior to the 1937 elections, to woo provincial Muslim leaders to form an alliance with the League, but its defeat at the polls strengthened their resolve to keep out of its clutches.<sup>83</sup> Certainly their Muslim identity was important to them; but their local ethnic identity was equally so — Jinnah was now faced with the dilemma of how to rally his provincial forces.

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<sup>79</sup> R. Coupland, *The Constitutional Problem in India*, p.16.

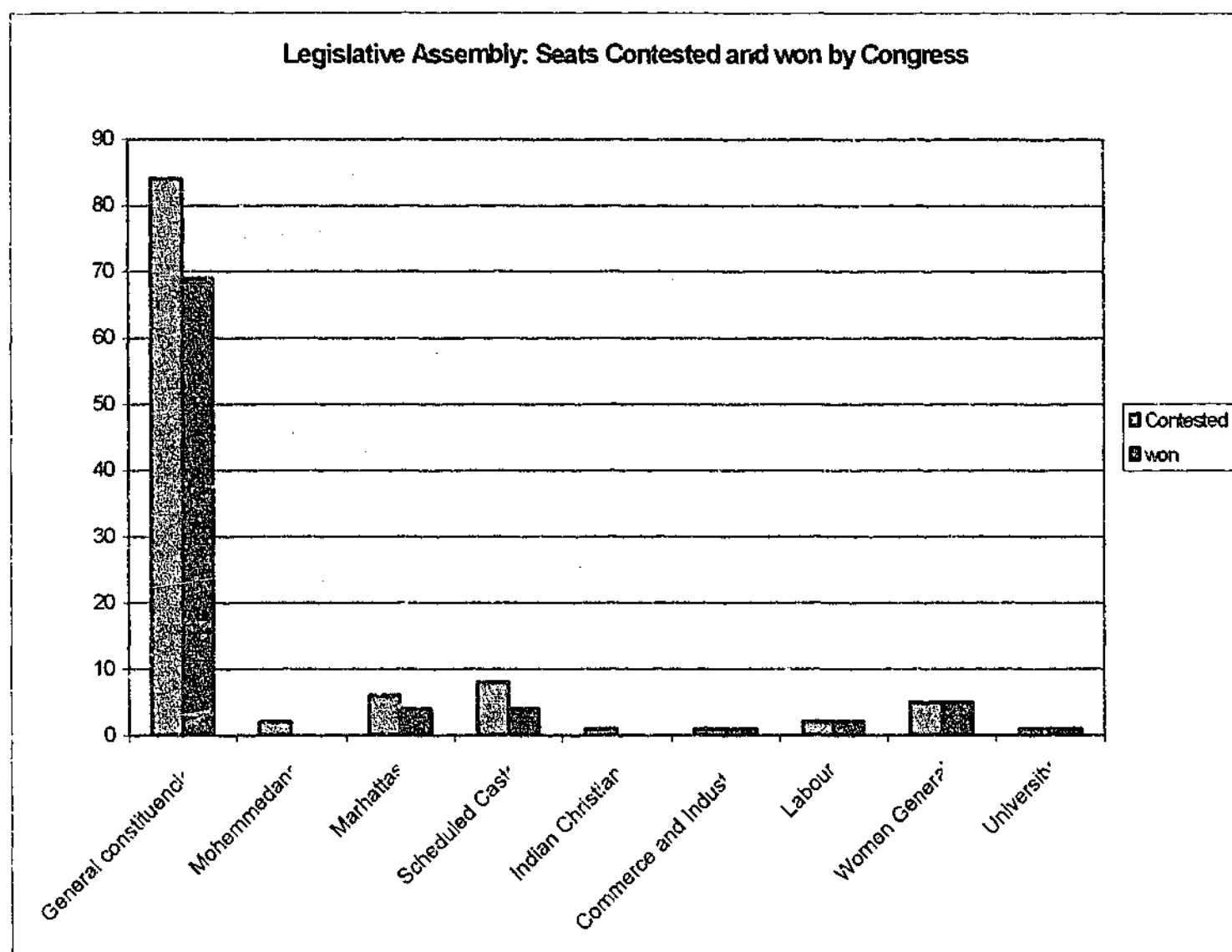
<sup>80</sup> In the Punjab, the National Unionist Party of Sir Sikander Hayat Khan won a clear majority of ninety six seats out of 175 while in Bengal no party obtained a clear majority. Gautam Chattopadhyay, *Bengal Electoral Politics and the Freedom Struggle, 1862-1947*, Indian Council of Historical Research, New Delhi, 1984, p.141. Also, Reginald Coupland, *The Constitutional Problem in India*, p.42.

<sup>81</sup> *Return Showing the Results of Elections in India*, Cmd, 5589, pp.205-321.

<sup>82</sup> Noel Boreham, *Communal Politics, Sindhi Separatism, and the Creation Of Pakistan 1920-1951*, p.116.

<sup>83</sup> *Ibid*, p.118.

Fig.5.



*Source: Brabourne Papers, MSS EUR 97/27, India Office Collections.*

Yet, if the 1937 elections exposed the fragmented nature of Muslim politics, it also reflected the alienation of the Muslims from the Congress and its increasing identification by default as largely a party of Hindus. In hindsight, therefore, the elections were a prognosis for the future, a warning that unfortunately went unheeded by the Congress.<sup>84</sup>

As is clear from the above account, the elections of 1937 provide a fascinating insight into Indian politics in the endgame of the Raj. But 1937 was also in some ways a precursor of democratic elections that followed the transfer of power. By virtue of that, they evoke curiosity

<sup>84</sup> Jawaharlal Nehru who was the Congress President at the time did try to remedy the situation by initiating a 'Muslim Mass Contact' programme in March 1937 but this was rather curiously allowed to fizzle out.

curiosity about whether they were substantially different from or similar to the elections of more recent times in India. What the Bombay example shows is that the similarities are far greater than one might suppose. Even then, political parties —including the Congress —saw elections as a ladder to power, and were prepared to do whatever it took to climb to the top. Factionalism, and inter-party and intra-party wheeling and dealing might seem typical of the modern Indian political scene, but they actually have deep colonial roots.

### 3. Uncertain Interim: Post-Election Issues

Contemporary historiography is strangely silent on provincial events in the post-election period and is entirely preoccupied with the dithering of the Congress over office acceptance and its eventual forming of government in the provinces where it had won a majority of seats. There has been little meaningful discussion of the formation and the work of non-Congress provincial ministries during the period of about three and half months when they were in power. The period is somehow regarded as insignificant and irrelevant to the 'main' issue of whether the Congress party would accept office or not.<sup>1</sup> This approach overlooks an important phase in the transition between dyarchy to provincial autonomy and is also largely neglectful of the role of non-Congress parties in the struggle against colonialism.

#### THE ELECTIONS TO THE BPCC AND THE ISSUE OF OFFICE ACCEPTANCE

No sooner had the dust settled on the elections to the provincial legislatures in early 1937 than Congress party members in Bombay city found themselves in the throes of yet another election — this time an internal one, for electing members to the BPCC. The BPCC elections were due to have been held in November 1936, but had been postponed several times on account of the outbreaks of communal violence in the city.<sup>2</sup>

The elections took place in an atmosphere of heightened tension between the right-wing faction of the Congress and the 'Congress Socialists' over, which group should shape

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<sup>1</sup> Rani Dhavan Shankardass, the only person to have written about Bombay in the period in *The First Congress Raj: Provincial Autonomy in Bombay* does not discuss the ministry at all.

<sup>2</sup> From 15 October 1936 to about 7 December, the city was in the grip of communal riots caused due to the construction of a Sabha Mandap for a Maruti temple near a mosque at Byculla. *Report on the Riots in Bombay in October-December 1936*, MSS EUR F 97/26, Brabourne Papers, OIOC.

policy.<sup>3</sup> The Socialists were unhappy over the frequent postponement of the elections. They felt that there was a sinister motive behind the postponements, namely the reluctance of the right-wingers to relinquish office. When they complained about this to their party president and mentor Jawaharlal Nehru, Nehru suggested that the elections to the BPCC be held before the Faizpur session of the Party in late December so as to enable the newly elected members to represent Bombay at the session.<sup>4</sup> The right-wing faction of the BPCC, on the other hand, favoured sending the sitting members to the annual session and postponing the elections to a later date.<sup>5</sup>

At a heated meeting of the committee on 12 December 1936, some right-wingers — prominent among them K.M. Munshi and his wife Lilavati — suggested that Nehru was unduly favouring the Socialists. This view gained broad support. Accordingly, the BPCC decided to postpone the elections *sine die*.<sup>6</sup> An annoyed Nehru refused to allow the sitting members to attend the Faizpur session, and hinted that the Working Committee might review the affiliation of the BPCC with the All India Congress Committee (here after referred to as AICC) and its allied bodies.<sup>7</sup> This would have meant the BPCC being excluded from the Congress session at Faizpur.

If Nehru had stuck to his guns, the outcome would have been very embarrassing for the Bombay committee, especially since Faizpur was located within the presidency. In the event, the matter was resolved only at the eleventh hour at an extended meeting of the

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<sup>3</sup> Since the first All India Socialist Conference at Patna on 17th May 1934, the Socialists, consisting of people like Jayaprakash Narain, Sampurnanad, M.R.Masani, Yusuf Mehrally, Acharya Narendra Dev and Kamaladevi Chattopadhyay had formed a distinct group within the Congress. They looked to Jawaharlal Nehru as their mentor and while they accepted the Congress party discipline and its goal of attaining complete independence by legitimate and peaceful means, their definition of complete independence was a socialist state. The initial years of its existence were marked by conflict with the Congress right-wingers. Girja Shankar, *Socialist Trends in Indian National Movement*, Twenty-first Century Publishers, Meerut, 1987, pp.50-61. Also, B.R. Tomlinson, *The Indian National Congress and the Raj*, p.55

<sup>4</sup> All India Congress Committee Papers, File G-58 (iii), 1936, NMML, New Delhi. Also the *Times of India*, 14 December 1936.

<sup>5</sup> *Times of India*, 14 December 1936.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*, 21 December 1936.

Congress Working Committee (CWC) on 23 December 1936, in which right-wingers from Bombay like Bhulabhai Desai spoke on behalf of the BPCC and assured Nehru that his instructions were not being deliberately flouted. Nehru initially appeared resolute, but in what was to become almost a recurring pattern, buckled under pressure from the powerful right-wing faction, and allowed the sitting members of the BPCC to represent the city on the condition that elections to that body were held before the end of February 1937.<sup>8</sup>

So the elections slated for 28 February, coming as they did in the wake of the Congress victory in the elections to the provincial legislature generated intense interest. About 28,000 Congress party members voted, electing 25 'delegates' from seven wards of the city.<sup>9</sup> These representatives then elected four members to represent the city in the All India Congress Committee (AICC). Since the AICC would hold a meeting in March to decide the burning issue of office acceptance, this election too assumed great importance, and much electioneering took place — especially on the part of those who had already been elected to the provincial legislature.<sup>10</sup> There was also keen rivalry between Socialists and right-wingers. But although the Socialists contested eleven out of twenty five seats, they won only seven.<sup>11</sup>

The election to the AICC took place soon after. Four seats on the AICC were reserved from among the 26 members of the BPCC. The only Socialist candidate was M.R. Masani; the other candidates were K.F. Nariman, Bhulabhai Desai, S.K. Patil and K.M. Munshi. The right-wingers, it appears, planned to ensure that Masani was not elected.<sup>12</sup> But the plan backfired when one of the votes cast in favour of Munshi was declared

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<sup>8</sup> *Ibid*, 24 December 1936.

<sup>9</sup> Sarojini Naidu was to be an 'ex-officio' member of the BPCC, bringing its total strength to 26. *Ibid*, 1 March 1937

<sup>10</sup> *Bombay Chronicle*, 1 March 1937 as well as the *Times of India*, 27 February 1937 record the unusual interest the elections evoked.

<sup>11</sup> *Times of India*, 1 March 1937.

<sup>12</sup> *Ibid*, 2 March 1937.

invalid, allowing Masani to win a seat.<sup>13</sup> Munshi fumed that that he had been 'tricked out'. Although S.K. Patil, the general secretary of the BPCC, explained that the outcome had been entirely an accident, it failed to mollify Munshi and his wife Lilavati who showed their displeasure by absenting themselves from the meeting of the BPCC, which was convened to elect the office-bearers for the year.<sup>14</sup>

Attention now shifted to the issue of office acceptance. The matter that had been postponed from the Lucknow Congress in 1935 could not be put off any more.<sup>15</sup> The Congress Working Committee which met at Wardha on 27 February 1937 resolved that it would make recommendations on office acceptance to the AICC after it had received the recommendations of the provincial committees. While reiterating the party policy of non-cooperation with the new constitution, it declared that non-Congressmen elected to provincial legislatures could be admitted into the party on taking the Congress pledge and agreeing to abide by the Congress principles and discipline.<sup>16</sup> The resolution was clearly aimed at strengthening the position of the party in provincial legislatures, and this strength would be important both for staking a claim to government in case the provinces voted for office acceptance, and, in the event of a vote against office acceptance, for hampering the smooth functioning of the legislatures if a non-Congress ministry was foisted on them.

A special meeting of the BPCC was called on 11 March 1937 to discuss the issue. Due to the opposition of the Socialists who remained firmly against any dealings with the British, a compromise resolution was moved by Patil, which reiterated the party's stand against the Government of India Act, but recommended that Congress ministries be

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<sup>13</sup> Bhulabhai Desai got 6 votes, Nariman, Patil and Masani got 5 votes each. Munshi also got 5 votes but one was invalid. *Ibid.*

<sup>14</sup> *Ibid.*, 3 March 1937.

<sup>15</sup> A circular was sent to the PCC's as early as on 9 February 1937 asking them to send their recommendations regarding the question of office acceptance. S. Gopal (ed), *Selected Works of Jawaharlal Nehru*, Vol.8, p.47.

<sup>16</sup> *Times of India*, 1 March 1937. In the Bombay presidency, the Congress party followed this instruction and made their position in the legislature stronger by roping in B. Chakranarayan, a pleader of Poona who had won from one of the Indian Christian constituencies. Brabourne to Linlithgow, Report for the first half of March 1937, 20 March 1937, OIOC, MSS EUR F 97/14B.

permitted where such ministries could be formed without coalition with any other party or group and for a period of not more than one year.<sup>17</sup> In Gujarat, where the Socialists had been marginalized by the overpowering influence of Patel, the GPCC favoured office acceptance.<sup>18</sup> Karnataka also voted for office acceptance with no conditions attached to it, while Maharashtra voted against it by a slender majority of two votes.<sup>19</sup>

Following this, the AICC met on March 16 and after a marathon deliberation of fifteen hours, decided by a majority of 9 to 4 to allow Congressmen to accept offices wherever the party was in a majority provided 'the ministerships shall not be accepted unless the leader of the Congress party in the legislature is satisfied and is able to state publicly that the Governor will not use his special powers of interference or set aside the advice of ministers in regard to constitutional activities'.<sup>20</sup>

### THE NARIMAN – PATEL CONTROVERSY

A further crisis developed however when the Congress party in Bombay met to elect its leader in the legislature. It was generally understood in city circles, and accepted by the media, that the leader of the Congress in the Bombay legislature would be K.F. Nariman, the charismatic president of the BPCC.<sup>21</sup> But there were widespread rumours that the strong man of the party, Sardar Vallabhbhai Patel, was against Nariman becoming the leader of the party in the legislature. Some days before the election, Nariman is said to

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<sup>17</sup> *Ibid.*

<sup>18</sup> *Times of India*, 8 March 1937. In Gujarat, the Sardar's stronghold, there were no Socialists at all in the Provincial Congress Committee. Marguerite Dove, *Forfeited Future*, p.78. Patel is reported to have said, 'Just as I would drive a rabid dog out of my house, I would drive the socialists out of Gujarat'. Minoo Masani, *Bliss was it in that Dawn: A Political Memoir up to Independence*, Arnold-Heinemann, New Delhi, 1977, p.96.

<sup>19</sup> Brabourne to Linlithgow, Report for the first half of March 1937, 20 March 1937, OIOC, MSS EUR F 97/14B.

<sup>20</sup> *Indian National Congress 1936-37: Being the resolutions passed by the Congress, the All India Congress Committee and the Working Committee during the period between April, 1936 to January 1938*, All India Congress Committee, Swaraj Bhavan, Allahabad, undated, pp.11-12.

<sup>21</sup> *The Times of India*, 27 February 1937 had an article on it titled 'Mr. Nariman Chief Minister?' and another one on 12 March 1937 titled 'Premiership for Nariman?' Interestingly, the Bombay Chronicle did not indulge in any speculation of the sort despite the editor S.A. Brelvi being an ardent Nariman supporter.

have asked Patel about his chances of becoming the party leader. The Sardar is purported to have replied that although he would not support Nariman, he would also at the same time not work actively against him.<sup>22</sup> Patel's reply must have convinced Nariman of the futility of aspiring to party leadership and therefore he absented himself from the meeting that was arranged to elect the party leader.

A description of the proceedings of the meeting makes it sound stage-managed. Vallabhbhai Patel addressed it and stressed the need for having a unanimous election and stated that he would leave it to the members to decide on the method and manner of electing their leader. He then called upon members to elect the Chairman of the meeting whereupon, general secretary Patil proposed Mangaldas Pakvasa's name. The Treasurer of the BPCC Nagindas Master seconded the proposal. Pakvasa then suggested that all the members meet informally and come to a unanimous decision. After this the meeting adjourned for tea, during which time the 'leaders were requested to sense the views of the members'. When the meeting assembled again, Vallabhbhai Patel declared that he found that an overwhelming majority favoured the election of B.G. Kher.<sup>23</sup> Thus, a little known solicitor described by the *Times of India* as, 'a Congressman who could be trusted implicitly to obey the periodical fatwas from above', was pulled out of obscurity to do the bidding of the party high command.<sup>24</sup>

There are several possible reasons for the Sardar behaving as he did. Speaking about the incident years later Hansa Mehta, one of the elected Congress leaders, said mysteriously about Nariman: 'he was a bachelor and I believe that there were some irregularities in his private life. In those days people were very particular about these

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<sup>22</sup> Details on the election of the leader of the Bombay Congress in the Legislature, NMML, File No. E-7 (I) Pt-II, 1937, AICC Files.

<sup>23</sup> Morarji Desai to Gandhi, NMML Kher Papers, File 12 (ii).

<sup>24</sup> *The Times of India*, 17 March 1937.

things. Sardar Patel was not quite satisfied with what he had come to know.<sup>25</sup> Yet there is not a whiff of scandal regarding Nariman in any of the records of the time. Was the problem, rather, one of personal dislike or envy? S.K. Patil wrote: 'differences arose on various matters relating to the Congress policies and Nariman thought that the Sardar did not give him the importance that he should have got'.<sup>26</sup> More forthrightly, B.G. Horniman, the editor of the *Bombay Sentinel* and a Nariman supporter, later told the governor that the Sardar wrecked Nariman's chances because he resented anyone who rivalled him in prestige.<sup>27</sup> Following these critics, Rani Dhavan Shankardass has asserted that Patel feared Nariman's popularity with the Congress rank and file and with the British and was concerned that he might not toe the line.<sup>28</sup> Yet while the British certainly preferred the westernised urbane Nariman to the fanatical Gandhian Kher, Patel's antipathy to Nariman could also have been due to his criticism of the Gandhian way of functioning and of Gandhi's total domination of the Congress in his books *Whither Congress: Spiritual Idealism or Political Realism?* published in 1933 and *What Next?* in 1934.<sup>29</sup> In *Whither Congress*, Nariman had declared that the spiritual idiosyncrasies of Gandhi such as his sudden suspension of the Civil Disobedience movement and his numerous 'mystic fasts' were distracting the party and the people from the main issue, which was the attainment of *swaraj*:

A man of super-human will-power is dangerous both as a friend and as foe. He cannot be checked by threats or bluff of enemies nor can be won over by sincere affectionate entreaties and endearment of friends. Once

<sup>25</sup> Interview with Mrs. Hansa Mehta recorded on 27 July 1967, Oral Transcripts, NMML, New Delhi.

<sup>26</sup> Interview with S.K. Patil recorded on 24 August 1974, Oral Transcripts, NMML, New Delhi.

<sup>27</sup> Note of a meeting between B.G. Horniman and Sir Roger Lumley on 20 May 1938, OIOC, MSS EUR F 253/12.

<sup>28</sup> Rani Dhavan Shankardass, *The First Congress Raj: Provincial Autonomy in Bombay*, p.37.

<sup>29</sup> 'It is indeed a tragedy that Nariman was not allowed to remain the Congress leader here; he is the sort of person with whom one can negotiate, whereas Kher is definitely of the 'take it or leave it' type'. Brabourne to Linlithgow, Report No.9, 21 June 1937, OIOC, MSS EUR F 97/11. Khurshed D Anklesaria, *Conspiracy Unveiled (Nariman-Patel Controversy)*, Federal Publishing Co, Bombay, 1938, pp.108-113. Also, Shankerprasad Nanavaty, *Khurshed Nariman*, Bombay Chronicle Press, Bombay, 1959, pp.39-41.

convinced rightly or wrongly, he must have his own way, particularly if that conviction is the result of the 'inner call' or 'Voice from Above'.<sup>30</sup>

He went on:

The blending of ancient traditional psychic spiritual ideas, with modern western materialistic politics, is a disastrous misfit, and must inevitably lead to inextricable mess and even tragic bungling.<sup>31</sup>

*What Next?* written in the very next year, examined movements in countries like Russia and Ireland. In the concluding chapter of the book, entitled 'Some Humble Suggestions', he called for the reorganisation and rejuvenation of the party. These ideas, propounded at a time when Gandhi's influence was at its peak, and his domination of the party paramount, must have created a considerable amount of turmoil among the party faithful, many of whom, like the Sardar, owed their rise to the Mahatma and his style of functioning. They could not obviously take such a challenge lying down and must have yearned to pull down Nariman at the earliest opportunity. Interestingly, Minoo Masani, who as a Socialist was by no stretch of imagination close to Patel in the 1930s, wrote about the Sardar years later that he 'had to do many unpleasant things because, while Gandhiji laid down the line, it was for the Sardar to give effect to it'.<sup>32</sup> He also described how the Sardar complained bitterly to him when they were on friendlier terms that he had to do the hatchet job for the Congress such as disciplining Nariman.<sup>33</sup> The exact reasons for the rejection of Nariman, and whether the sole responsibility for it rested with Sardar Patel or with Gandhi or with the party high command as a group, will probably never be known, but it is clear that Nariman paid a heavy price for his outspokenness.

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<sup>30</sup> K.F. Nariman, *Whither Congress: Spiritual Idealism or Political Realism?* Bombay Book Depot, Bombay 1933, p.17.

<sup>31</sup> *Ibid*, pp.17-18.

<sup>32</sup> Minoo Masani, *Bliss was it in that Dawn: A Political Memoir up to Independence*, p.96

<sup>33</sup> *Ibid*, p.97

The news that Nariman had been sidelined in the race for the leadership of the Congress party in the legislature was greeted with dismay in the city. Nariman's Parsi supporters especially were vociferous in their protests. A memorandum was circulated calling for a new selection, and a well-attended public meeting was held on the sands of the Chowpatty beach on 18 March 1937 to protest the 'fascist tendencies' in the Congress high command.<sup>34</sup> Angry telegrams were sent to Jawaharlal Nehru. Finally, a delegation composed of leading denizens of the city called on Kher and asked him to step down to make way for Nariman.<sup>35</sup>

This public outcry did not go entirely ignored. The CWC of the party met in Bombay on 21 March 1937 to discuss the complaints, which threatened Kher's credibility. Nariman was summoned and questioned for over two hours. But in the end the committee issued a statement upholding Kher's selection and absolving Sardar Patel, who had remained throughout in the eye of the controversy, of all blame. Probably emboldened by this, several Bombay Congress legislators released statements to the press the next day affirming that no pressure had been put on them to choose Kher. Then, Nariman himself issued a press statement pledging loyalty to Kher, the newly elected leader, and appealing to his supporters to consider the unfortunate episode closed. But the matter did not rest there, despite calls from Nehru for the party to close ranks.<sup>36</sup> It lingered on for months, and finally climaxed in the CWC resolving that Nariman's 'conduct had been such as to prove him unworthy of holding any position of trust and responsibility in the Congress organisation'.<sup>37</sup> The Kher-Nariman controversy, as it has become known, severely

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<sup>34</sup> *Bombay Chronicle*, 18 March and 19 March 1937.

<sup>35</sup> *Ibid.*, 18 March 1937.

<sup>36</sup> *Ibid.*, 22-24 March 1937 and 29 March 1937.

<sup>37</sup> *Indian National Congress 1936-37: Being the resolutions passed by the Congress, the All India Congress Committee and the Working Committee during the period between April, 1936 to January 1938*, All India Congress Committee, pp.73-74,

damaged the prestige of the Congress and further eroded its dwindling support base among the Parsis.

Simultaneously, the issue of office acceptance raged on. Still wary about a left-wing backlash, the BPCC declared 1 April 1937 as 'Anti-Constitution Day' and made arrangements for a strike or *hartal* to be observed on the day.<sup>38</sup> Meanwhile, on 25 March, Kher met Lord Brabourne, the governor, to discuss the formation of a government. Before leaving for the meeting with the governor, Kher consulted with Sardar Patel, and on his return he summoned all the party's legislators to a meeting in his office at 80 Esplanade Road, Bombay, to find out where they stood on the crisis. All those present, Nariman included, assured Kher that he had their full support.<sup>39</sup> Kher went back to Brabourne and informed him that the party would not accept office unless the governor gave him a verbal assurance that he would not use his special powers.<sup>40</sup> Brabourne stated that while he was not in a position to give such an assurance, Kher 'could rely on receiving all possible help, sympathy and cooperation, within the four corners of the Act in the event of his undertaking to form a ministry'.<sup>41</sup> Kher pronounced the offer unsatisfactory, and the meeting broke up acrimoniously.

Now Brabourne had to look towards one of the minority parties, or a coalition of non-Congress elements to form a ministry. In this he had the full support of London. The British Government was determined to avoid implementing Section 93 since they knew quite well that it was exactly what the Congress wanted them to do.<sup>42</sup> Firstly Brabourne

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<sup>38</sup> The Press Communiqué of the BPCC in the *Bombay Chronicle*, 25 March 1937.

<sup>39</sup> *Ibid*, 27 March 1937.

<sup>40</sup> Section 52 of the Government of India Act 1935 stated that the Governor shall have special responsibilities in the exercise of his functions such as the prevention of any menace to the peace and tranquility of the province, safeguarding the legitimate interests of minorities, securing the rights of the members of public services and safeguarding their interests. M. Ramaswamy, *The Law of the Indian Constitution: Being a Legal Interpretation of the Government of India Act 1935*, Longmans Green, London, 1938, p.169.

<sup>41</sup> Note issued by the Director of Information, Government of Bombay, OIOC, MSS EUR 97/27.

<sup>42</sup> Letter from Linlithgow to Erskine, Governor of Madras dated 15 March 1937, cited in P.N.Chopra (ed) *Towards Freedom 1937-47: Experiment with Provincial Autonomy*, Vol.1, Indian Council of Historical

turned to the leader of the Muslim League in the Bombay Legislature, Sir Ali Mahomed Khan Dehlavi. However Dehlavi declined the offer on the grounds that he lacked a working majority and would not be able to form a stable government.<sup>43</sup> Secondly he approached B.R. Ambedkar, the leader of the Independent Labour Party, but Ambedkar too categorically ruled out any ministerial role for his party. The options open to the governor were shrinking fast.

Then Sir Dhunjishah Cooper, who had been the Revenue and Finance Minister in the previous dyarchical government of the presidency, came to the rescue by agreeing to form a government with the support of some like-minded people. And these supporters did not prove hard to find. Within days of his declaration of intent to form a government, people were clamouring for a place in his ministry.<sup>44</sup> For a week his residence was the most popular middle-class destination in the city. All he had to do was choose. By 1 April, the day when the new constitution was scheduled to take effect, Cooper had a ministry and promises of legislative support. Cooper himself elected to take the Home and General portfolios, Jamnadas Mehta, the leader of the Democratic Swaraj Party was allocated Finance, Sir S.T. Kambli, vice-president of the Bombay Presidency Non-Brahmin Party, took Education, and Hoosenally M Rahimtoola of the Muslim League Parliamentary Board was appointed Minister for Local Self-government.<sup>45</sup> Drawn from diverse political ideologies and from disparate linguistic and religious groups, it remained to be seen whether they would hold together when the going got tough. But in the meantime, the new system of provincial autonomy had a chance to prove its mettle.

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Research, New Delhi 1985, pp. 232-233 and Telegram No. 927 from the Secretary of State to the Viceroy in the same source, pp. 235-236 points to this.

<sup>43</sup> Brabourne to Linlithgow, Report for the second half of March 1937, 1/5 April 1937, OIOC, MSS EUR F 97/14B.

<sup>44</sup> *Bombay Chronicle*, 31 March 1937.

<sup>45</sup> Note issued by the Director of Information, Government of Bombay, OIOC, MSS EUR 97/27. S.T. Kambli's inclusion in the interim ministry had the effect of breaking up the 'Non-Brahmin Party' and the creation of a new party called the Bombay Presidency Peasants and Labour Party' under Rao Bahadur N.E. Navle the erstwhile president of the 'Non-Brahmin' Party and a rejected aspirant for the interim ministry. *Bombay Chronicle*, 1 April 1937.

## THE NEW MINISTRY

It is not clear why Cooper offered to bail out the government and agree to form office and why men like Jamnadas Mehta, the Mayor of Bombay at the time and a respected member of the Democratic Swaraj Party, decided to be a part of his government. It is specially strange because it must have been clear to all of them that this arrangement was bound to be a temporary one (the Government of India Act 1935 provided that the legislative assembly would have to be summoned in six months and any government that would be formed would have to command the support of the majority in the Assembly) and that they would have to face the opposition of the Congress party at every step. Were they mere power-hungry politicians eager to snatch at a place in the sun even if it was only a fleeting one? Or were they men who sincerely wanted to work the new constitution and do their best for the people whom they represented in the face of great odds? In this context, it is interesting to examine their background and what their contemporaries had to say about them.

None of the interim ministers were political novices. Cooper had been a member of the Satara Municipality and the District Local Board before being elected Member of the Bombay Legislative Council in 1920. In June 1934 he became Finance Member.<sup>46</sup> Jamnadas Mehta had been a member of the Bombay Corporation since 1922 and was a member of the Bombay Legislative Assembly from 1923 to 1929. Earlier in his political career, as a member of the Indian National Congress, he had served on the AICC (between 1921-31) and in the Working Committee in 1926. He was president of the National Trade Union Federation and the All-India Railwaymen's Federation and closely involved with a

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<sup>46</sup> Thos. Peters (ed) *Who's Who in Western India*, The Sun Publishing House, Poona, 1934, p.171.

host of other trade unions.<sup>47</sup> Siddappa Kambli, like Cooper, started his career at the municipal level as a member of the Hubli Municipality and the District Local Board before becoming the deputy president of the Bombay Legislative Council in 1921. He was made Education minister in 1930.<sup>48</sup> Hoosenally Rahimtoola had been a member of the Bombay Corporation since 1918 and of the Bombay Legislative Council since 1923.<sup>49</sup>

Understandably, Congress elements were upset by the ease with which Cooper had managed to form a ministry. The *Chronicle* called their action a 'flagrant defiance of the electorate's verdict' and labeled them derisively, 'children of the political wind'.<sup>50</sup> Patel lamented that 'men could be found to form what were called "interim" ministries'.<sup>51</sup> Jawaharlal Nehru called them 'faded and discarded individuals, whose groups and policies the public had brushed aside into nothingness'.<sup>52</sup>

Interestingly, Brabourne too was initially lukewarm about Cooper's team, which he believed lacked the calibre to carry the Assembly:

They are not a very impressive team, but it might be much worse. Sir D.B.Cooper, the Chief Minister, has great courage and a good deal of commonsense, but he is, unfortunately a very bad speaker on the floor of the House, though, personally, I do not suppose this will matter much, as I cannot see him surviving long when once he has to meet the Assembly.<sup>53</sup>

Brabourne had a point. Collectively the new ministry commanded only a handful of dedicated supporters in the Assembly. Cooper had the backing of Sir John Abercrombie,

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<sup>47</sup> *Ibid*, p.327.

<sup>48</sup> *Ibid*, p.271.

<sup>49</sup> *Ibid*, p.390.

<sup>50</sup> *Bombay Chronicle*, 1 April 1937.

<sup>51</sup> P.N. Chopra (ed), *The Collected Works of Sardar Vallabhbhai Patel*, Vol.VI, Konark Publishers Pvt Ltd, 1995 New Delhi, p.217.

<sup>52</sup> S. Gopal (ed), *Selected Works of Jawaharlal Nehru*, Vol.8, p.79. While this description may have held good for Rahimtoola who had failed to get elected in the 1937 elections, Cooper, Mehta and Kambli who had all won with impressive mandates could hardly fall in this category. Hoosenally's motive for joining the cabinet appears to be the most questionable of the lot. Unlike the others, he had been unsuccessful in the elections and his act of joining the cabinet at the risk of Jinnah's disapproval make him appear to be a man desperately seeking to be in the political limelight.

<sup>53</sup> Brabourne to Linlithgow, Report No.5, 5 April 1937, OIOC, MSS EUR F 97/11.

the leader of the European group in the legislature, a few members of the Non-Brahmin Party and some independents. S.T. Kambli had about ten Non-Brahmin Party supporters, while Jamnadas Mehta could count on about seven Hindu members. Hoosenally Rahimtoola had no supporters to speak of. Brabourne estimated the Ministry's combined following amounted to not more than 40 members in an Assembly of 175.<sup>54</sup>

Yet the situation was not entirely an impossible one. No doubt their supporters were few but Cooper had received promises of support from the Muslim League and the Independent Labour Party of B.R. Ambedkar.<sup>55</sup> These parties together held about 32 seats. This brought the Ministry's total of potential supporters to a respectable 72. If those independents and members of other parties like the Non-Brahmin Party who had signed the Congress pledge only with a view to getting a Congress ticket in the elections and who had no strong ties to that party could also be wooed, there was no reason to suppose that the new ministry could not survive — at least for a while. Cooper himself was very optimistic about his ability to muster more support, especially from the independents and other non-Congressmen.<sup>56</sup>

On the morning of 1 April, Brabourne summoned the new ministers to the Secretariat and administered the oath of office. Soon afterwards he called the Cabinet together for its first meeting, whereupon the ministers retired to the offices assigned to them and got to work until late in the evening, chalking out their programme.<sup>57</sup>

Simultaneously, though, the presidency was racked with demonstrations as the Congress honoured its pledge to mark the new constitution coming into effect with a *hartal* all over the country.<sup>58</sup> The BPCC in concert with the Bombay Provincial Trade Union

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<sup>54</sup> *Ibid.*

<sup>55</sup> *Times of India and Bombay Chronicle*, 31 March 1937.

<sup>56</sup> Brabourne to Linlithgow, Report No.5, 5 April 1937, OIOC, MSS EUR F 97/11.

<sup>57</sup> *Times of India*, 2 April 1937.

<sup>58</sup> *Indian National Congress 1936-37: Being the resolutions passed by the Congress, the All India Congress Committee and the Working Committee during the period between April 1936 to January 1938*, pp.97-98.

Congress, the All India Press Workers' Union, and student bodies like the National Students' League and the Students' Federation formed committees in Bombay city and major district towns to coordinate the protest.<sup>59</sup> The Bombay Committee decided that the day would begin with *prabhat pheris* (morning processions), and culminate in a mass meeting on the sands of Chowpatty presided over by Nariman, the president of the BPCC.<sup>60</sup>

The *hartal* was a partial success. Hindu businesses in Bombay City, particularly in the streets of Mandvi, Kalbadevi and Sheikh Memon closed for the day.<sup>61</sup> Fruit stalls in the busy Crawford Market remained shut up tight while vegetable stalls opened only until 9 am. About fifteen textile mills followed suit.<sup>62</sup> However, businesses owned by Muslims remained largely unaffected in deference to Jinnah's orders that the Muslims ignore the call for a strike.<sup>63</sup> Thus in Hindu-dominated towns like Poona and Surat most shops remained closed, while in Ahmedabad and Sholapur, the *hartal* was only partial due to lack of support from Muslim shop keepers.<sup>64</sup>

This however, was just the beginning. Inside and outside the Assembly, the interim ministry was subjected to a barrage of criticism from the Congress, their worst barks being directed at Jarnadas Mehta, the Democratic Swarajist leader, because of his erstwhile Congress connections.<sup>65</sup> The party did not mask its dismay at Mehta's acceptance of a place in the ministry. As the pro-Congress *Bombay Chronicle* editorialised, stated that his

<sup>59</sup> Brabourne to Linlithgow, Report for the second half of March 1937, 1/5 April 1937, OIOC, MSS EUR F 97/14B.

<sup>60</sup> *Bombay Chronicle*, 31 March 1937.

<sup>61</sup> The home department attributed the closing down of shops owned by Hindus partly to the festival of Rang Panchami that fell on the day. Brabourne to Linlithgow, Report for the first half of April 1937, 16 / 21<sup>st</sup> April 1937, OIOC, MSS EUR F 97/14B.

<sup>62</sup> *Times of India*, 2 April 1937.

<sup>63</sup> Jinnah had issued a press statement asking the Muslims not to participate in the *hartal*. *Times of India*, 29 March 1937.

<sup>64</sup> *Ibid*, 2 April 1937.

<sup>65</sup> *Bombay Chronicle*, 3 April 1937. He had been a member of the All-India Congress Committee in 1921-31 and of the Working Committee of the Indian National Congress in 1926. Thos. Peters (ed) *Who's Who in Western India*, p.327.

action had 'caused painful surprise among the public who had always associated his Khaddar dress and white cap with high democratic traditions and principles'.<sup>66</sup> When Mehta joined the ministry, he was given a farewell reception by the Municipal Corporation in the Corporation Hall. Not only were the Congress members of the Corporation conspicuous by their absence, but about six of them led by Yusuf Mehrally held a hostile demonstration outside.<sup>67</sup> A similar incident took place when the Shri Mahajan Association invited K.F. Nariman to preside over a function to appreciate the services of Jamnadas Mehta as Mayor of Bombay. Nariman refused. In order to extricate his hosts from the sticky situation, Mehta requested that the function be postponed to a later date.<sup>68</sup> Throughout his short stint as the Finance Minister Mehta constantly faced opposition from his erstwhile colleagues in the form of black flags and slogans of 'Jamnadas Go Back'.<sup>69</sup>

### THE WORK OF THE NEW MINISTRY

The new ministry for its part tried to show that it was not just a cabal of self-seekers and really cared for the people. One of its first actions was to extend the rural broadcasting network of All-India Radio into the districts of Thana and Kolaba in the Maharashtra region of the presidency. Cooper inaugurated the service by telling his listeners (in vernacular Marathi) that the ministry was dedicated to their progress.<sup>70</sup> Hard on the heels of this initiation, Jamnadas Mehta let it be known that he was donating his ministerial salary of Rs.2500 to the government for 'philanthropic and charitable purposes, including relief of the poor and the working classes'.<sup>71</sup>

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<sup>66</sup> *Bombay Chronicle*, 1 April 1937.

<sup>67</sup> *Bombay Chronicle* and the *Times of India*, 3 April 1937.

<sup>68</sup> *Bombay Chronicle*, 3 April 1937.

<sup>69</sup> Reports of Mehta's tour of Bijapur, Panvel and Sholapur, *Times of India*, 30 April 1937 and *Bombay Chronicle*, 31 May 1937.

<sup>70</sup> *Times of India*, 2 April 1937.

<sup>71</sup> *Ibid*, 5 April 1937.

About the same time, the ministry launched a statement outlining its policy. It promised to deliver, among other things, free and compulsory primary education across the presidency, more special scholarships for students of deprived communities, measures to offer debt relief to peasants, schemes for bringing waste lands under cultivation, and to look into ways of extending irrigation particularly in regions facing chronic scarcity, and reduction of water rates.<sup>72</sup>

The ministry promised also to consider establishing a minimum living wage and limiting the number of working hours for industrial workers, pledged to secure wider recognition of trade unions, settle trade disputes, decrease unemployment, reduce problems of housing in the big cities and other municipal areas of the presidency and protect tenants from unfair treatment by their landlords, enforce prohibition and improve public health.<sup>73</sup>

The statement promised much more than that any government could possibly have delivered in one term — particularly one already labelled as an 'interim' one. The expenditure involved in translating it into reality alone would have run to several millions of rupees — well beyond the revenue resources available to provincial government under the India Act of 1935. It was therefore, not so much a blue print for change as a populist document aimed at garnering the support of the people and taking the wind out of the Congress' sails.<sup>74</sup> As it was, early reactions to their statement were (with the exception of the Congress) uniformly favourable throughout the presidency.<sup>75</sup>

After the initial shock of seeing others occupy the ministerial chairs that many in the Congress thought belonged to the party by right, the latter set about preparing for fresh elections, which it considered inevitable, by moving among the electorate and advising

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<sup>72</sup> Interestingly, free and compulsory primary education was a glaring omission in the election manifesto of the Congress. The Congress Election manifesto of 22 August 1936 cited in Margaret Dove, *Forfeited Future*, pp.445-449.

<sup>73</sup> *Times of India*, 10 April 1937.

<sup>74</sup> *Bombay Chronicle*, 10 April 1937.

<sup>75</sup> Brabourne to Linlithgow, Report for the second half of April 1937, 1st/ 4<sup>th</sup> May 1937, OIOC, MSS EUR F 97/14B.

them about the party position.<sup>76</sup> Except for the socialists, the party rank and file — most of whom had contested elections in the hope of forming the government — remained hungry for power and, as the weeks went by, showed increasing impatience with the high command's insistence on getting first an assurance from the British that the governors would not use their special powers.<sup>77</sup> Meanwhile, on Vallabhbhai Patel's orders, the Congress legislators tried to disrupt the working of the new ministry by canvassing support among the members of both houses of the legislature for a motion of no confidence in the government.<sup>78</sup> The aim was to force the governor to convene the Assembly, and expose the new government to searching cross-examination. Last but not least, in districts like Poona where the Congress had a strong presence, party members were asked to ignore orders issued by the ministry, and to refuse to pay taxes levied by it.<sup>79</sup>

Apart from the irritants posed by the Congress, nature also played a part in testing the ability of the ministry to govern. The summer of 1937 was a particularly severe one climatically. Soon parts of the Panch Mahal District, such as the talukas of Dohad, Godhra and Phalod were facing a water shortage. Jamnadas Mehta made a tour of all the scarcity-hit areas and was deeply perturbed by what he saw. On his return, a cabinet meeting was called, which heard reports from Finance Secretary C.G. Freke, Home Secretary J.B. Irwin, Revenue Secretary E.N. Perry and Secretary of the General Department H.T. Sorley.<sup>80</sup> After they had spoken, Mehta suggested that a 'state of famine' be declared in the areas

<sup>76</sup> Brabourne to Linlithgow, Report for the first half of April 1937, 16th/ 21<sup>st</sup> April 1937, OIOC, MSS EUR F 97/14B.

<sup>77</sup> *Ibid.* D.A. Low in *Britain and Indian nationalism: The imprint of ambiguity 1929-1942*, p.279, also cites a number of reports from other provinces.

<sup>78</sup> Brabourne to Linlithgow, Report for the second half of April 1937 dated 1<sup>st</sup>/4<sup>th</sup> May 1937, OIOC, MSS EUR F 97/14B. When B.R. Ambedkar, the leader of the Independent Labour Party was approached by B.G. Kher for the support of his party for the no-confidence declaration, Ambedkar declined by elaborating in great detail his reasons for refusing the request. He placed the blame for the 'present situation' on the Congress and alleged that the present move of the party was only intended to justify the party position and would not serve the 'national' cause at all. The ILP therefore preferred to wait to express its opinion until the issue is presented for debate on the floor of the house. B.R. Ambedkar to B.G. Kher, 12-5-1937, NMML, New Delhi, File 12(ii), Kher Papers.

<sup>79</sup> *The Bombay Chronicle*, 27 April 1937

<sup>80</sup> *Ibid.*

concerned, but the Governor deemed this precaution unnecessary and asserted that it would involve expenditure that the presidency could not afford.<sup>81</sup> Buckling under his pressure, the Cabinet agreed there was no 'famine'. However, they insisted on implementing a raft of measures to alleviate the problem, such as increasing the number of people s employed by the government on 'scarcity works', sanctioning additional works, and appointing two medical officers to investigate the health hazards that had been created by water scarcity.<sup>82</sup> The latter helped prevent any serious epidemics related to scarcity conditions from breaking out in the area.<sup>83</sup>

Another issue which tested the new government was the communal situation. This has been tense for sometime, and further trouble was expected in Poona during the Hanuman Jayanthi festival (25 April - 13 May) at the Sonya Maruti temple, which had occasional communal unrest before.<sup>84</sup> Seeking to avoid another outbreak of violence, the District Magistrate of Poona passed an order prohibiting the playing of music during the course of the festival. Since this also involved a ban on ringing bells, a customary practice among Hindus offering prayers, it was greatly resented. The Democratic Swaraj Party and the Hindu Mahasabha, who were both eager to act as custodians of Hindu interests, responded by offering *satyagraha* (passive resistance) in the temple.

Given that Jamnadas Mehta was the leader of the Democratic Swaraj Party, its participation in the *satyagraha* was awkward for the minister; therefore he tried to have the District Magistrate's order repealed. But the Cabinet overruled him and he had to settle for

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<sup>81</sup> Brabourne to Linlithgow, Report No.6, 6 May 1937, OIOC, MSS EUR F 97/11.

<sup>82</sup> Brabourne to Linlithgow, Report for the second half of April 1937, 1<sup>st</sup>/4<sup>th</sup> May 1937, OIOC, MSS EUR F 97/14B.

<sup>83</sup> Brabourne to Linlithgow, Report for the first half of May 1937, 16 /20 May 1937, OIOC, MSS EUR F 97/14B.

<sup>84</sup> Even in the previous year, the playing of music in front of the temple had been resented by Muslims in a neighbouring mosque, leading to communal violence. It could only be controlled by bringing in extra police from other districts as well as the army. Brabourne to Linlithgow, Report No.6, dated 6 May 1937, OIOC, MSS EUR F 97/11.

a press note explaining the government's position.<sup>85</sup> Despite this, the Democratic Swaraj Party continued to support the *satyagraha* and in May 1937 senior figures S.L. Karandikar, the party whip in the Bombay Legislative Assembly, and party secretary S.V. Modak, courted arrest by defying the government order.<sup>86</sup> By contrast, interestingly, the contribution of the Congress to the agitation was minimal, its prominent leaders preferring to stay clear of the controversial issue. Only local Poona Congressmen like N.V. Gadgil and B.M. Gupte offered *satyagraha*, probably because any failure on their part to do so would have alienated their Hindu supporters. With the ending of the festival on 13 May, the danger of violence receded but the Hindus of Poona continued to take an aggressive religious line, which convinced the government that a more permanent solution to the problem had to be found.<sup>87</sup>

The month of June 1937 started with the sudden outbreak of communal riots in Bombay city. The cause was a familiar one - the playing of music by a Hindu marriage procession near a mosque at Kamatipura Centre Road. The procession had ceased playing music when they were about 50 yards from the mosque when a Muslim youth came up and objected to the music played earlier. An argument followed in which he was assaulted. His cries alerted other Muslims in the area and following this a fracas ensued which spread rapidly to other parts of the city like Two Tanks, Round Temple, Jambhli Mohalla, C. P. Tank and Nall Bazaar.<sup>88</sup> Casualties were eleven dead and sixty-seven injured. The government reacted swiftly. Curfew was declared in the disturbed areas of the city for a period of fourteen days. Orders were passed prohibiting the collection of crowds and the carrying of arms. Officers in charge of police stations in affected areas were instructed to arrest all suspicious characters. The Government by Notification No.8378/3 of 1 June 1937

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<sup>85</sup> *Ibid*

<sup>86</sup> *Ibid*.

<sup>87</sup> Brabourne to Linlithgow, Report No.7, 21 May 1937, OIOC, MSS EUR F 97/11.

<sup>88</sup> *Report of the Hindu-Moslem Riots in Bombay City, May-June 1937*, NAI, File No.946, Home (Special) Files.

also immediately brought into force Section 2 of the Bombay (Emergency Powers) Whipping Act, 1933 under which persons who were under suspicion of playing a role in the riots were to be whipped. 2373 people were arrested.<sup>89</sup> The measures, draconian though they were, helped contain the violence and bring the situation under control.

As we have seen, the ambitious agenda of the new government included free and compulsory education for children, remissions of land revenue and release of political prisoners.<sup>90</sup> Some progress was made under these heads. In the villages of Ambada and Selwalla in Palghar Taluka, a retired government official was appointed to teach the sons of farmers belonging to these and neighbouring villages at a common centre. It was agreed that if the scheme proved successful, it would be extended and financed out of Village funds.<sup>91</sup> Indeed a similar scheme was soon providing basic education to tribal children of the Thana District.<sup>92</sup> Likewise, the new ministry made some attempts to ameliorate the conditions of the Bhils; and while it struck out on the issue of political prisoners generally, it was able to cancel a number of orders for deportation against subjects of neighbouring princely states and restrictive orders against several Congress supporters. However, restrictions against Communists continued to be enforced with the Ministry's blessing.<sup>93</sup>

These 'nation-building' activities on the part of the ministry evoked interesting reactions from both the Congress and the governor, Brabourne. While the Congress grew increasingly alarmed at the hijacking of their manifesto by the ministry and vowed to unseat it at the earliest opportunity, Brabourne was surprised and not a little put out by their (particularly Mehta's) enthusiasm for reform and their unwillingness to toe the British

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<sup>89</sup> *Ibid.* Also Brabourne to Linlithgow, Report No.8, 5 June 1937, OIOC, MSS EUR F 97/11.

<sup>90</sup> *Bombay Chronicle*, 27 April 1937.

<sup>91</sup> *Times of India*, 10 April 1937.

<sup>92</sup> *Ibid.*, 13 May 1937.

<sup>93</sup> Brabourne to Linlithgow, Report No.6, 6 May 1937, and Brabourne to Linlithgow, Report No.10, 6 July 1937, OIOC, MSS EUR F 97/11.

line. Of Mehta, an exasperated Brabourne wrote: 'were he left to himself, he would rapidly assume dictatorial powers in the presidency'.<sup>94</sup>

In May, the ministry published its detailed programme, which was an elaboration of the policy statement it had released earlier. If anything, this revised agenda was even more ambitious, and some sources estimated it costing the presidency at least 12,500,000 rupees annually.<sup>95</sup> Like the earlier document, it foreshadowed the introduction of free and compulsory primary education, relief of indebtedness, remission of land revenue, wider recognition of trade unions, the release of political prisoners, and the enforcement of prohibition (a subject close to Gandhi's heart) in stages.<sup>96</sup>

Predictably, the Congress did not take kindly to the stealing of their thunder.. Kher declared the programme was an 'apology for their existence' and proclaimed enigmatically that it was an attempt to create 'a greater split in the country'.<sup>97</sup> Significantly, the party a couple of days later intensified its efforts to unseat the Cooper ministry by tendering a 'no confidence' motion signed by 92 members of the Legislative Assembly and 15 members of the Council to the governor. Apart from Congress signatories, this contained four independents of whom two were Muslims, two representatives of Labour and one a representative of the Indian Merchants Chamber.<sup>98</sup> Meanwhile the Congress continued with its efforts to connect with its rural supporters.<sup>99</sup>

But the governor too evinced no particular enthusiasm for the ministry's programme — in part because he did not believe it would survive the first vote of no-confidence.<sup>100</sup> And although Brabourne reported to the viceroy that he did not believe that

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<sup>94</sup> Brabourne to Linlithgow, Report No.10, 6 July 1937, and Brabourne to Linlithgow, Report No.6, 6 May 1937, OIOC, MSS EUR F 97/11.

<sup>95</sup> *Times of India*, 12 May 1937.

<sup>96</sup> *Ibid.*

<sup>97</sup> *Ibid.*, 17 May 1937.

<sup>98</sup> Brabourne to Linlithgow, Report for the first half of May 1937, 16/20 May 1937, OIOC, MSS EUR F 97/14.

<sup>99</sup> *Ibid.* Also, Brabourne to Linlithgow, Report No.7, 21 May 1937, OIOC, MSS EUR F 97/11.

<sup>100</sup> Brabourne to Linlithgow, Report No.6, 6 May 1937, OIOC, MSS EUR F 97/11.

his ministers too, in 'their heart of hearts' expect to survive, Mehta evidently did not share his feelings — for he threw himself into the task of raising funds for the programme — nominating new taxes on agricultural incomes, mineral rights, professions, trades and other employment, on the sale of some goods, advertisements, hotels, 'luxury' goods, betting and other sources of entertainment as possible sources of additional revenue<sup>101</sup> He hoped that the progressive tone of the programme would help the ministry win more support from non-Congress parties and thereby obtain for it a working majority.<sup>102</sup> In particular Mehta was confident that he would be able to get his budget proposals passed with the help of Muslims, Ambedkar's party members and those who had joined the Congress platform only for the purpose of getting elected.<sup>103</sup>

But just when things were looking up for the ministry, an issue blew up unexpectedly that allowed the Congress to revive its credentials as the party which best represented the national interest. The trigger was an alleged remark made by Lord Baden Powell, the founder of the Scouting movement. Baden Powell was reported in the press as saying that there was no word in Hindustani for honour.<sup>104</sup> The Congress Party held this to mean that in Baden Powell's view Indians had no sense of honour, and it accused him of racial arrogance. The resulting controversy galvanized the country. In Bombay city, where it was fanned to some extent by pro-Congress newspapers like the *Bombay Chronicle*, the Bombay Municipal Corporation after considerable deliberation accepted the Congress Socialist leader M.R. Masani's amendment to disaffiliate the Scout and Guide troops

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<sup>101</sup> *Bombay Chronicle*, 21 May 1937.

<sup>102</sup> Jamnadas Mehta's public address at Dahanu on 23 May 1937 reported in the *Times of India*, 26 May 1937.

<sup>103</sup> Ambedkar's role at this time appears to have been somewhat ambiguous. Mehta reported to Brabourne that he would get support from Ambedkar's party while Jinnah at the same time was apparently assured support by Ambedkar for forming a ministry when the present one was defeated. Brabourne to Linlithgow, Report No.8, dated 5 June 1937, OIOC, MSS EUR F 97/11.

<sup>104</sup> *Bombay Chronicle*, 18 May 1937.

attached to Municipal Schools from Baden Powell's Scout movement.<sup>105</sup> A new indigenous Scout movement called the Seva Samiti was also launched as a counter to Baden Powell's organisation. The affair revived Congress' popularity and left the Cooper ministry — which had kept silent about the matter — looking as if it was indifferent to white racism.<sup>106</sup>

At the same time the debate on the constitutional impasse continued. As the days passed, it was obvious that the interim ministries could not continue forever. They would have to face the legislature sooner or later and as soon as the Legislative Assembly was summoned, they would have to face a motion of no confidence by the Congress, which held little hope of survival unless all non-congress parties, independents as well as discontented elements within the Congress, got together in a magnificent show of strength and unity and propped up the ministry. This would have been nothing short of a miracle as the non-Congress parties were hopelessly disunited and totally immersed in their petty intrigues.<sup>107</sup> There were only two options before the government - to entice the Congress into accepting office or to impose Section 93 of the Government of India Act and take over direct control of the administration.

Publicly Congress remained opposed to office acceptance on anything but its own terms. But with each passing day in opposition, its appetite for power grew. The smooth working of the ministry, with little apparent interference from the governor, underlined the fact that the powers enjoyed by the ministers under the 1935 Act were real and substantial.

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<sup>105</sup> Brabourne to Linlithgow, Report for the first half of July 1937, 16 July 1937, OIOC, MSS EUR F 97/14 B.

<sup>106</sup> An interesting indicator of the changing times was the shift in the attitude of the members of the Byculla Club on the issue of admitting Indians as guests to the Club. When the issue was raised in 1936, the majority of the members were against it but in May 1937, their views had altered and now most of them were actually in favour of it. Thus although it appears that the issue of allowing Indians to become actual members of the Club was possibly not considered at this stage, this is indicative of a definite change in European attitudes on the question of maintaining their exclusivity. Brabourne to Linlithgow, Report No.7, 21 May 1937, OIOC, MSS EUR F 97/11.

<sup>107</sup> Brabourne to Linlithgow, Report No.8, 5 June 1937, OIOC, MSS EUR F 97/11.

Anticipating that an extended period in office lay ahead, the Congress party machine in Bombay spent the summer of 1937 storing up support in the electorate, more particularly among Muslims who as we have seen, had largely rejected the Congress at the elections. In a circular to the provincial Congress Committees, Nehru exhorted them to form special committees to enrol more Muslims in the party and issue notices of party meetings in Urdu so that it would be easier for Muslims to gain access to information regarding party activities. These measures were aimed at endearing the Congress Party to the Muslim community.<sup>108</sup>

Consequently, the BPCC launched a campaign to increase the number of Muslims on its rolls. It opened new offices in Muslim-dominated areas; set aside five hundred rupees to fund a 'Muslim Mass Contact Committee'; and gave S.A. Brelvi and Khan Abdul Gaffar Khan a brief to open a dialogue with the leading Muslims of the city.<sup>109</sup> These efforts were viewed with great alarm by the League and especially by Jinnah, its President. A long and much publicised war of words between Nehru and Jinnah followed, with the latter declaring that the object of the Congress was to break the League and warning Muslims against 'taking a leap in the dark' by joining Congress.<sup>110</sup>

In the meantime the British continued to woo the Congress. They felt they had little alternative. The legislature had to be summoned in due course, and if the minority ministries were defeated in the provinces which had secured a Congress majority in the elections, and the Congress continued to refuse to accept office, they would be left with the choice of holding fresh elections or imposing Section 93 of the India Act and assuming direct control of the provinces in question. The Government understandably was not eager to order fresh elections for fear that the Congress would increase its majorities and become

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<sup>108</sup> S. Gopal (ed), *Selected Works of Jawaharlal Nehru*, Vol.8, pp.122-124.

<sup>109</sup> Brabourne to Linlithgow, Report for the first half of April 1937, 16/21 April 1937 and Brabourne to Linlithgow, Report for the first half of May 1937, 16/20 May 1937, OIOC, MSS EUR F 97/14B.

<sup>110</sup> Brabourne to Linlithgow, Report for the second half of April 1937, 1 / 4 May 1937, OIOC, MSS EUR F 97/14B.

stronger than before.<sup>111</sup> The Section 93 alternative too was little better since it would amount to an admission that the Government of India Act had failed. Congress would have succeeded in 'wrecking' the Act.

Therefore, the refusal of the Congress to take office was disappointing to the British and the disappointment showed in the Secretary of State, Lord Zetland's speech of 8 April in the House of Lords, in which he summarily dismissed the idea of granting the demand of the Congress.<sup>112</sup> Subsequently however the British modified their position. On 6 May Zetland indicated that 'the reserved powers of which so much has been made by the Congress, 'would not normally be in operation'.<sup>113</sup> But whatever Zetland may have hoped to achieve with his speech in terms of appeasing the Congress was largely dissipated in the case of the Bombay governor Brabourne's remark shortly afterwards in a speech at Belgaum that, 'the taking of office means hard work and the assumption of responsibility but without these no country can govern itself, and an attitude of mere negation leads nowhere and avails nothing' — which implied that the Congress was a bunch of shirkers.<sup>114</sup> An angry Kher declared: 'whatever our shortcomings, shirking work and responsibility can certainly find no place among them.'<sup>115</sup> Gandhi added, 'if the Belgaum speech is a paraphrase of Lord Zetland's recent speech, the situation is certainly no better and it is possibly worse. Zetland gave me some hope. [The governor of] Bombay has shattered it, if what he says is what Zetland meant.'<sup>116</sup>

Nevertheless, the Congress-Raj dialogue over the terms of office-acceptance survived Brabourne's heavy-handed intervention, and by June 1937 the differences between the two camps had narrowed to the question of what the governor would do in the

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<sup>111</sup> Brabourne to Linlithgow, Report No.5, 5 April 1937, OIOC, MSS EUR F 97/11.

<sup>112</sup> D.A. Low, *Britain and Indian Nationalism: The imprint of ambiguity, 1929-1942*, p.278.

<sup>113</sup> Italics are added. *Times of India*, 7 May 1937.

<sup>114</sup> *Bombay Chronicle*, 15 May 1937

<sup>115</sup> *Bombay Chronicle*, 17 May 1937

<sup>116</sup> Gandhi's interview to the Associated Press of India, May 15, 1937 in *The Collected Works of Mahatma Gandhi*, Vol.LXV, Navjivan trust, Ahmedabad, 1976, p.209 and p.215.

event of a serious disagreement between a governor and his Congress ministers. Gandhi intimated that he wanted an undertaking that in such a situation the governor would demand the ministers' resignation, explaining that he was 'very anxious that Congressmen should take office'.<sup>117</sup> In reply, Linlithgow made a conciliatory speech on 22 June 1937 in which he called the Congress 'a great political party' and assured its leaders that their apprehensions had 'no shadow of justification'.<sup>118</sup> But this smooth talking aside, he did not budge an inch from the stand that the British government had always taken — of no assurances or promises regarding the conduct of the governors. In reply to Gandhi's suggestion that the governors should have their ministers resign instead of dismissing them, Linlithgow pronounced the idea impossible under the terms of the 1935 Act.<sup>119</sup>

As the days passed the British government looked eagerly for signs of unrest in the Congress ranks. They hoped that dissatisfied elements might revolt and threaten to split the party, thereby forcing the high command to authorise office acceptance.<sup>120</sup> This hoped-for split did not occur. Nevertheless dissatisfaction in the party ranks was growing and it became obvious to party leaders that they would need to act fast if it was to be contained.<sup>121</sup> The main difficulty was presented by the Congress Socialists in the Congress, particularly Nehru. Convincing Nehru would not be easy as his opposition to working the 1935 Act had been steadfast and public. One day before the CWC was due to meet to discuss the issue, Gandhi and Nehru had extensive discussions lasting for about twenty

<sup>117</sup> Gandhi's interview to the Times of India, 1 June 1937, *Ibid*, p.261.

<sup>118</sup> *Speeches and Statements by the Marquess of Linlithgow*, Bureau of Public Information, New Delhi, 1945, p.75.

<sup>119</sup> *Ibid*, p.79.

<sup>120</sup> In all the fortnightly reports of the Governor of Bombay in this period (Report No.6, Report No.7, Report No.8, Report No.9 and Report No.10) there are detailed descriptions of the mood of the Congress rank and file over the office acceptance issue and it appears that the Government was almost looking forward to a split in the party as is evident from Brabourne's statements, 'There is very definitely no sign of a split in Congress ranks...' Brabourne to Linlithgow, Report No.6, dated 6 May 1937, and 'There is still no sign of a split in the Congress ranks over the office acceptance question....' Brabourne to Linlithgow, Report No.8, dated 5 June 1937, and 'there is no chance of any such split in the immediate future....' Brabourne to Linlithgow, Report No.10, OIOC, MSS EUR F 97/11.

<sup>121</sup> Brabourne to Linlithgow, Report No.8, Report No.9 and Report No.10, OIOC, MSS EUR F 97/11 discusses these issues.

hours.<sup>122</sup> As usual Nehru capitulated to the arguments of his mentor. Gandhi wrote approvingly of the meeting, 'Jawaharlal was more than good throughout. His innate nobility asserted itself every time a difficulty cropped up. He is truly a warrior, *sans peur et sans reproche*'.<sup>123</sup> Accordingly when the CWC met next day at Wardha, it quickly reached a consensus, expressed in the following resolution:

The Committee feels ... that the situation created as the result of the circumstances and events that have occurred, warrants the belief that it will not be easy for the governors to use their special powers. The Committee has moreover considered the views of Congress members of the legislatures and of Congressmen generally. The Committee has therefore come to the conclusion and resolves that Congressmen be permitted to accept office where they may be invited thereto.<sup>124</sup>

A subdued and tearful Nehru later met the press. He observed laconically: 'Every decision of the Working Committee is a right one. Just as the king can do no wrong, the Working Committee also can do no wrong.'<sup>125</sup>

Even before the Working Committee met, the Bombay Congressmen were making plans for the formation of a ministry — which reveals how anxious ordinary Congressmen were to accept office and shows that the resolution did not come a day too soon.<sup>126</sup> As for the British, they were naturally elated with the turn of events. 'As regards the actual outcome of all these negotiations with Congress, there can, I think, be no doubt about the fact that we have won the first round handsomely. This is, of course, a thing which one

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<sup>122</sup> *Bombay Chronicle*, 6 July 1937.

<sup>123</sup> Letter to Amrit Kaur from Segaoon, Wardha, 10 July 1937, *The Collected Works of Mahatma Gandhi*, Vol.LX, p.380.

<sup>124</sup> The Resolution of the Working Committee of the AICC at Wardha, 7 July 1937 on office acceptance. *Indian National Congress, 1936-37: Being the resolutions passed by the Congress, the All India Congress Committee and the Working Committee during the period between April 1936 to January 1938*, p.60.

<sup>125</sup> Nehru's interview with the Press, Wardha, 7 July 1937 in S.Gopal (ed) *Selected Works of Jawaharlal Nehru*, Vol.8, p.105.

<sup>126</sup> K.M.Munshi, later the Home Minister in the province, wrote, 'though the Congress Working Committee decided in favour of formation of ministries on July 7, I find from my diary that on July 2, I was discussing with Kher the formation of a ministry.' K.M. Munshi, *Indian Constitutional Documents: Pilgrimage to Freedom (1902-1950)*, Vol.1, Bharatiya Vidya Bhavan, Bombay, 1967, p.46.

must never dream of saying to any one here', wrote Brabourne in a letter to his successor designate.<sup>127</sup>

Now all that remained was for the interim ministry to resign and for the Governor to invite Kher to form a ministry.<sup>128</sup> But the interim ministry was not about to go without some show of resistance. They were eager to test the strength of support for the Congress in the legislature and believed they had a good chance of winning a motion of no-confidence in the Legislative Assembly. To this end, a conference of 'constitutionalists' was held at Gokhale Hall, Poona on 10 July 1937. Cooper presided, declaring that the sole object of the ministry in taking up office had been to prevent the 'collapse of democracy at its very inception'.<sup>129</sup> They also felt that they should be allowed to table a White Paper detailing their proposals for reform.<sup>130</sup> Afterwards, he sounded out Brabourne about the prospect of facing the legislature. However, now that the stage was set for the assumption of power by the Congress, Brabourne was determined not to place that long-awaited outcome at risk. He advised the Ministry that they had no hope of surviving a vote of no-confidence.<sup>131</sup> At the same time he rejected their request to be allowed to table the White Paper on the ground that circulating it to the members of the Assembly could serve their purpose just as well.<sup>132</sup>

The lack of support from the Governor and the conspicuous absence of the Muslim League and Ambedkar's Independent Labour Party, the two largest non-Congress groups in the Assembly at the conference of 10<sup>th</sup> July, dampened the Ministry's hopes of

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<sup>127</sup> Brabourne to Lumley, Letter No.15, 11 July 1937, OIOC, MSS EUR F 253/10.

<sup>128</sup> Brabourne actually toyed with the idea of inviting Kher to form the government even before the Wardha meeting of the AICC but deferred it only because firstly he felt that it would negate the efforts of the interim ministry to win over more support from the 'wobblers' in the Congress and secondly, due to his opinion of Kher as a person incapable of taking an independent decision. Letter from Brabourne to Linlithgow, 30 June 1937 cited in Chopra, P N (ed), *Towards Freedom 1937-47: Vol.I, Experiment with Provincial Autonomy/ January-31 December 1937*, p.701

<sup>129</sup> *Times of India*, 12 July 1937

<sup>130</sup> Brabourne to Lumley, Letter No.15, 11 July 1937, OIOC, MSS EUR F 253/10.

<sup>131</sup> Brabourne to Linlithgow, Report No.11, 19 July 1937, OIOC, MSS EUR F 97/11.

<sup>132</sup> *Ibid.*

continuing in power.<sup>133</sup> Moreover, the resignation of the interim ministries in other provinces like UP, Bihar and Madras made them realise the futility of struggling against the tide.<sup>134</sup> At a meeting on 11 July, they decided to resign by the end of that week. This was done on 15 July. At once, the governor invited the leader of the Congress party in the Bombay Legislature, B.G. Kher, to form a government.

Thus, after three and a half months, the interim ministry in Bombay left office. They had fulfilled their purpose — served as a bait to entice the Congress to accept office — and now their time was spent. History has been unkind to these bit-players in the late-colonial political stage, but had they not accepted office in April 1937, the whole constitutional experiment represented by the Government of India Act of 1935 would have been placed in jeopardy. The British would have been forced to declare Section 93 and take over the provincial administrations. By taking office and working the Act, Cooper, Mehta and company helped to show Congress that the powers conferred by the new constitution were real. Also, by enunciating a coherent programme of governance, they sent a strong message to the Congress and the electorate that other ruling options were possible. If it had had the support of other non-Congress parties like the Muslim League and the Independent Labour Party, there is no reason why the Cooper ministry could not have defeated a Congress no-confidence motion in the Assembly. But lack of support from parties who could have given it, the rapid resignation of minority ministries in other provinces, and the eagerness of the British to get the Congress to take office, forced them to abandon their positions without a fight.

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<sup>133</sup> *Times of India*, 12 July 1937.

<sup>134</sup> Brabourne to Linlithgow, Report No.11, 19 July 1937, OIOC, MSS EUR F 97/11.

## 4. Negotiating Power: The Congress Takes Office

The period that followed the acceptance of office by the Congress should not be seen as making an immediate transfer from confrontation to cooperation on the part of the nationalist body. Rather, it marked the end of one stage of confrontation with the British and the beginning of another. The roots of conflict between the two were too deep to be swept aside merely by the assumption of power by the Congress. They remained extremely wary and suspicious of each other's intentions. And the declaration of the Congress party that their aim was to 'combat' the Government of India Act of 1935 still stood. The constitutional conflicts this statement promised, boded ill for the future.<sup>1</sup> Last but not least, the determination of the party high command to dictate to Congress ministers with regard to day-to-day administrative issues threatened to complicate relations between the ministers and the functionaries of the colonial government.<sup>2</sup>

Nevertheless, for the masses on the streets of Bombay, the prospect of having 'their' party in government was a source of much exultation. There appears to have been very real optimism abroad in July 1937 that things could only get better now that the Congress had got the issue of office acceptance out of the way.<sup>3</sup>

However, constitutional troubles soon intruded. The Congress high command was anxious to demonstrate that, notwithstanding the party's decision in favour of office

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<sup>1</sup> The Resolution of the Working Committee of the AICC at Wardha, 7 July 1937 on office acceptance declared that 'office is to be accepted and utilised for the purpose of working in accordance with the lines laid down in the Congress election manifesto and to further in every possible way the Congress policy of combating the new Act on the one hand and of prosecuting the constructive programme on the other'. *Indian National Congress, 1936-37: Being the resolutions passed by the Congress, the All India Congress Committee and the Working Committee during the period between April 1936 to January 1938*, p.60.

<sup>2</sup> A resolution passed by the All India Congress Parliamentary Sub-Committee at Wardha on 8 July 1937 had delegated powerful party men to 'deal with matters' in the provinces and accordingly Sardar Vallabhbhai Patel was authorised to 'deal with' the Bombay presidency. *Ibid*, p.61. In a private letter to his successor-designate Roger Lumley, Brabourne said, 'some time during the next very few years, we have got to fight it out with the Congress, once and for all, I have no doubt at all'. Brabourne to Lumley, Letter No.15, 11 July 1937, OIOC, MSS EUR F 253/10.

<sup>3</sup> *Bombay Chronicle*, 17 July 1937.

acceptance, it should not be taken for granted by the government. At the same time, the British establishment was anxious to quash suggestions that provincial autonomy meant a 'weakening' of their grip on the administration. This game of one-upmanship created an atmosphere of tension that resulted in open disagreement. The first confrontation occurred over the Governor's exercise of his power of nomination. When the interim ministry resigned, Brabourne, as noted above, invited Kher, the leader of the Congress party in the legislature, to see him. The meeting on 16 July took off with three objections raised by Kher. The first one dealt with the nominations to the Legislative Council that had been announced a few days earlier. Brabourne had nominated three non-Congressmen (S.C. Joshi, a representative of Labour, Dr. Purushottamrai G Solanki, a member of the Scheduled Castes, and Major Sardar B.N. Patankar who belonged to the electoral category of Intermediate Hindus) to the Bombay Legislative Council.<sup>4</sup> What the governor had done was not unconstitutional;<sup>5</sup> however, the timing of the nominations, coming so soon in the wake of the Congress' assumption of office, made the party view it as an attempt to deliberately put it at a disadvantage in the Council.<sup>6</sup> Kher also objected to the fact that no Indian from the presidency had been included in the revamped Provincial Public Services Commission.<sup>7</sup> The new premier reserved most virulent objections for Brabourne's confirmation of Sir Kenneth Kemp as the Advocate-General. Although Kemp's reappointment had been decided upon by the interim ministry, the Congress ministers argued that they required someone in that office who 'could command the confidence' of

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<sup>4</sup> *Bombay Chronicle*, 13 July 1937.

<sup>5</sup> Under clause (d) of paragraph fourteen of the Fifth Schedule of the Government of India Act 1935, the Governor could nominate between three to four people to the Legislative Council.

<sup>6</sup> The results of the elections for the Legislative Council revealed that the Congress had won 14 out of the 26 seats. Brabourne to Linlithgow, Report for the second half of February 1937, 1/5 March 1937, NAI, Home-Political (Secret) File.No.18/2/37. With the Governor's nominees, the total strength of the House rose to 29 in which the Congress were decidedly in a minority.

<sup>7</sup> The only Indian on the Commission was Sir Shah Nawaz Bhutto from Sind, a region that was no longer part of the Bombay Presidency under the Government of India Act of 1935.

the party — in other words, someone with Congress sympathies. Kemp, being an Englishman, would not, they supposed, be sympathetic.<sup>8</sup>

Brabourne tried to allay Kher's fears. To his objection regarding the nominations to the Legislative Council, he pointed out that they had been made way back in March, much before the Congress had decided to assume office, and that they had been dictated solely by a desire to give representation to hitherto underrepresented groups. On the issue of the absence of Indians in the Provincial Public Services Commission, he explained that under the Government of India Act 1935, two of the three members of the Commission had to have at least ten years service under the Crown in India and that there was no Indian in the presidency who fulfilled the criteria. And on the question of the removal of Kemp from the position of Advocate-General, he objected that Kemp had filled the position with distinction for many years and did not deserve to be arbitrarily sacked for political reasons.<sup>9</sup> Still, Kher pressed the issue, hinting that the party would refuse to take office unless Kemp was removed. But Brabourne stuck to his guns, and when he saw that the governor was in no mood to relent, Kher capitulated. However, the premier and his ministry remained totally opposed to Kemp holding office and bided their time for another opportunity to effect his dismissal.

The new ministry was inaugurated on 19 July 1937 to the accompaniment of much pomp and ceremony, all of it redolent with symbolism.<sup>10</sup> And again a game of one-upmanship was played. Before the formal oath taking ceremony at the Council Hall at Poona, party legislators dressed in white Khadi saluted the Congress flag unfurled by Kher in an impressive ceremony at the residence of a party supporter. They then took the oath 'for the attainment of India's goal of complete freedom irrespective of whether they were

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<sup>8</sup> Brabourne to Linlithgow, Report No.11, 19 July 1937, OIOC, MSS EUR F 97/11. Also, K. M. Munshi, *Indian Constitutional Documents, Vol.1, Pilgrimage to Freedom, (1902-1950)*, p.52

<sup>9</sup> Brabourne to Linlithgow, Report No.11, 19 July 1937, OIOC, MSS EUR F 97/11.

<sup>10</sup> The Annual Sessions of the party were virtual *tamashas* or spectacles of grandeur. So also, the launching of the election campaign in Bombay in late 1936.

inside or outside legislatures'. After that, following a volunteer carrying a huge Congress flag, they marched in procession to the Council hall.<sup>11</sup> The oath-taking under the Congress flag in advance of the formal ceremony in the Council Hall was clearly designed to send a message both to their Congress supporters, and to the British that the minister's loyalty to party and country came before that to the Crown.

Six ministers took the oath of office on that day: B.G. Kher (sworn in as Chief Minister), A.B. Lathe (Finance), K.M. Munshi (Home and Law), Dr. M.D.D. Gilder (Public Health and Excise), Morarji R. Desai (Revenue) and L.M. Patil (Local self-government).<sup>12</sup> Sensitive to the communal implications of this overwhelmingly Hindu list, Kher consulted Vallabhbhai Patel and Maulana Abul Kalam Azad regarding the possible inclusion of a Muslim.<sup>13</sup> On their suggestion, Mahomed Yaseen Nurie, an Independent was persuaded to join the ministry as Public Works Minister.<sup>14</sup> That he accepted the Congress offer with hardly a demur speaks eloquently not only of Nurie's political flexibility but, also more generally, of the ad hoc character of the new ministry.<sup>15</sup>

## FLEXING THE CONGRESS MUSCLE

Within a few days of taking office, the ministry cancelled the bans on Congress and its allied associations. Securities taken from pro-Congress newspapers were also

<sup>11</sup> *Bombay Chronicle*, 20 July 1937.

<sup>12</sup> Like the interim ministry before them, the new Congress ministry also contained people from diverse backgrounds. It is interesting to read the description of the ministers by their then Governor Brabourne. Kher, a Karhade Brahmin from Ratnagiri was called 'a fanatical supporter of Gandhi', Munshi a successful Gujarati barrister from Bombay was described as 'clever but unreliable', M.D.D. Gilder, a renowned Parsi doctor was credited with a 'very strong bias against the I.M.S (Indian Medical Service)', Lathe, the erstwhile Dewan of Kolhapur state who had joined the Congress only a while ago was described as a man with 'plenty of brains but somewhat untrustworthy'. Morarji Desai, also a Gujarati who had been a Deputy Collector until he resigned during the civil disobedience movement was called 'a most dangerous individual'. 'Surly' and 'a complete nonentity' were the words used to describe L.M. Patil, a Maratha from Ahmednagar. Brabourne to Linlithgow, Report No.11, 19 July 1937, OIOC, MSS EUR F 97/11, and Brabourne to Lumley, Letter No.23, 14 August 1937, OIOC, MSS EUR F 253/10.

<sup>13</sup> *Bombay Chronicle*, 20 July 1937.

<sup>14</sup> Brabourne credited Nurie, a lawyer from Ahmedabad with showing 'no particular signs of intelligence'. Brabourne to Linlithgow, Report No.11, 19 July 1937, OIOC, MSS EUR F 97/11 and Brabourne to Lumley, Letter No.23, 14 August 1937, OIOC, MSS EUR F 253/10.

<sup>15</sup> Brabourne to Lumley, Letter No.25, 14 August 1937, OIOC, MSS EUR F 253/10.

returned.<sup>16</sup> Meanwhile, the party high command issued a number of instructions to 'guide' the Congress ministers in their day-to-day tasks. The main thrust of these instructions was that the ministers should keep aloof from the governor and the bureaucracy and limit all association with them to a strictly routine level. Along with this, they emphasised that ministers were expected to dispense as far as possible with the trappings of power — like high salaries — and to present a united front against the governor.<sup>17</sup> The high command also sought to reduce the control of the governor over the ministers by opposing the convention that he should preside over cabinet meetings, and requesting that he deal only with the premier and not with individual ministers.<sup>18</sup> Ministers were also prohibited from signing the governor's visitor's book, and attending 'official' functions such as receptions, farewells, parties, and dinners at the governor's residence.<sup>19</sup> Even so, the 'question of social contacts with ministers' proved a particularly vexatious issue and created numerous awkward situations, especially during the official welcome planned for the new governor Sir Roger Lumley. Indeed, Kher let it be known confidentially that he was 'totally against'

<sup>16</sup> Brabourne to Linlithgow, Report No.12, 5 August 1937, OIOC, MSS EUR F 97/11.

<sup>17</sup> One of the first Bills to be introduced in the Assembly was regarding the salaries of the ministers. It was decided that they would draw Rs.500 a month plus a motor allowance of Rs.150 and a house allowance of Rs.100 or whatever greater sum they may have to pay as rent for their houses. Brabourne to Linlithgow, Report No.12, 5 August 1937, OIOC, MSS EUR F 97/11. Gandhi however, considered even this to be too extravagant and recommended a salary of only Rs.75, which was firmly opposed by ministers like Munshi who had been used to a large income as a successful lawyer. K.M. Munshi, *Indian Constitutional Documents*, Vol. I, p.46.

<sup>18</sup> Jawaharlal Nehru to B.G. Kher, 18 July 1937, AICC File No.PL-2, Pt. II, 1938. The British on their part, while stressing the importance and desirability of the Governor presiding over cabinet meetings was of the view that a certain amount of elasticity could be allowed and the Governors may absent themselves every fifth or sixth meeting and could use their discretion to leave the meeting when items on the agenda had a special importance to the Congress party. Governor-General to All Governors on the Policy Regarding Governor's Presiding over Cabinet Meetings cited in Chopra, P N (ed), *Towards Freedom 1937-47: Vol. I, Experiment with Provincial Autonomy January-31 December 1937*, pp.743-744. On their part, the ministers would meet informally before each such meeting and made decisions on what they were to discuss in order to avoid any show of disunity among them. According to K.M. Munshi, 'The minister in charge carried on an undisturbed monologue and the governor gave his assent with a formal phrase or two, accepting the position with an understanding smile'. K.M. Munshi, *Indian Constitutional Documents*, Vol. I, p.48.

<sup>19</sup> Vallabhbhai Patel to the Congress Premiers, Draft Instructions, 30 July 1937, NMML, Kher Papers, File 6.

the restrictions imposed by the high command.<sup>20</sup> But such was the latter's sway that, against their better judgment, the ministers meekly bowed to its dictates.<sup>21</sup>

There was also a minor tussle on the question of what the leader of the government should be called. While the governor wanted him designated 'chief minister' as provided for in the Act, the high command directed that he should be called 'prime minister'. To add weight to this demand, they quoted the precedent of Canada. After a bit of wrangling, the governor thought it best to agree.<sup>22</sup>

All this caused some concern in British imperial circles. Brabourne was anxious for his government to 'present a common front' and wanted to avoid granting concessions or appearing to make concessions to national opinion not only because he feared that it would gradually lead to an erosion in his authority, but also because he feared that such concessions would play into the hands of diehards in Britain.<sup>23</sup> Nevertheless Brabourne did not desire to bring about a deadlock. So a sincere effort was made from the official side to resolve problems through compromise. For instance it initially appeared as if the incoming governor, Lumley, who was due to arrive in Poona in September 1937, would be boycotted by the ministry as required under guidelines issued by the high command. But extensive negotiations between Brabourne and Kher produced a happy compromise. The formula agreed upon was that the ministers would go to the train station to greet the governor upon his arrival, but would be permitted to quietly disappear before the official function of welcome began. A similar arrangement was put into place for Brabourne's departure,

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<sup>20</sup> Lumley to Linlithgow, Confidential Letter, 6 November 1937, OIOC, L/P&J/5/155.

<sup>21</sup> Brabourne reported that whenever an important decision had to be taken, Kher would say that he would have to refer to 'higher authority' by which he generally meant Vallabhbhai Patel. Brabourne to Linlithgow, Report No.12, 5 August 1937, OIOC, MSS EUR F 97/11.

<sup>22</sup> *Ibid.* The viceroy in a communication of 13 September 1937 agreed to the appellation. Cited in P.N. Chopra (ed), *Towards Freedom 1937-47*, p.955.

<sup>23</sup> Letter from Linlithgow to Brabourne, 25 July 1937 reproduced in *Ibid.*, pp.780-782.

whereby the ministry bid him farewell 'privately' after the official ceremonies had been concluded.<sup>24</sup>

### TACKLING OLD ADVERSARIES

The appointment and transfer of officials was another area with great potential for friction between the ministers and the governor. The ministers were eager to have a voice in the appointment of government officials and civil servants and the governor was just as eager to deal with these matters autocratically. As mentioned earlier, the two sides had already locked horns over Sir Kenneth Kemp, and this issue continued to simmer throughout the latter part of 1937. Even as Kher pressed publicly for his dismissal,<sup>25</sup> K.M. Munshi, the minister of Law and Home, met Kemp privately and urged him to resign. But Kemp refused to consider this without first consulting the governor – and so the stalemate continued. The ministers were also incensed when, during the discussion of a Bill in the Legislative Assembly, Kemp raised a legal point without having previously consulted the prime minister. This they felt was a deliberate attempt by Kemp to put Kher in an embarrassing position.<sup>26</sup> It appears that Congressmen were waiting for Kemp to make a mistake so that they could force Brabourne to remove him.

Meanwhile, though, Kemp's resolve to stay began to wilt under the intense scrutiny of the Congress, and it was finally decided between Kemp and Brabourne that if the ministers could find a suitable replacement for him, he would oblige them by resigning.<sup>27</sup> Congress duly put up the name of M.C. Setalvad, an Indian lawyer from a prominent Bombay family. Yet, though by this time the matter had dragged on for four long months, the new governor was anxious to avoid giving the impression that he had been coerced. Accordingly he made it clear to his ministers that he did not accept their reasons for the

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<sup>24</sup> Brabourne to Linlithgow, Report No.14, 2 September 1937, OIOC, MSS EUR F 97/11.

<sup>25</sup> *Ibid.*

<sup>26</sup> Lumley to Linlithgow, Secret Letter of 20 November 1937, OIOC, MSS EUR F 253/8.

<sup>27</sup> Brabourne to Linlithgow, Report No.15, 17 September 1937, OIOC, MSS EUR F 97/11.

removal of Kemp, and would only accept his resignation if the ministry made a public announcement of regret at his resignation, which acknowledged their appreciation of his services.<sup>28</sup> Also, because he was apprehensive of Munshi filling the position with a Congressite lawyer in the event of Setalvad refusing the appointment, he sought a prior undertaking from Setalvad that he intended to accept. These conditions met, Setalvad was sworn in as the new chief law officer of the presidency.

Another vexatious issue concerned the allegiance of the civil service to the elected government. Most of the senior ranks of the ICS were still filled with British personnel, some of whom did not like the idea of serving Congress ministers. Conversely the Congress leaders' nationalist ideals and long bitter experience of British repression had left them deeply suspicious of all civil servants and departmental secretaries in particular. Therefore, the ministers pestered Lumley to alter the Rules of Business (the codes regulating the conduct of government business), as they believed that under the existing rules, civil servants could be used as stooges of the governor.<sup>29</sup>

Relishing their sudden elevation, the ministers frequently tried to lord it over the civil servants and often ignored protocol in their dealings with them. Sometimes this was due simply to their misunderstanding of the ways in which bureaucratic governments are supposed to function; at other times, however, it was clearly maliciously motivated — intended to show the civil servant his place. Morarji Desai, the Revenue Minister, wrote years later:

When we attended our offices after being sworn in and the Secretaries called on us, we made them understand, without saying so specifically, that they would have to act according to our instructions and that they had only to advise us.<sup>30</sup>

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<sup>28</sup> Lumley to Linlithgow, Secret Letter, 2 December 1937, OIOC, MSS EUR F 253/8.

<sup>29</sup> Brabourne to Linlithgow, Report No.15, 17 September 1937, OIOC, MSS EUR F 97/11.

<sup>30</sup> Morarji Desai, *Morarji Desai: The Story of my life*, Vol.1, Pergamon Press, New Delhi, 1979, p.157.

Likewise Desai and his fellow ministers fell into the practice of by-passing their departmental secretaries and issuing orders directly to subordinate officers.<sup>31</sup> Desai for example developed the habit of giving orders directly to the district collectors. Since he himself had once been a deputy collector, it is clear that in his case this was not done out of ignorance, but deliberately to intimidate the secretaries.

Morarji Desai clearly took great pleasure in humiliating the civil servants, under him. Whenever the chief secretary in the Revenue Department made proposals for transferring officials, Desai would overrule him by crossing them out and writing down his own proposals on the same paper before submitting them to the governor. Getting the message, the Chief Secretary made it a practice of consulting Desai each time he made proposals for transfers. Also, when he once came to meet Desai smoking a pipe, he was reprimanded and was told that he ought to show respect to the ministers 'as it was they who were running the government now, not the governor'.<sup>32</sup> Not only the Secretaries, but subordinate officers also had to bear the brunt of Desai's ire. Lumley reported,

It is hardly an exaggeration to say that he appears to delight in dealing out punishment whenever a subordinate makes a mistake. His defense of this is that he considers that the inculcation of fear is the best means of keeping the machine up to the mark but he overdoes it.<sup>33</sup>

Distrusting the British career officials, the Bombay minister began to demand secretaries 'of their own', on whose loyalty they could have no doubt. It was proposed that these so-called 'parliamentary' secretaries should be recruited from among the party faithful and paid by the exchequer at a rate of rupees two hundred and fifty per month plus allowances.<sup>34</sup> This demand too was granted. Yet the new secretaries (there were six of

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<sup>31</sup> Brabourne to Linlithgow, Report No.12, 5 August 1937, OIOC, MSS EUR F 97/11.

<sup>32</sup> Morarji Desai, *Morarji Desai: The Story of My life*, Vol.1, p.158.

<sup>33</sup> Lumley to Linlithgow, Report No.43, 1 July 1939, OIOC, MSS EUR F125/52.

<sup>34</sup> Brabourne to Linlithgow, Report No.14, 2 September 1937, OIOC, MSS EUR F 97/11. Interestingly, the Congress high command had ordered that Parliamentary Secretaries need not be appointed unless it was absolutely necessary for increasing the efficiency of the administration. They had also stipulated that as far as

them,<sup>35</sup> one for each minister except the Finance Minister who declared that he did not need one), seem to have served no vital function. Their chief duty appears to have been to 'shadow' the minister and to attend meetings and functions on his behalf. Also, they occupied a rather anomalous constitutional position. Since they were not required to take an oath of office they could not properly be shown secret and confidential papers. Nevertheless, within a year it was decided that if the responsible minister gave a special instruction to that effect, his parliamentary secretaries could be given access to confidential information.<sup>36</sup>

Appointments made by the governor under his 'special responsibilities' also offered avenues for conflict between him and his ministers. Again, the ministers expected to be consulted and watched all such appointments jealously. When Lumley made a temporary appointment to the Public Service Commission without consulting the ministry, Kher sent a strong letter of protest, declaring it 'highly unfair' for the governor to decide matters 'over the head of the ministers'.<sup>37</sup> A chastened Lumley agreed that he had kept them in the dark and promised that in future, whenever a department in the secretariat prepared a file on any matter falling under the discretionary powers of the governor, the secretary concerned would be requested to inform the prime minister. Lumley also offered to discuss any matter in dispute with Kher informally. However, he made it clear to the ministers that they had no constitutional right to advise in such matters and that the responsibility for any action taken would be his alone.<sup>38</sup>

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possible, the positions should be honorary. Vallabhbhai Patel's *Instructions to the Governors*, 30 July 1937, NMML, Kher Papers, File No.6.

<sup>35</sup> The Parliamentary Secretaries were Mrs. Hansa Mehta (Education), Gulzarilal Nanda (Labour), B.S. Hiray (Home and Law), M.D. Patil (Revenue, Rural development and agriculture), T.R. Nesvi (Public Works), and B.M. Gupte (Local Self-government).

<sup>36</sup> *Note on the position of Parliamentary Secretaries*, 25 October 1938, NMML, K.M. Munshi Papers, (Microfilm), Reel No.26.

<sup>37</sup> Kher to Lumley, 26 March 1938, OIOC, MSS EUR F 253/12.

<sup>38</sup> Lumley to Linlithgow, 18 May 1938, OIOC, MSS EUR F 253/8.

Meanwhile the ministry flexed its nationalist muscles by moving to lift the restrictions that had been placed on the singing of the patriotic song *Vande Mataram* in public, and on the hoisting the of the Congress flag and pushing for government servants to be compelled to wear Khadi.<sup>39</sup> Officials were instructed not to object 'if party slogans are raised or symbols are exhibited' in gatherings, if *Vande Mataram* was sung, or if the audience stood up when it was sung.<sup>40</sup> The ministry further ordered that government servants should treat the Congress flag with respect, and refrain from discouraging subordinates from wearing khadi or putting on Gandhi caps.<sup>41</sup> Unwilling to let these issues snowball into a major political crisis, the viceroy told the provincial governors that government servants might be allowed to stand up when *Vande Mataram* was sung and when the Congress flag was raised, but they themselves should not salute it or sing the song.<sup>42</sup> On the flag issue, Linlithgow refused to allow the Congress colours to fly over government buildings but he agreed that they could be flown over municipal buildings if desired.<sup>43</sup> Nevertheless, the flag issue continued to generate tension and controversy. In February 1938 Lumley was scheduled to receive an address in a municipal building on which the Congress flag was being flown. The Municipal Commissioner was understandably against pulling down the flag for the fear that it would generate strong feelings and Lumley also did not want to provoke an incident. So he suggested that the Union Jack be flown along side the Congress flag. In the event, not only the building but

<sup>39</sup> Jawaharlal Nehru's press statement dated 7 August 1937 in S. Gopal, *Selected Works of Jawaharlal Nehru*, Vol.8, p.291.

<sup>40</sup> There was much irritation among Government servants over the issue of the singing of this song as Congress supporters were prone to burst into the song at functions, thereby putting the government servants attending them to considerable embarrassment. When Kher went to Bombay for the first time after becoming Prime Minister, all the Heads of Departments and also other senior government officers met him at the railway station. But before he could pay any attention to them, his party supporters mobbed him and sang *Vande Mataram*, making it very awkward for the government servants. Brabourne to Linlithgow, Report No.12, 5 August 1937, OIOC, MSS EUR F 97/11, OIOC.

<sup>41</sup> *Instructions to Government Servants*, (Undated), NMML, K.M.Munshi papers (Microfilm), Reel No.25.

<sup>42</sup> Linlithgow to Brabourne, 17 August 1937, reproduced in Chopra, (ed), *Towards Freedom 1937-47*, pp.881-882.

<sup>43</sup> Letter from the Viceroy to Erskine, Governor of Madras dated 23 July 1937, reproduced in Chopra (ed), *Towards Freedom 1937-47*, p.779.

also the entire avenue leading up to it was adorned with Union Jacks.<sup>44</sup> However, although the British found ways of compromise, the Muslim League proved less accommodating. The League protested at what it called 'forcing *Vande Mataram* upon impressionable boys in schools', and equating the Congress flag with a 'national' one. Such was the force of their communally inspired opposition that the ministry in 1938 passed orders (much to Delhi's satisfaction) that *Vande Mataram* could henceforth be sung in schools only with the unanimous consent of the teachers and pupils if there was an unanimous desire for it to be sung and that the Congress flag could be flown on public buildings only where the staff concerned had raised no objection.<sup>45</sup>

More rarely, ministers used their powers to intimidate officials — particularly those believed to have worked against the Congress. In June 1937 one Sub-inspector Sanjana ordered police to lathi-charge a crowd which had gathered on a street in Sholapur town to hear the songs of a Congress minstrel called Haribhau Bhandare. In the ensuing melee some policemen were injured.<sup>46</sup> Bhandare and his associate A.K. Bhonsale were duly arrested. Local Congressmen like Dr. K.B. Antrolikar, the MLA from Sholapur, took up their cause and protest meetings were organised in the city. Nevertheless the trial went ahead and resulted in the conviction of Bhandare who was sentenced to nine years rigorous imprisonment and fined of the princely sum of fifty rupees.<sup>47</sup> By then, however the Congress ministry was well in place and Munshi, the Law Minister, took the view that Bhandare's arrest constituted a case of police misbehaviour. Eight days after the conviction, Munshi announced that the ministry might have to resign 'rather than ratify

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<sup>44</sup> Lumley to the Viceroy, Report No.9, 1 February 1938, OIOC, L/P&J/5/157.

<sup>45</sup> Report of the Inquiry Committee appointed by the Council of the All India Muslim League to inquire into Muslim Grievances in Congress Provinces, (Pipur report), 15 November 1938, NAI, Home Public File 31/30/39, 1939. Also Lumley to Linlithgow, Report No.43. OIOC, MSS EUR F 125/52.

<sup>46</sup> DM Sholapur to Brabourne, 24 June 1937, Maharashtra State Archives, File No.917, Home (Special) Files.

<sup>47</sup> Note dated 16 August 1937, Maharashtra State Archives, Home (Special) File No.917.

official severity against an exasperated Congress public'.<sup>48</sup> But the Congress would not stop at defending Bhandare. They now had the police in their sights as their ire focused on Sanjana. Munshi told Brabourne that everyone in the city complained about Sanjana, and sure enough shortly after this a spate of complaints against Sanjana erupted in Sholapur. One Laxman Bolus, for example, protested that Sanjana's 'goons' were threatening him. He also furnished a list of people who he said had been forced to pay bribes. However, an enquiry found the allegations of Bolus to be false. Also, most of the people mentioned by Bolus as having paid bribes to Sanjana actually stated that Bolus had suggested that they should give false evidence. The police then lodged a suit against Bolus and others for giving inaccurate information and fabricating false evidence.<sup>49</sup> Indeed, since Antrolkar, the local Congress leader, had been often seen in the company of Bolus, the suspicions of the police with regard to the complicity of party members in a conspiracy to oust Sanjana appear to have been well founded. However, in spite of the indictment of the conspirators, Munshi refused to give in. He proposed that 'in order to have a fresh start' Sanjana should be transferred and the case against Bolus withdrawn.<sup>50</sup> As the governor was eager to avoid embittering relations with the Congress, and as Sholapur was a volatile district with a record of communist insurgency, he reluctantly agreed to the transfer on condition that it be clearly stated that nothing had been proved against Sanjana and that no prosecution could be brought against him after his transfer.<sup>51</sup> The District Magistrate and Collector of Sholapur District, H.T. Lambrick, protested vehemently, but the transfer went ahead.<sup>52</sup>

<sup>48</sup> Munshi to Brabourne, 24 August 1937, Maharashtra State Archives, Home (Special), File No.917.

<sup>49</sup> A.E.Caffin, DSP, Sholapur to the Inspector General of Police, Poona, 12 August 1937, Maharashtra State Archives, Home (Special), File No.917.

<sup>50</sup> Note from Munshi, 31 August 1937, Maharashtra State Archives, Home (Special), File No.917.

<sup>51</sup> Actually, even at the time, there was trouble in the Criminal Tribes Settlement in Sholapur, instigated by Communists. Brabourne to Linlithgow, Report No.15, 17 September 1937, OIOC, MSS EUR F 97/11. Also, Brabourne to Linlithgow, Report No.14, 2 September 1937, OIOC, MSS EUR F 97/11.

<sup>52</sup> Lambrick to Irwin, Secretary, Home Department, 22 September 1937, Maharashtra State Archives, Home (Special), File No.917.

There seems to be no doubt that cases such as the Sanjana one had a serious effect on the morale of the police. One of the police officers whom Munshi wanted transferred — a Muslim sub-inspector named Sheikh of Bardoli district in Gujarat, who had won the disfavour of the Congress due to his actions against them during the civil disobedience movement, and particularly during the disposal of lands subsequently forfeited by Congress supporters after the collapse of the movement — committed suicide a few days after Munshi requested his transfer. His friends and relatives believed that the suicide was because of his fear of retaliation by the Congress.<sup>53</sup>

Village officials called 'police patels' were particularly targeted as the Congress felt that those patels had dealt unduly harshly with Congress workers in the past. One victim of this vendetta was the police patel of Sisodra in Surat district who was said to have behaved in a 'disagreeable fashion' with Congress during the Civil Disobedience movement. He was also alleged to be corrupt. Despite an enquiry failing to prove the charges, Morarji Desai declared that he was 'morally convinced' of the guilt of the man and moved to dismiss him.<sup>54</sup> But the governor believed that the patel was being victimised and did not support Desai's call. The matter lingered on for a year until Desai eventually resolved it by serving a notice on the patel requiring him to 'show cause' as to why he should not be dismissed. The man resigned without even attempting to defend himself.<sup>55</sup> And the Sisodra case was not an isolated one. There are numerous instances in the 1937-39 period of policemen in Bombay asking for transfers because of alleging harassment by local Congressmen.<sup>56</sup> In the light of these events, policemen in the presidency — particularly in Gujarat — developed a feeling that it was better to do nothing rather than get into the bad books of the Congress.

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<sup>53</sup> Brabourne to Linlithgow, Report No.14, 2 September 1937, OIOC, MSS EUR F 97/11.

<sup>54</sup> Lumley to Linlithgow, Report No.23, 1 September 1938, OIOC, MSS EUR F 125/52.

<sup>55</sup> *Ibid.*

<sup>56</sup> Brabourne to Linlithgow, Report No.14, 2 September 1937, OIOC, MSS EUR F 97/11.

Another Congress strategy for intimidating government officials was to reduce their salaries and allowances. The Karachi resolution of the Congress in 1931 had declared that the expenditure and salaries of civil servants was excessive and that no government servant should be paid more than five hundred rupees.<sup>57</sup> In keeping with this spirit, the ministry had accepted a salary of rupees five hundred for themselves. But they were not willing to let the matter rest there. First, they proposed permanent cuts to the salaries of existing officers of the provincial and subordinate services.<sup>58</sup> When the governor vetoed this, the ministry tried to cut the travelling allowances of officials drawing more than a hundred rupees a month by ten percent. Again, the governor was unsympathetic, but he finally agreed to the reduction on the understanding that, if any officer felt that he had been placed out of pocket by the cut, he could put in a claim.<sup>59</sup> Likewise, the ministry succeeded in having the compensatory allowances of civil servants reduced.<sup>60</sup> Officials drawing a salary of less than one hundred and fifty rupees per month received no cuts, but those drawing a salary in excess of one thousand five hundred rupees suffered a forty percent cut in their compensatory allowances, thereby bringing about a saving of about thirty five thousand rupees to the provincial exchequer.<sup>61</sup> The governor afterwards justified this to the viceroy on the shaky ground that there had been some lowering of prices in Bombay!

#### ISSUE OF THE CONFISCATED OR 'FORFEITED' LANDS

But it was the issue of the return of confiscated or 'forfeited' lands, which, more than any other, dominated political discourse in the presidency in the initial sixteen months

<sup>57</sup> S. Gopal, *Selected Works of Jawaharlal Nehru*, Vol.8, p.284.

<sup>58</sup> It appears that idealists like Nehru envisaged a kind of social engineering whereby everyone would be paid 'more or less the same payment for all services and all offices' in order to 'get rid of the idea of measuring people by their incomes and salaries'. *Ibid*, p.285.

<sup>59</sup> Lumley to Linlithgow, Report No.3, 1 November 1937, OIOC, L/P&J/5/155.

<sup>60</sup> Compensatory Allowances ranging from forty rupees to one hundred and fifty rupees per month were paid to civil servants to compensate for the high cost of living in Bombay.

<sup>61</sup> Lumley to Linlithgow, Report No.23, 1 September 1938, OIOC, MSS EUR F 125/52.

of Congress rule. Plainly put, the issue concerned lands confiscated by the imperial government for non-payment of taxes during the Civil Disobedience movement of the early 1930s.<sup>62</sup> This land had been sold to new owners, and Garrett, the Commissioner of the Northern Division, had been authorised to say that governmental pressure would never be brought to bear on the new owners to give it up.<sup>63</sup> Not least because the majority of the confiscated holdings were situated in Gujarat — a Congress stronghold that had produced heavyweights like Patel and Gandhi — the party was anxious to see the confiscated land returned to those it regarded as its rightful owners, and this subsequently formed an important plank of its 1937 election manifesto.

Rani Dhavan Shankardass, the only scholar to write about this issue in detail, rather delicately places it under the category of 'agrarian reform'.<sup>64</sup> This is baffling, as the return of the confiscated lands was hardly an attempt at bringing about an improvement, which the term 'reform' suggests. Rather, the issue was about power and sovereignty. The granting and confiscation of lands is traditionally a privilege and prerogative of rulers. If the Congress party was able to return lands that had been confiscated by the colonial government, it would be able to claim, not only that it was righting the 'wrongs' done by the erstwhile imperial regime, but that it had inherited the mantle of the British Raj. Therefore the return of the confiscated lands assumed prime importance to the party. As the saga unfolded, it revealed much about the dynamics of power during the provincial autonomy regime in the Bombay presidency.

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<sup>62</sup> 3500 acres were confiscated from Gujarat alone, while about 2200 acres were confiscated in Kanara, 20 acres in Dharwar and two acres in Bijapur. N.N.Mitra (ed), *Indian Annual Register*, Vol.2, 1937, The Annual Registers Office, Calcutta, p.191.

<sup>63</sup> In 1928, some lands had been confiscated in Bardoli in Gujarat when the owners refused to pay rent on them. Later a settlement of the dispute was arrived at under which, the lands were to be returned. Some of the lands had been sold so government officials were instructed to put pressure on those who had purchased the lands to return them. Given this precedent, those buying the lands that were confiscated during the civil disobedience movement wanted an assurance from the government that under no circumstances would official pressure be applied on them to return the lands. This assurance was given by the government of Bombay with the full approval of the government of India. Brabourne to Lumley, 14 August 1937, OIOC MSS EUR F 253/10.

<sup>64</sup> Rani Dhavan Shankardass, *The First Congress Raj: Provincial Autonomy in Bombay*, pp. 95-124.

On the Congress assuming power, the matter of the confiscated lands was taken up immediately, with the Revenue Minister, Morarji Desai, moving a resolution in the Legislative Assembly for re-purchasing the lands at government expense with a view to returning them to the previous owners or their heirs.<sup>65</sup> However, all that was easier said than done. The main problem was that, bound by Garrett's pledge, the government could not apply any pressure to force the new owners to sell. Nevertheless, Brabourne did not want to alienate either his ministers or the landholders. Therefore, just before he left the presidency to take up a new appointment as governor of Bengal in September 1937, Brabourne came to an agreement with the ministers that they would not take any action towards the restoration of the lands until the Commissioner of the Northern Division had submitted a report containing details of the acreage and the prices of the lands that had been confiscated.<sup>66</sup> Garrett was meanwhile authorised to negotiate with the current owners regarding a fair sale price for the lands. The Commissioner of the Southern Division, Madan, was given a similar task with respect to Kanara.<sup>67</sup>

In the event it was discovered that in Kanara about two-thirds of the cases were susceptible to an amicable settlement. In Gujarat however, only a few of the new landlords were willing to accept the government's offer of a 'fair' price. The majority were not interested in selling cheap, while some, such as the backward caste Dharalas, were unwilling to part with their lands at all.<sup>68</sup> To break the impasse, Garrett recommended the government raise its purchase price to about twenty-five times the annual revenue assessment. The Congress government rejected this. Desai, as well as party strongman

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<sup>65</sup> Resolution on the Return of Confiscated Lands, 23 September 1937, *Indian Annual Register*, Vol.2, 1937, pp.190-191.

<sup>66</sup> Brabourne to Linlithgow, Report No.12, 5 August 1937, OIOC, MSS EUR F 97/11.

<sup>67</sup> Lumley to Linlithgow, 19 February 1938, OIOC, MSS EUR F 253/8.

<sup>68</sup> The Congress had to deal gently with the Dharalas for fear of triggering the criticism of being called oppressors of the poor. Also, the Dharalas were formerly given to criminal activities and the fear that the loss of their lands could force them to revert to those activities presented a new problem. Lumley to Linlithgow, Report No.4, 15 November 1937, OIOC, L/P&J/5/155.

Vallabhbhai Patel, had a history of antagonism towards Garrett who they believed harboured 'deep prejudices against the Congress'.<sup>69</sup> Desai began to talk about having him transferred. The governor however dismissed these objections as arising from an attitude of 'vindictive antagonism' to Garrett.<sup>70</sup> The charge had some foundation: early in 1938 Kher blocked him from being recommended for a KCIE on the ground that honouring Garrett at a time when the question of the confiscated lands was not yet settled would 'make it most difficult for the ministry'.<sup>71</sup>

At any rate, the ministry felt that the price recommended by Garrett was too high and proposed that they be paid only eight times the annual assessment figure.<sup>72</sup> Lumley disagreed, and proposed two alternative options: the government could try to persuade the current owners to accept a low price, or they could introduce legislation to make the repurchase of the lands compulsory.<sup>73</sup> The ministry initially preferred to negotiate but they feared that so long as Garrett remained commissioner, he would exercise his influence to prevent any reasonable settlement. Therefore, they continued to press for his transfer; only to learn to their chagrin, that instead of a demeaning transfer, Garrett was going to be appointed as acting Governor of Sind! Desai asked that he be transferred at once.<sup>74</sup> The governor refused. In due course Garrett left for Sind.

But ironically the exit of Garrett made little immediate difference to the progress of the negotiations. The governor met personally with the largest property owner, Sardar Garda, but the latter would not budge. He also urged the Congress high command, without success, to intervene in the side of compromise. As Garda and other intransigent

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<sup>69</sup> Morarji Desai, *Morarji Desai: The Story of my life*, Vol.1, p.164.

<sup>70</sup> Lumley to Linlithgow, 19 February 1938, OIOC, MSS EUR F 253/8.

<sup>71</sup> Lumley to Linlithgow, secret letters dated 19 February 1938 and 2 March 1938, OIOC, MSS EUR F 253/8.

<sup>72</sup> Lumley to Linlithgow, 19 February, OIOC, MSS EUR F 253/8.

<sup>73</sup> Report of an interview between Lumley and Kher, 12 March 1938, OIOC, MSS EUR F 253/11.

<sup>74</sup> Lumley to Linlithgow, Report No.13, 3 April 1938, OIOC, L/P&J/5/155.

landholders continued to hold out for a higher price, the Congress government reiterated that it was in no mood to enrich 'those who want to make money out of the heroic self-sacrifice of patriotic peasants'.<sup>75</sup>

Ultimately the government realised that they had no option but to legislate. Accordingly the Bombay Forfeited Lands Restoration Act was introduced into the Assembly. The Act made acquisition compulsory but provided for the setting up of a tribunal to decide disputes over price. The current owners were to be compensated by the amount that they had originally paid to the provincial government for the rights, plus 4% plus any expenditure that they had incurred in making improvements on the land plus the amount of land revenue they had paid since acquiring. In addition to this, a sum of up to 15% of the value of the land was to be paid as compensation for the loss of the property.<sup>76</sup> The governor gave the assent to the Bill on 24 November 1938, but he made his feelings clear when he told his Prime Minister that he would offer him no congratulations on the measure.

The return in 1938 of the lands confiscated from the peasants of Gujarat and Kanara by the Congress government was a landmark event. It revealed to contemporaries as nothing had done previously, that the iron hold of the Raj on India was weakening. When Morarji Desai met the acting viceroy, Brabourne, shortly after the bill had been approved by the Council, he remarked sagely:

You do not want to break your promise: similarly, we cannot break ours. Yours is a disappearing government: ours is the incoming one. How can an incoming government be asked to begin its rule with a breach of promise?<sup>77</sup>

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<sup>75</sup> B.G. Kher's statement read at the Cabinet Meeting on September 8, 1938, OIOC, MSS EUR F 125/51. Ministers like Munshi tried to negotiate with Sardar Garda but negotiations soon broke down. Lumley to Brabourne (Acting Viceroy) Report No.26, 15 October 1938, OIOC, MSS EUR F 125/52.

<sup>76</sup> Lumley to Brabourne, Draft of the Bombay Forfeited Lands restoration Act, 1938, Enclosure 3, 9 September 1938, OIOC, MSS EUR F 125/51.

<sup>77</sup> Morarji Desai, *Morarji Desai: The Story of my life*, Vol.1, p.169.

Brabourne could do nothing but smile. He gave his assent to the bill a few days later.<sup>78</sup>

The need to be recognized as the chief custodian of India's interests and to project itself as the heir apparent of the British Raj led the Congress party to engage in a struggle for control over the administration during the period that it held office. In pursuit of this aim, it came into frequent conflict with the Raj, but nearly always, a compromise was found — sometimes one detrimental to British interests, as in the case of the return of confiscated lands. At times indeed the British almost bent over backwards to give their ministers a free hand.

In retrospect, it may seem surprising that the British gave in so easily on points on which one might have expected them to be firm, such as that of transfer of officials (which surely must have fallen under the purview of the governor's special responsibilities), and the flying of the Congress flag. But in the context of the times, this strategy made good imperial sense. The British were desperate to get the new constitution working and to have the Congress accept it. After he had given his assent to the bill on the return of the forfeited lands, Lumley wrote to the Viceroy,

The only advantage that is likely to accrue to us from all this business is that the passing of this Bill will be a convincing proof of the genuineness of Provincial Autonomy and of the reality of the transfer of power, which we have claimed has been effected by Provincial Autonomy.<sup>79</sup>

They had managed finally to get the Congress into the government and therefore did not want to give it any opportunity to resign. The larger imperial goal was well worth the humiliation of occasional small snubs and administrative defeats.

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<sup>78</sup> *Ibid*, p.170.

<sup>79</sup> Lumley to Brabourne, 25 October 1938, OIOC, MSS EUR F 253/8.

Moreover, working with elected nationalist ministers proved easier for the British than they had expected. In spite of their eagerness to obey the instructions of the high command, the ministers turned out to be fairly sensible and reasonable colleagues. Kher and Munshi found ways of appeasing the whims of the party bosses and endeavoured to develop a smooth professional relationship with the governor. Their efforts in this respect earned them the sincere appreciation of both the governors under whom they worked.<sup>80</sup> And the ministers generally —particularly Munshi, Gilder, Desai and Patil proved efficient and hardworking. As we shall see in the following chapters, they were able to achieve some important social reforms during their period in office. These too helped convince the British that their sacrifices on behalf of provincial autonomy scheme had not been in vain.

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<sup>80</sup> Brabourne called him 'a most charming individual who is always most anxious to be courteous and friendly'. Brabourne to Lumley, 14 August 1937, OIOC, MSS EUR F 253/10. Lumley declared that in spite of Kher's limitations, he 'would not exchange him as Prime Minister for anyone else'. Lumley to Linlithgow, 1 July 1939, OIOC, MSS EUR F 125/52.

## 5. The Congress Ministry's 'Constructive Programme'

To a great extent, the new government's legislative work in the presidency was directed towards rectifying political 'wrongs' done under British rule and correcting social afflictions such as alcoholism and untouchability. Along with that, a reform of the education system was also considered necessary in order to cast young minds in a Gandhian mould, so that the nation's future could be shaped in accordance with Gandhi's ideals of 'simple living and high thinking'. In the 1930s Gandhi's influence and authority within the party was at its height. For the Congress government in Bombay, it was almost axiomatic that Gandhi's ideas should be adhered to as closely as possible. Accordingly, premier Kher, whom Brabourne not unfairly labelled 'a fanatical supporter of Gandhi', wasted no time in following his leader's directives on a wide range of issues.<sup>1</sup>

### EDUCATION

As soon as the Congress ministry took office in July 1937, Gandhi called attention to the pressing need for a reform of the education system.<sup>2</sup> His appeal found a ready response in Bombay as Kher also held the portfolio of Education. Consequently, it was in the area of education that saw the earliest major initiatives of the ministry and in which their achievements were greatest.<sup>3</sup> Gandhi's influence aside, this is in some ways

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<sup>1</sup> *Harijan*, 4 September 1937 cited in *Collected Works of Mahatma Gandhi*, pp.103-105. Brabourne to Linlithgow, Report No.11, 19 July 1937, OIOC, MSS EUR F 97/11.

<sup>2</sup> Gandhi's views on the subject in *Harijan*, cited in *Ibid.* Also quoted in *Bombay Chronicle*, 2 August 1937.

<sup>3</sup> Kher had chosen this portfolio for himself. There was considerable doubt in the presidency as to his suitability for the post mainly because of his commitment to Basic Education, which was dismissed by most contemporary educationists as a fad. M.V.Kamath, *B.G.Kher: The Gentleman Premier*, Bombay, 1989, p.277.

surprising, considering that education had never featured prominently in Congress debates on development issues prior to 1937.

Although the resolutions of the Karachi Congress of 1931, to which the Congress frequently looked back after assuming office, had listed free primary education as one of the fundamental rights of the people, which would be provided for by a 'Swaraj' government, the Congress election manifesto of 1936 had made no promise of educational reform or the removal of mass illiteracy.<sup>4</sup> The resolution of the Working Committee that outlined the Congress policy it wanted pursued by Congress parties in the legislatures, was also silent on the issue.<sup>5</sup>

Gandhi, however, had long been actively involved in experiments with education, hand crafts and the concept of 'simple living'. He had introduced them into all the successive small communities that he had founded, beginning with Tolstoy Farm in South Africa in 1902. These experiences had caused him to question the direction of the prevailing education system in India, which to a large extent had been set up to serve colonial needs.<sup>6</sup> In 1921, still a relative newcomer to the Indian political scene, Gandhi, wrote in *Young India*:

In my opinion the existing system of education is defective,  
apart from its association with an utterly unjust Government, in  
three most important matters:

1. It is based upon foreign culture to the almost entire  
exclusion of indigenous culture.

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<sup>4</sup> The Congress Election Manifesto cited in Margaret Dove, *Forfeited Future: The Conflict over Congress Ministries in British India 1933-37*, pp. 445-449.

<sup>5</sup> Resolution of the Working Committee of the Indian National Congress on the Congress Policy in the Legislatures, 27 Feb-1 March 1937 cited in *Ibid*, pp.450-451.

<sup>6</sup> J.M. Brown, *Modern India: The Origins of an Asian Democracy*, 2nd Edition, Oxford University Press, London, 1994, p.299.

2. It ignores the culture of the heart and the hand, and confines itself simply to the head.
3. Real education is impossible through a foreign medium.<sup>7</sup>

Accordingly, the Mahatma proposed a new kind of primary education designed to address these concerns. It centred on the teaching of basic crafts, which explains why he called it 'Basic Education'. Despite what is commonly thought, Gandhi's vision did not exclude learning through books. But all bookish learning would be associated with practical skills and emphasis would be on activity and expression rather than on learning by rote. Education would be in the child's mother tongue and would be free and compulsory for a period of seven years. He envisaged that the system would gradually become self-financing or self-supporting, with the cost of running the schools being covered by the sale of goods manufactured by their students. The education would be secular, and free to all.<sup>8</sup>

The 'Wardha Scheme' as it came to be called, stirred up a storm of controversy, particularly in regard to its self-supporting aspect. Under the circumstances the CWC thought it should be examined by educationists. Accordingly a Conference on National Education was held at Wardha on October 22<sup>nd</sup> and 23<sup>rd</sup> 1937, which was attended by Congress education ministers and other stakeholders in 'national education'.<sup>9</sup> This led to a committee being appointed under the chairmanship of Dr. Zakir Hussain, to prepare a detailed report.<sup>10</sup> After lengthy investigation and discussion, the Hussain committee report

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<sup>7</sup> *The Collected Works of Mahatma Gandhi*, Vol.21, p.38.

<sup>8</sup> *Harijan*, 28 Aug 1937, 28 August 1937, 18 Sept 1937, 26 September 1937 and 9 October 1937 in *Ibid*, Vol.66 (1937-38), pp.80-81, p.143, pp.150-151, pp. 166-170.

<sup>9</sup> The term 'national education' came to be used after the partition of Bengal in 1905 to imply indigenous schools and colleges run by Indians and supported by public donations. A number of 'national schools' were first established in Bengal and later spread all over the country.

<sup>10</sup> Born on 8 February 1897, Zakir Hussain had been associated with the Congress from the days of the non-cooperation movement. He had a doctorate in economics from the University of Berlin and was at the time

endorsed all of Gandhi's proposals except for the controversial self-financing one.<sup>11</sup> Following this, in 1938 an All India Education Board or *Hindustani Talimi Sangh* was established to prescribe courses of study for Basic Education, conduct, supervise and aid schools and teacher training centres, publish suitable literature and organise propaganda for the new education system.<sup>12</sup> It decreed that Basic education should involve:

- Seven years of free and compulsory schooling for all children;
- in the mother tongue of the students;
- a concentration on some form of manual and productive work, with all other activities being tailored to fit in with that objective.

The Bombay Congress was, of course, privy to these developments. Yet for all his commitment to Gandhian ideology, Kher undertook to introduce Basic education in the presidency only as an experimental measure. Much as he wanted Basic Education to succeed, the premier knew that its implementation would require a total reorganisation of the existing education system.<sup>13</sup>

Nevertheless, in November 1938 a Special Officer for Basic Education was appointed and an advisory committee of academicians was set up.<sup>14</sup> 55 schools in four 'compact areas' spread across the three linguistic divisions of the presidency were chosen to pilot the project, 13 employing Gujarati as the medium of instruction, 20 Marathi, 16

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the Vice Chancellor of the Jamia Millia Islamia, a 'national' university in Delhi. S.P.Sen (ed), *Dictionary of National Biography*, Vol.iv, (M.R), Institute of Historical Studies, Calcutta, 1974, pp. 463-464.

<sup>11</sup> *Report of the Dr. Zakir Hussain Wardha Education Committee*, 2 December 1937, NMML, AICC File G-26/1937.

<sup>12</sup> Hindustani Talimi Sangh Papers, NMML, AICC Files, G-26/1937.

<sup>13</sup> M.V. Kamath, *B.G.Kher: The Gentleman Premier*, p.277.

<sup>14</sup> *A Review of Education in Bombay State 1855-1955*, p.132.

Kannada and six Urdu.<sup>15</sup> As well, several institutions already imparting some sort 'national' education such as the Tilak Vidyapeeth of Poona offered to participate. By mid 1939 the new education had been introduced in 59 schools in the 'compact areas' and in 28 schools outside them.<sup>16</sup>

Finding the schools willing to introduce the new education system thus proved relatively easy; finding a sufficiency of appropriately qualified teachers proved much more of a hurdle. Eventually it was decided to train some. Selected graduate teachers were given a week's intensive instruction at Jamia Millia Islamia University, Delhi, and then a further three weeks training at Wardha. On their return, the best teachers were asked to organise short-term training courses of three months in the local languages of the presidency with a view to spreading the message of basic education more widely among the teaching profession.<sup>17</sup> Meanwhile, Zakir Hussain was asked to prepare a detailed syllabus for use in the 'basic' schools.<sup>18</sup> The Hussain committee was reconstituted and quickly produced textbooks with an emphasis on practical work. For example, in the geography class, rambles in the locality were included in an effort to get the students interested in observing the geographical layout of their surroundings.<sup>19</sup>

Apart from participating in the basic education programme, Kher's government pushed ahead with its own schemes to raise educational standards and reduce illiteracy. Committees were appointed to report on ways of improving physical education, the training of primary teachers, vocational education and adult education.<sup>20</sup>

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<sup>15</sup> One of the 'compact areas' was in Surat district, a Gujarati speaking area, two were located in the district of Satara a Marathi speaking area and one was in Dharwar district a Kannada speaking area.  
*A Review of Education in Bombay State 1855-1955*, Poona, 1958, p.132.

<sup>16</sup> R. Coupland, *Indian Politics 1936-42. Report on the Constitutional Problem in India: Part II*, p.146.

<sup>17</sup> *A Review of Education in Bombay State 1855-1955*, p.133

<sup>18</sup> *Ibid.*

<sup>19</sup> *Syllabus for Geography in Primary Class*, NMML, Hansa Mehta Papers, File No.22/1938-39.

<sup>20</sup> *Report on Public Instruction in the Province of Bombay, 1937-38*, Maharashtra State Archives.

The Bombay government's education policy had three avowed aims — to overhaul, consolidate and expand the presidency's education system.<sup>21</sup> 'Overhauling' implied reform in the existing educational legislation. To this end, a Primary Education Act was passed in 1938 which attempted to remove the defects of the earlier Primary Education Act of 1923. The Act provided for the creation of a Provincial Board of Education to examine and co-ordinate schemes to expand primary education. It also increased government control over the working of primary schools by resuming supervisory control over the schools.<sup>22</sup> Inspecting officers previously employed by school boards would now report directly to the government.<sup>23</sup>

"Consolidation" was shorthand for improving the conditions of teachers. Soon after it took office the Congress government appointed a special committee to investigate the pay structure of teachers. It recommended that a common pay scale of twenty-five rupees to a maximum of forty rupees per month be introduced for all primary teachers.<sup>24</sup> However, this was by no means a generous emolument, and in fact the salaries of primary school teachers registered a downward trend from Rs.33 in 1922 to Rs.31.1 in 1938.<sup>25</sup> The committee also recommended changes be made to the existing system of primary teacher training, under which teachers were trained discontinuously in between their teaching schedules for three years. The government accepted this recommendation too and the practice was abandoned in favour of a new course of two years continuous training.<sup>26</sup> The government also committed to re-train all teachers below forty years of age within a period

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<sup>21</sup> *Bombay Government's Education Programme*, NMML, Hansa Mehta Papers, File No.21/1938-39.

<sup>22</sup> Previously the School Boards, which managed and administered primary schools and which were under local authorities, had control over the primary schools. *The Bombay Government and its Work: Review of the Second Half Year, Bombay 1938*, pp.4-5.

<sup>23</sup> *Report on Public Instruction in the Province of Bombay, 1938-39*, Maharashtra State Archives.

<sup>24</sup> The Committee was called the Moos-Paranjpe committee after its chairmen S.N.Moos and Mr. R.Paranjpe. S.N.Moos was the Deputy Director of Public Instruction while M.R.Paranjpe, although not a government official, was regarded as someone with wide experience of the problems of teachers. He had also led a delegation of primary school teachers to Kher to address their problems. *A Review of Education in Bombay State 1855-1955*, p.109.

<sup>25</sup> *Ibid*

<sup>26</sup> *Ibid*.

of ten years.<sup>27</sup> To facilitate this, several new government teachers training colleges were established and private bodies were financed to run parallel courses. Allowances were authorised for teachers under training.<sup>28</sup>

The policy of 'expansion' included establishing schools and eradicating illiteracy.<sup>29</sup> Soon after coming to power Kher's government announced that every village with a population of a thousand and above which did not currently have a primary school would be provided with one. The government's plan was to progressively widen the orbit of the education system to the point where even small villages with populations of just 500 had schools.<sup>30</sup> Another way the government tried to increase the number of schools in villages was through state aid. Any person or association opening a private school in a locality where there was a need for it was given a grant-in-aid of Rs.4 per boy and Rs.6 per girl per year. The school also received Rs.6 for every student enrolled from a 'backward' community.<sup>31</sup> In 1938-39, the Government sanctioned Rs. 450,000 for this purpose and public response to the scheme was immediate with about 2400 voluntary schools being started in that year alone.<sup>32</sup> Between 1937 and 1942 the total number of state-aided primary schools in the province increased more than four fold — from 1808 to 8049.<sup>33</sup>

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<sup>27</sup> *A Short Note regarding Government Education Policy- what has been done and what remains to be done*, NMML, Hansa Mehta Papers, File No.22, 1938-39.

<sup>28</sup> Nurullah, & Naik, *A History of Education in India (During the British Period)*, Vol. II, p.777.

<sup>29</sup> *Bombay Government's Education Programme*, NMML, Hansa Mehta Papers, File No.21/1938-39.

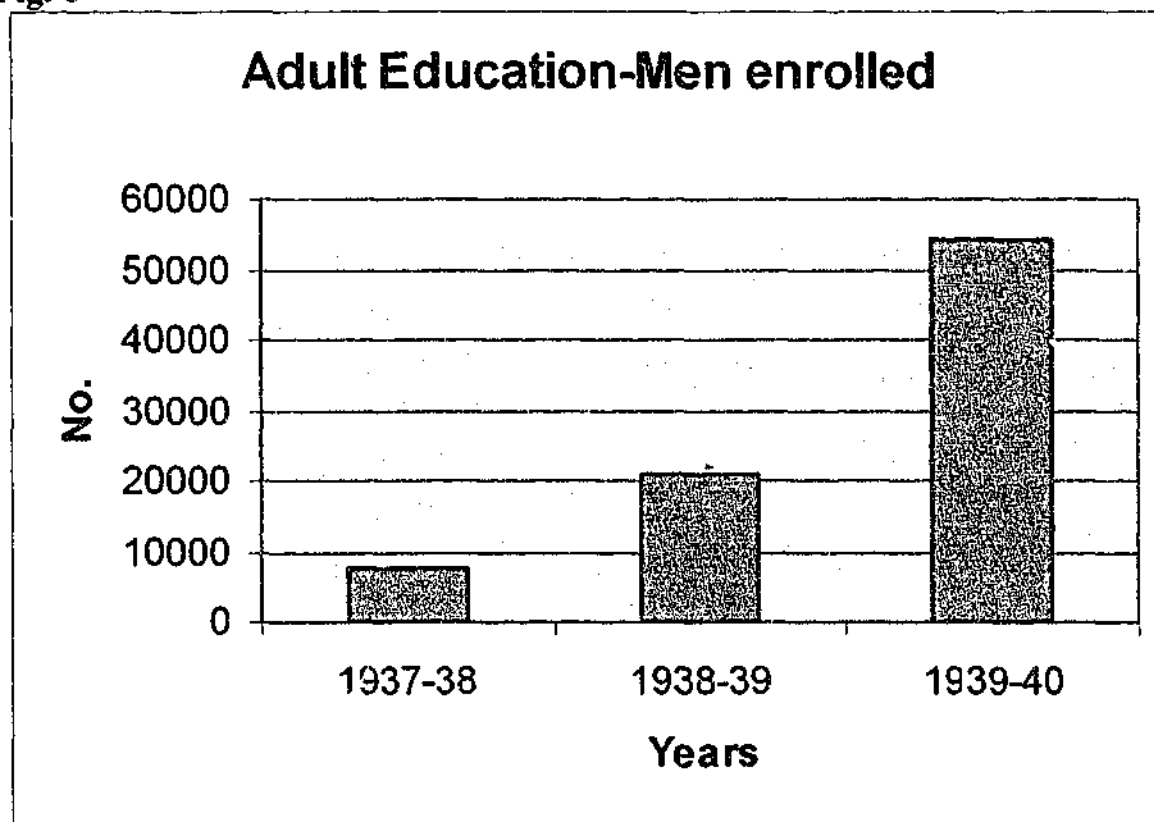
<sup>30</sup> *A Short Note regarding Government Education Policy- what has been done and what remains to be done*, NMML, Hansa Mehta Papers, File No.22, 1938-39.

<sup>31</sup> Syed Nurullah and Naik, J.P., *A History of Education in India (During the British Period)*, Vol. 2., 2nd Ed, Bombay, 1951, p.776.

<sup>32</sup> *Ibid.*

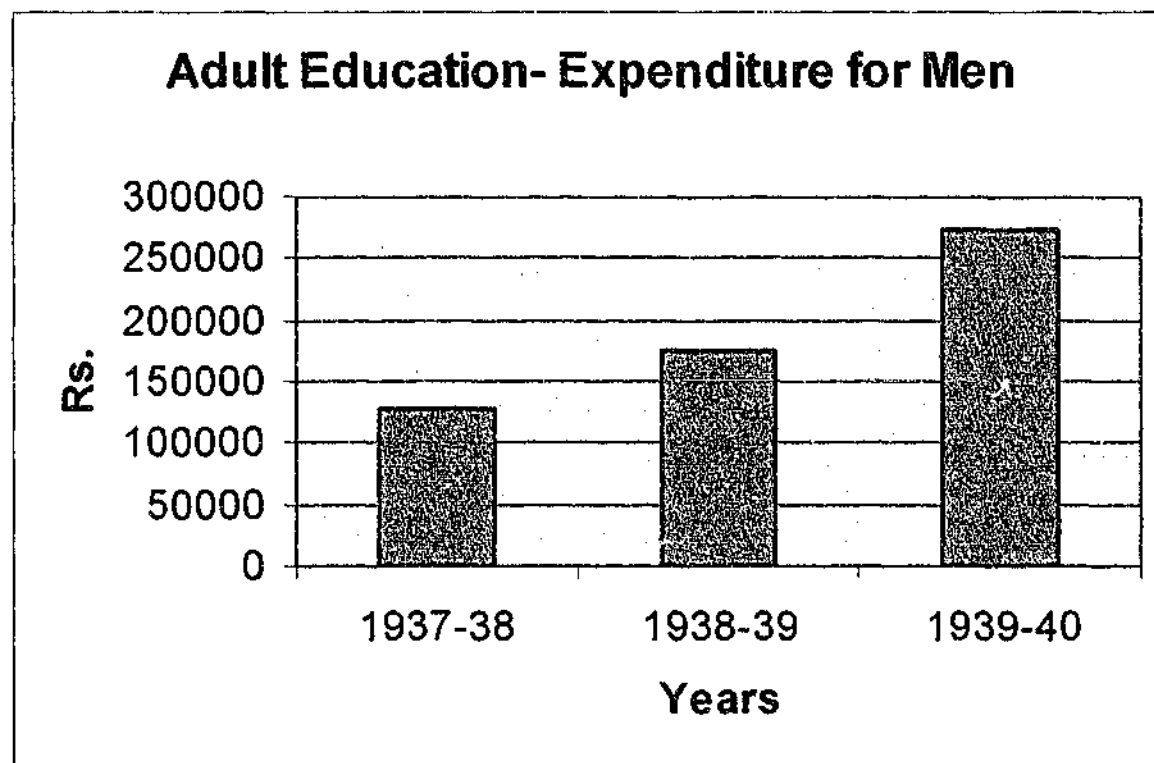
<sup>33</sup> *Progress of Education in India 1937-1947*, Decennial Review, Vol. 1, 1948, p.143.

**Fig. 6**



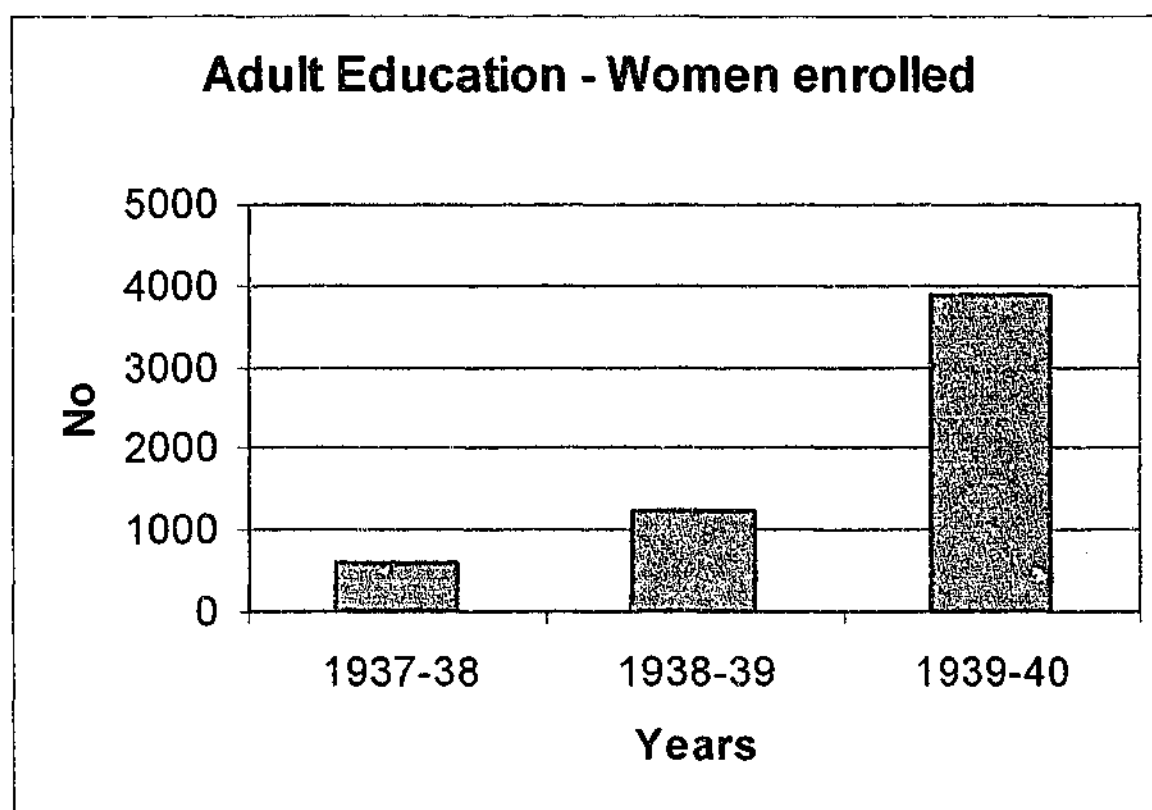
*\* Source: Progress of Education in India 1937-1947 Decennial Review Vol. I Central Bureau of Education Government of India*

**Fig. 7**



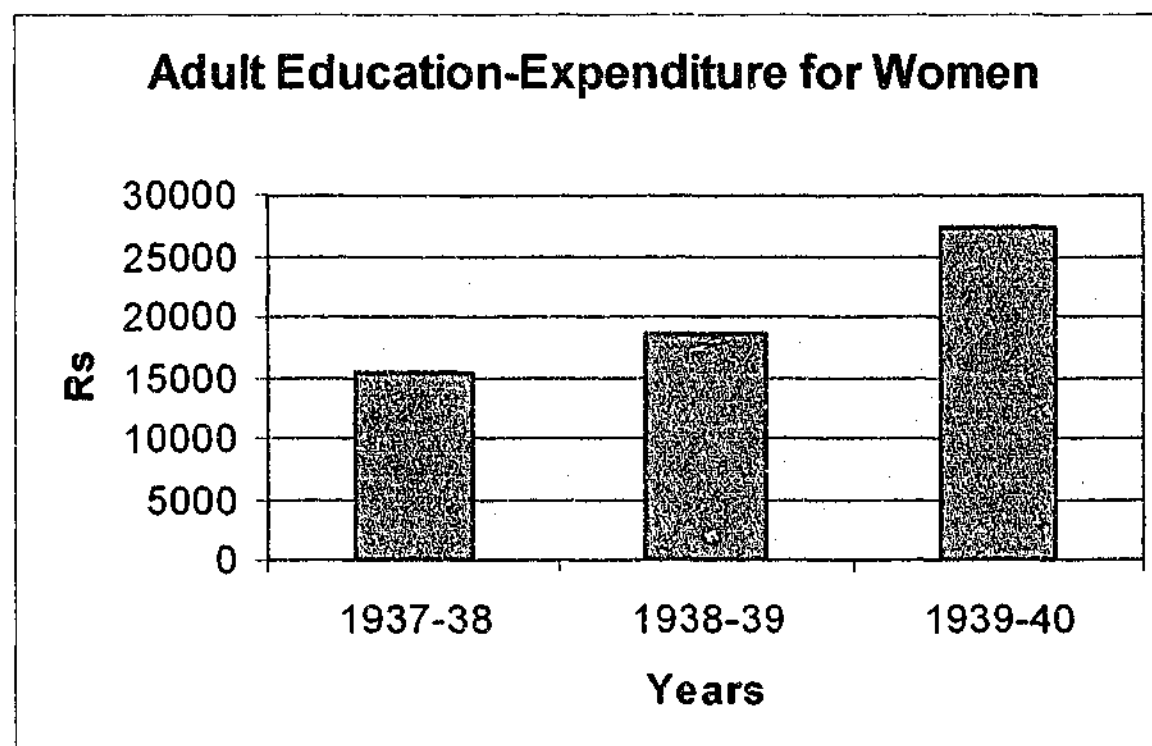
*\* Source: Progress of Education in India 1937-1947 Decennial Review Vol. I Central Bureau of Education Government of India*

**Fig. 8**



\* Source: *Progress of Education in India 1937-1947 Decennial Review Vol. I Central Bureau of Education Government of India*

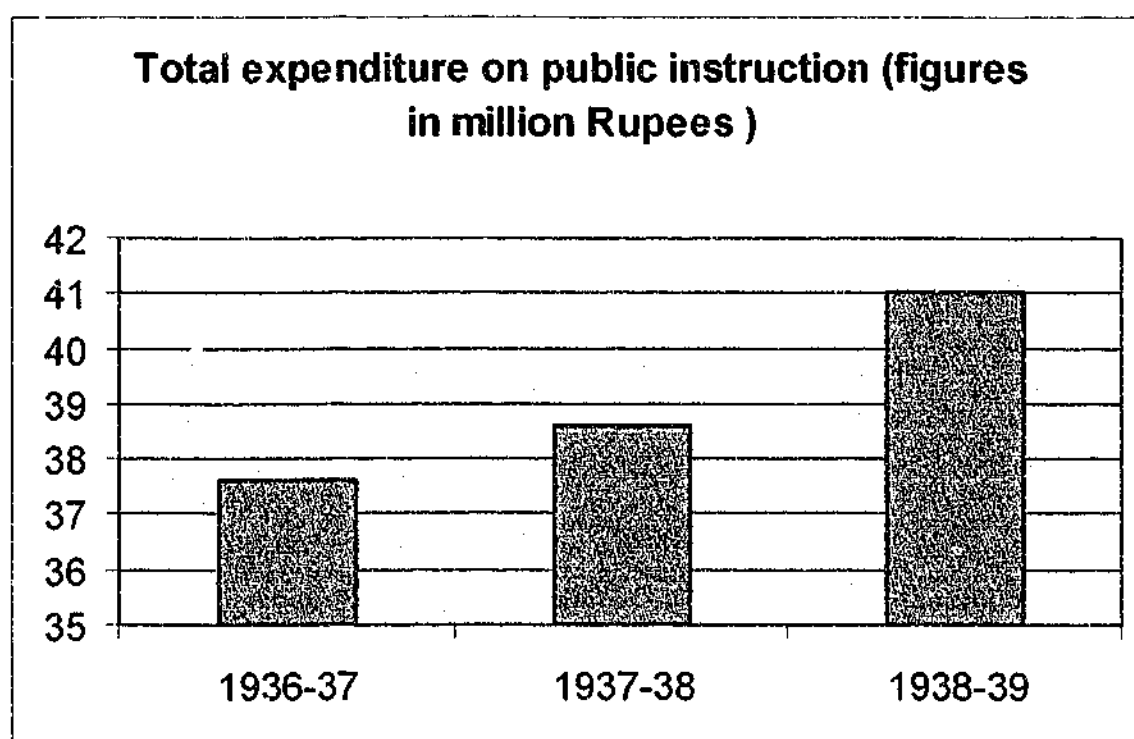
**Fig. 9**



\* Source: *Progress of Education in India 1937-1947 Decennial Review Vol. I Central Bureau of Education Government of India.*

On the strength of recommendations made by a committee under the chairmanship of Dr. Clifford Manshardt, a Provincial Board for Adult Education was set up.<sup>34</sup> In concert with the Social Services League of Bombay, the Board launched a large-scale campaign aimed at substantially increasing adult literacy. Initially the campaign was slated to last only a month, but early results were so promising that the government decided to make it permanent. To this end, it established the Bombay City Adult Education Committee with a grant of Rs. 50,000 a year and appointed a special literacy officer to monitor its activities. As well, the provincial Board was given the power to register, through its divisional and district committees, persons or associations who wanted to involve themselves in the work of spreading literacy. Registered persons and associations were then eligible for grants-in-aid from the government. Due to these measures, the number of adult schools rose from 217 in 1937-38 to 1503 in 1939-40.<sup>35</sup>

**Fig. 10**



\* Source: *Report on Public instructions in Bombay for 1937-38 and 1938-39*

<sup>34</sup> Nurullah and Naik, *A History of Education in India (During the British Period)*, Vol.II, p.817. Dr.Clifford Manshardt was the Director of the Sir Dorabji Tata Graduate School of Social Work, Bombay.

<sup>35</sup> *Ibid.*

Kher was also deeply interested in introducing physical education in schools, but, as with Basic Education, this innovation too required properly trained teachers. Accordingly, the government set up a training institute for Physical Education in 1938 at Kandivli, a Bombay suburb and room was found in the budget for payments to primary and secondary schools to cover the cost of delivery.<sup>36</sup> Physical education was made compulsory in secondary schools.<sup>37</sup> Kher's desire to ensure that Bombay children had adequate physical education training reflected of the sentiment current at the time that a strong country must necessarily have healthy citizens.

Interestingly though, Kher's government dragged its feet on its core promise of compulsory primary education. Pestered by the opposition in the legislative assembly, Kher refused to commit himself to any date or period for its introduction.<sup>38</sup> The reason for his silence, it seems, was lack of funds.<sup>39</sup> But it is also possible that the government was aware that compulsory education had ramifications. The poor required their children to work to augment their meagre family incomes. For these people, threats of punishments were not as much of a problem as the loss of their children's earnings.<sup>40</sup> Besides, there were practical difficulties with enforcing compulsion — the vast majority of people were too poor to be fined and the numbers too great for any kind of action to be taken against them. Thus the government moved slowly. Initially the task of implementing the policy was foisted on local authorities who were allotted a sum of three hundred thousand rupees

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<sup>36</sup> *Report on Public Instruction in the Province of Bombay, 1938-39*, Bombay, 1940.

<sup>37</sup> *Ibid.* The interest that Kher had in introducing physical education in the schools of the presidency may have been a result of a movement of 'constructive nationalism', based on the spread of education in Northern India in the early years of the twentieth century when Kher was a young adult. That movement had been basically a Hindu one, aimed at rejuvenating the community not only mentally but also physically through programs of physical exercises in schools. Watt Carey, 'Education for National Efficiency: Constructive Nationalism in Northern India, 1909-1916', *Modern Asian Studies*, 31, 2, 1997, p.373.

<sup>38</sup> *Bombay Chronicle*, 21 April 1938.

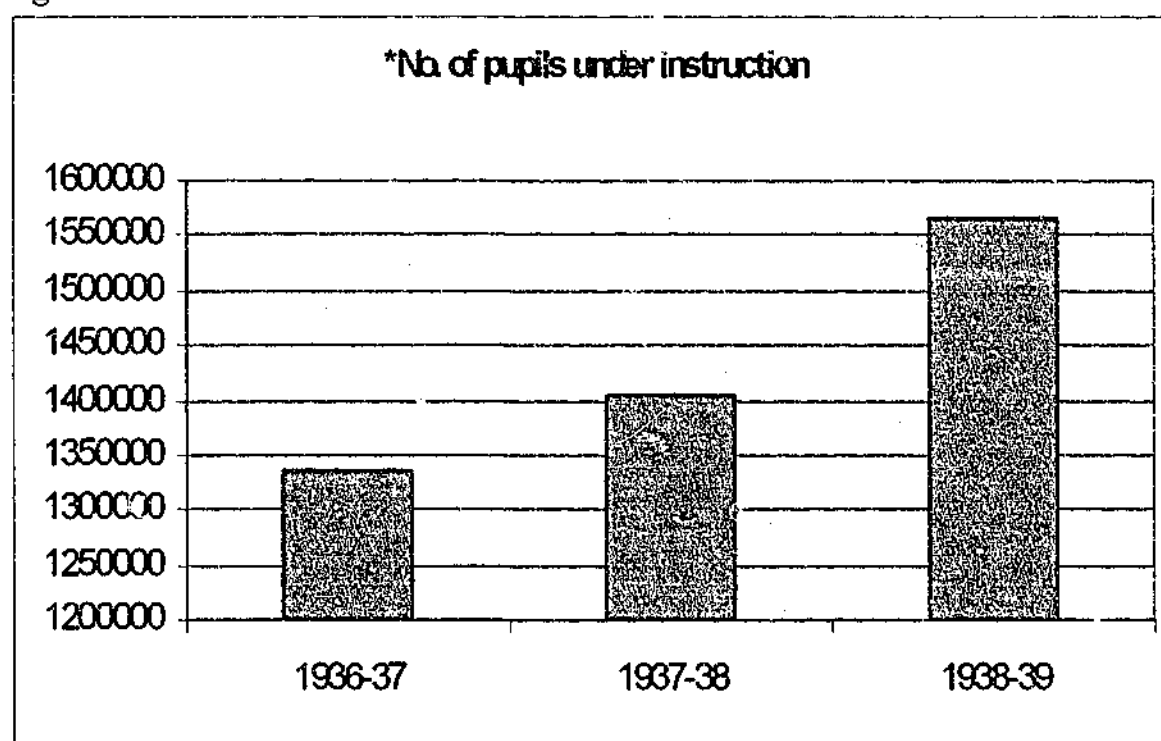
<sup>39</sup> *A Short Note regarding Government Education Policy - what has been done and what remains to be done*, NMML, Hansa Mehta Papers, File No.22, 1938-39.

<sup>40</sup> *Progress of Education in India 1937-47*, p.62.

to help them get started.<sup>41</sup> Little direction was, however, given on how this money should be spent.

Clearly there were votes to be won on the issue of free and universal primary education.<sup>42</sup> The cause of secondary and university education however was of much less concern to the masses or even to the relatively middle class electorate of the 1930s. Thus the issue received only cursory attention. Still, enrolment in secondary schools steadily increased.<sup>43</sup> This was in part due to the opening of a hundred or so new high schools during the Congress government's term.<sup>44</sup> Another innovation was the establishment of a Secondary Education Board to advise the government on policy relating to secondary education.

Fig. 11



Source: *Report on Public instructions in Bombay for 1937-38 and 1938-39*

<sup>41</sup> *A Short Note regarding Government Education Policy- what has been done and what remains to be done*, NMML, Hansa Mehta Papers, File No.22, 1938-39.

<sup>42</sup> Nurullah and Naik, *A History of Education in India*, Vol. II, p.800.

<sup>43</sup> *Report on Public Instruction in the Province of Bombay, 1938-39*, Bombay 1940.

<sup>44</sup> *Progress of Education in India, 1937-47*, p.89.

Meanwhile, on the tertiary front, four new colleges were started during the term of the Congress government — the Ramnarayan Ruia and the Khalsa Colleges at Bombay, the L.D. Arts College at Ahmedabad and the Dharmendrasinhji Arts and Science College at Rajkot.<sup>45</sup> Another important development was the recognition of the degrees, diplomas and certificates issued by the Gujarat Vidyapeeth, the Tilak Maharashtra Vidyapeeth and the S.N.D.T Women's University for recruitment to government and semi-government services.<sup>46</sup> This had been a long-standing demand of the students of the institutions concerned and had been the subject of voluminous correspondence between the National Students Union (a student's union supported by the Congress) and the Bombay government.<sup>47</sup> That the degrees of these institutions were finally recognised was largely due to the arm-twisting of party strongman Vallabhbhai Patel.<sup>48</sup>

It is clear from the statistical pictures given above that education was one of the areas that can be counted as the successes of the Congress ministry. However, the success was not total. In the countryside, instances of people collecting money for teaching fictitious people came to light, which resulted in the government reducing its grants for adult education.<sup>49</sup> This in turn led to a number of adult literacy classes being closed down, and the movement soon ran out of steam. Similarly, although the aim of encouraging volunteers to open schools was chiefly to benefit those in small villages who had no access to government schools, reports indicate that many volunteers opened schools in large

<sup>45</sup> *Report on Public Instruction in the Province of Bombay, 1937-38.*

<sup>46</sup> *Report on Public Instruction in the Province of Bombay, 1938-39.* The Gujarat Vidyapeeth and the Tilak Maharashtra Vidyapeeth came into existence in 1920-21 and were two prominent 'national education' centres in western India. At the height of the non-cooperation movement students and staff of several government schools and colleges left them and joined the institutions, which were run entirely by Indians. D.K. Karve, a champion of widow remarriage, and women's rights in the Bombay Presidency founded the SNDT Women's University in Bombay in 1916. It was the first university solely for women in the country and it aimed to provide higher education through modern Indian languages and taught among other subjects, Fine Arts, Domestic Science, and Hygiene.

<sup>47</sup> File No. PL-18/1937, NMML, AICC Files.

<sup>48</sup> See the voluminous correspondence on the issue in NMML, AICC File No. PL-18/1937 and File No. 6, Kher Papers.

<sup>49</sup> *Progress of Education in India 1937-47*, p. 820

villages instead of in small ones for 'want of proper instructions'.<sup>50</sup> The reason for their supposed 'confusion' on the issue was probably that volunteers were reluctant to start schools in places where they were unlikely to attract many students. Thus, in many centres the government had to try to rectify matters either by arranging for schools to cater to several adjoining villages or by employing peripatetic or 'wandering' teachers to visit small villages in rotation. To make matters worse, no proper guidelines were framed regarding payment of the teachers in the voluntary schools. Many failed to provide either decent salaries or pensions to their staff. Even so, some had to close down due to lack of money, which left the government with no recourse but to pick up the tab.<sup>51</sup> The scheme of encouraging voluntary schools had been seen as a way of providing schools in villages at comparatively little cost to the taxpayer. But in the event the government found itself having to intervene frequently —thus the main purpose of the scheme was undone.

Perhaps the most vexatious educational issue during 1937-39, however, was the increasing use of education to serve communal interests. After Congress took office, the Muslim League used every opportunity to claim that Congress was a Hindu organisation and negligent of Muslim interests. The new changes in education provided them with plenty of ammunition. Initially the League concentrated on attacking the Basic Education Scheme. This was repellent to the Muslim party, first because of its emphasis on non-violence. As an All India Muslim League committee of inquiry noted:

The principle of non-violence on which the Wardha scheme is based, has been conceived by the political philosophy of the Muslim nation differently. We are in no way condemning the doctrine of non-violence, but in an education scheme there must be scope for teaching different forms of political doctrines. This will involve giving education a religious garb. It will clearly imply the welding of two nations in one synthetic culture by means of a system of primary education and will only facilitate the conversion of the youth to the ideas of the Congress.<sup>52</sup>

<sup>50</sup> *A Short Note regarding Government Education Policy- what has been done and what remains to be done*, NMML, Hansa Mehta Papers, File No.22, 1938-39.

<sup>51</sup> *A Review of Education in Bombay State 1855-1955*, p.79

<sup>52</sup> Aziz, K.K., *Muslims under Congress Rule, 1937-39*, Vol. I, p.181.

Secondly, the league disliked its provision for the teaching of Hindustani, which had the potential to undermine student exposure to Urdu and 'Muslim culture'.<sup>53</sup> Thirdly, they objected to the absence of any provision for religious education in the scheme. Muslim students, they felt, were entitled to have classes on Islam. Fourthly, the League opposed the practice whereby *Vande Mataram* was sung in schools, that had developed after the assumption of power by the Congress. The song originally had anti-Muslim connotations. At any rate, Muslims thought of it as offensive and determined to resist it with all their might. Soon, protest meetings were held at various parts of the presidency particularly in the district of Khandesh and Ahmedabad.<sup>54</sup> Last but not least, the League thought that the new books used for teaching adults in the presidency were filled with anti-Muslim prejudice.<sup>55</sup> Matters came to a head when new Urdu text books written by Zakir Hussain — a Muslim Congressman — were introduced into the municipal schools of the presidency. At the Bombay Municipal Corporation meeting of 11 July 1939, there was an stormy exchange between Jamnadas Mehta, the ex-Finance minister from the Democratic Swaraj party (which had strong leanings towards the Hindu Mahasabha), and several Muslim League members. Mehta refused to accept that the new method of teaching involved any encroachment upon religion or culture. He declared that educated Muslims had written the books — not Hindus. Therefore it was hard to believe that they contained anything that was anti-Muslim or un-Islamic.

*A Muslim councillor:* They are written by Muslim Congressmen.

*Mehta:* Does a Muslim cease to be a Muslim by joining the Congress? Islam does not prohibit a man from becoming a member of the Congress.

*M.U.Rajab:* At present the Congress is doing anti-Muslim work.<sup>56</sup>

<sup>53</sup> *Ibid*, p.182.

<sup>54</sup> Extract from the weekly confidential report of the District Magistrate, Ahmedabad, No.L.X.7, 16 Feb 1939, Maharashtra State Archives, File No. 355(26) G-1/1938. Also, English translation of a news item in an Urdu newspaper *Roznama-e- Khilafat*, 13 March 1939 and *Times of India*, 1 April 1938 in the same file.

<sup>55</sup> R. Coupland, *Indian Politics 1936-42: Report on the Constitutional Problem in India: Part II*, p.191.

<sup>56</sup> *The Times of India*, 11 July 1939.

But the Congress stood its ground and the textbooks were withdrawn only in December 1939 after the ministry had resigned. However League pressure forced the Bombay government to issue a circular directing that *Vande Mataram* could be sung in schools only with the unanimous consent of all students.<sup>57</sup>

The attacks by the League on the new textbooks in Bombay were not entirely unjustified. The syllabus for history, a subject with great potential for stirring up trouble in a country with a history of religious conflicts and antagonisms, included the following prescription:

Std I and Std II -No formal instruction in history should be given but *selected interesting stories from the Epics should be told as part of language work to create love and appreciation for the old culture.*<sup>58</sup>

The teaching of the Epics, which form an integral part of Hindu belief, reflected an alarming insensitivity to minority feelings. Unfortunately this trait would become one of the hall marks of the Congress ministry.

## PROHIBITION

Prohibition was another of the issues dear to Mahatma Gandhi. Therefore, while the Congress party had advocated a ban on the sale of alcoholic drinks as early as 1889, the issue was given prominence in the party's programme only at the Amritsar Congress of 1919 which saw the rise of Gandhi as a force in the party. By 1929 it was recognised as one of the 'constructive programmes' to which the party was committed, and in June 1931 Gandhi declared ominously that if he had his way, all liquor shops would be closed down and all the palms used for manufacturing toddy destroyed.<sup>59</sup> Not surprisingly, picketing

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<sup>57</sup> Circular No.6565, 16 May 1939, Maharashtra State Archives, Home (Special), File No. 355(26) G-1/1938.

<sup>58</sup> Emphasis added. *Syllabus in History and Civics*, NMML, Hansa Mehta papers, File No.22/1938-39.

<sup>59</sup> Gandhi's statement in *Young India*, 25 June 1931 quoted in P.D.Kaushik, *The Congress Ideology and Programme 1920-47: Ideological Foundations of Indian nationalism during the Gandhian Era*, Allied Publishers, Bombay, 1964, p.171.

liquor shops became one of the major strands of the Civil Disobedience protest movement of the early 1930s. Later, the CWC appointed a special committee under C. Rajagopalachari of Madras to look into devising ways to implement prohibition in the event of the party assuming power.<sup>60</sup> Yet, like education, prohibition oddly did not find a place in the Congress party's election manifesto of 1936. Was this because the Congress was afraid of alienating minorities like the Parsis and Christians and thereby reducing their chances of a victory at the polls? Subsequent events do not entirely rule out this interpretation.

At any rate, as soon as the party accepted office, Gandhi ensured that prohibition reappeared on the party's policy agenda. With the new ministries in the saddle barely a few days, the Mahatma nominated it as the 'evil' that needed the most attention. Specifically, he recommended that total prohibition be introduced within three years by making illicit distillation of liquor a punishable offence and by encouraging propaganda against the dangers of consuming alcohol.<sup>61</sup> When these recommendations appeared in the *Harijan*, they sparked a lively debate and several critics ventured to question whether a three-year deadline was a realistic one and indeed how prohibition was supposed to succeed in India when it had failed so miserably in countries like the United States. Gandhi brushed aside these arguments declaring that India was ready to embrace prohibition. Why? Firstly, he said, because the consumption of alcohol had never enjoyed social sanction among Indians and had always indeed been looked upon as a shameful activity. Secondly, because the two chief religions in India — Hinduism and Islam — were totally against the drinking of alcohol by their adherents.<sup>62</sup>

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<sup>60</sup> P.D.Kaushik, *The Congress Ideology and Programme 1920-47*, p.157.

<sup>61</sup> Gandhi's article in *Harijan* quoted in *Bombay Chronicle*, 2 August 1937.

<sup>62</sup> Gandhi in *Harijan*, 31 July 1937 and *Young India*, 4 Feb 1926 and 8 April 1926 quoted in P.D.Kaushik, *The Congress Ideology and Programme*, pp.175-176.

Prohibition would involve a massive loss of revenue. This would, they felt, handicap their efforts to introduce other important nation building programmes. And how this loss of excise was going to be compensated for was also worrisome, as other forms of taxation were universally unpopular. (see Figures 12 and 13)<sup>63</sup> But Gandhi's followers in the Bombay ministry such as Kher and his minister for Public Health and Excise Gilder, refused to be deterred by economic logic. Gilder announced proudly that the excise policy of the government henceforth would revolve around 'prohibition of the use, import, sale or possession of alcohol, including foreign liquor, country liquor and toddy, of opium and of drugs', and that no consideration of the loss of revenue would be allowed to stand in the way. Very soon, he added, certain selected rural areas would be declared 'dry' along with at least one urban industrial area to test public reaction<sup>64</sup>

Nevertheless, as with compulsory education, the government decided, in the interests of caution, not to launch total prohibition overnight but to introduce it gradually over a period of three years. Initially, prohibition was applied only to the talukas of Waghra and Jambusar in Gujarat, Shegaon, Nevasa and Pathalmahal in Maharashtra, and Ankola and Kumta in Karnataka.<sup>65</sup> The city of Ahmedabad and its suburbs were slated to go 'dry' from 1 April 1938.<sup>66</sup> Meanwhile the government announced that the sale of excisable materials would not be permitted after 20 May 1938 and that no licenses for the sale of country liquor, toddy and foreign liquor would be granted in the 'dry' areas after that date. Moreover, the selection of Ahmedabad as the venue for the large-scale introduction of prohibition betrayed the government's underlying unease about the public's reception of the measure. Ahmedabad was the place where Gandhi's, and through him the Congress party's, influence was at its strongest. The ministry hoped that the people of Ahmedabad

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<sup>63</sup> Prof.K.T.Shah's rejoinder to Gandhi in the *Harijan*, 31 July 1937 quoted in *Bombay Chronicle*, 7 August 1937.

<sup>64</sup> *Bombay Chronicle*, 28 August 1937.

<sup>65</sup> *Bombay Chronicle*, 28 August 1937.

<sup>66</sup> *Ibid*, 18 September 1937.

would embrace prohibition enthusiastically and show the way to the rest of the presidency.<sup>67</sup> Yet, inwardly the ministry remained nervous. This is evident from the fact that the ministry was reluctant to allow debate on the issue in the Assembly. Prohibition was introduced not in the form of a Bill but as an amendment to the Akbari Act of 1878 which regulated excise policy in the presidency.

The implementation of the policy was entrusted to a newly created Prohibition Department. On 1 June 1938, Gilder inaugurated the new department at a function in Ahmedabad City attended by about six hundred special invitees and presided over by the party heavyweight from Gujarat, Sardar Patel.<sup>68</sup> This was followed by a spate of meetings all over the ten wards of the city hosted by supervisory staff and inspectors from the department.<sup>69</sup>

The work of the department fell into five categories: propaganda; vigilance; devising alcohol substitutes; providing 'constructive work' to remove the underlying causes of addiction to drink; and providing assistance to the Prohibition Advisory Committee of the government.<sup>70</sup> The department's propaganda brief included publicising the 'evil effects' of drink through the erection of placards and the distribution of leaflets, through solidarity meetings, through the medium of cinema, through exhibitions, and by appeals in the press.<sup>71</sup> On the substitution front, efforts were made to open 'recreation centres' and restaurants to supply alternative entertainment to the liquor-consuming public and to push the sale of 'nourishing and stimulating drinks' — such as buttermilk, milk and other dairy products.<sup>72</sup> And with a view to treating the underlying causes of alcohol addiction,

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<sup>67</sup> *Ibid.*, 18 September 1937.

<sup>68</sup> *Monthly report of the Prohibition department for June 1938*, Government of Bombay, NMML, AICC Files, PL-2/1938.

<sup>69</sup> *Ibid.*

<sup>70</sup> *The Prohibition Department, Government of Bombay: An Outline of Activities*, Prohibition department, Ahmedabad, NMML, AICC Files, PL.2 Pt-I/1938.

<sup>71</sup> *Ibid.*

<sup>72</sup> *Monthly report of the Prohibition department for June 1938*, Government of Bombay, NMML, AICC Files, PL-2/1938. Also, *The Prohibition Department, Government of Bombay: An Outline of Activities*.

ambitious plans were drawn up for slum clearance, the provision of urban parks, drainage, and open spaces and a further extension of adult education.<sup>73</sup> Finally, the department addressed its vigilance mandate by setting up a network of Local Prohibition Committees to keep watch on shopkeepers suspected of carrying on illicit trade in liquor.<sup>74</sup>

Belatedly, just before prohibition was due to be launched, a Prohibition Advisory Committee was appointed, headed by Gulzarilal Nanda, to oversee the granting of liquor permits to those who needed to purchase alcohol for personal use. The health and socio-economic conditions of applicants would be the chief consideration for granting permits, the government decided.

Almost at once, however, the policy struck trouble. The governor reported in May 1938:

Previous to the conference of Congress Premiers here, my Finance Minister asked the secretary to the department to give him all the figures as to the loss of revenue which complete prohibition would mean to this presidency. It amounted to Rs.3 1/4 crores exclusive of additional excise expenditure. He was then asked if it would be possible to replace that revenue to which he replied, No. The finance minister then examined with him the possibility of requiring each area to make up the loss of revenue by some taxation or the other. For instance, if prohibition would mean the loss of a crore from Bombay City, was it possible to make Bombay City find the crore by other means? It was concluded that this was quite impossible. The Finance Minister and Munshi then agreed that prohibition was quite impracticable, and the former decided to place all these cards on the table before the Premiers Conference and to try to obtain a decision not to proceed much further with the policy.<sup>75</sup>

Broiled in these controversies, the ministry's plans to launch prohibition in Ahmedabad from April 1938 could not be readied in time and the launch was put off until the third week of July. After a further month's delay caused by administration problems, prohibition

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<sup>73</sup> *Ibid.*

<sup>74</sup> *Monthly report of the Prohibition department for June 1938*, Government of Bombay, NMML.

<sup>75</sup> Lumley to Linlithgow, 17 May 1938, Report No.16, OIOC, L/P&J/5/156.

was finally introduced within Ahmedabad and its environs at midnight on 20 July 1938.<sup>76</sup> In the best Congress tradition, no efforts were spared to depict the day as one of 'universal rejoicings'.<sup>77</sup> The city's roads, houses and bazaars were decorated with flowers and a procession of trucks decorated with pictures and posters illustrating the benefits of prohibition was driven through the city and its suburbs to the accompaniment of loud music. An effigy of the 'Monster of Drink', specially prepared for the occasion was also paraded throughout the city. In the evening, another mammoth procession wound its way to the Lal Darwaja grounds where Sardar Patel addressed a meeting. At the end of the meeting Patel set fire to the effigy of 'the Monster of Drink'. Following this ceremony, all liquor shops were declared formally closed.<sup>78</sup>

The experiment had mixed results. Losses of revenue touched Rs.40 lakhs in the first full year of prohibition —1939.<sup>79</sup> It was calculated that once prohibition was launched in Bombay and in other districts, losses along with the cost of employing additional staff to enforce the new regulations, would amount to one hundred and sixty five lakhs of rupees.<sup>80</sup> The only way to cover these costs would be to increase taxation. Among the tax hikes canvassed were an increased electricity duty, an urban immovable property tax levy of ten percent of the value of urban property, a sales tax on petrol and a tax on crosswords (!) and prizes won during competitions. The Ministry also toyed with the idea of cutting the salaries of public servants.<sup>81</sup>

As months passed, it is clear that financial constraints as well as mounting opposition from minority groups like the Parsis considerably reduced the enthusiasm of the ministry towards prohibition. 'We have been *made to go in* for this prohibition policy by

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<sup>76</sup> *Report of the Prohibition department for the month of July 1938*, NMML, AICC Files, PL.2/1938.

<sup>77</sup> *Ibid.*

<sup>78</sup> *Ibid.*

<sup>79</sup> One lakh =100,000.

<sup>80</sup> *Report of the Prohibition department for the month of July 1938*.

<sup>81</sup> Lumley to Linlithgow, Report No.34. Also, Lumley to Linlithgow, Report No.39, 30 April 1939, OIOC, L/P&J/5/158.

Gandhi', Kher is reported to have remarked to the governor.<sup>82</sup> It was a most uncharacteristic statement from one who had always been Gandhi's ardent follower and if one dismisses the possibility that governor Lumley was lying, only the worry of the daunting cost of implementing the scheme and the problems that it might entail could have wrung that unhappy comment from Kher.

As it was, proposals to increase taxation to compensate for the loss of akbari revenue were introduced in the 1939 budget session of the Assembly and excited a storm of protest. Especially vocal were the Parsis, who were heavily involved in liquor trading and who often themselves drank alcohol on social occasions. But Muslim members also raged against the government's proposals because they had invested heavily in property and feared that any increase in the property tax would hit them hard.<sup>83</sup> Another Muslim objection was that the property tax would affect Islamic charitable trusts. Thirdly, a clamour was raised by thousands of people who owned and were employed in liquor shops and bars, as well as castes such as the Bhandaris, which were traditionally engaged in liquor-related occupations such as toddy tapping.<sup>84</sup> Last but not least, the Bombay Municipality also joined the motley opposition — partly because they regarded taxation on property as their traditional prerogative and partly because the councillors felt the government levy of ten per cent added to the municipal charges on property would make it very difficult for them to raise additional revenue.<sup>85</sup>

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<sup>82</sup> Emphasis is added. Lumley to Linlithgow, 15 February 1939, Report No.34, OIOC, L/P&J/5/158.

<sup>83</sup> Lumley to Linlithgow, Report No.35, 1 March 1939, OIOC, L/P&J/5/158. Consumption of alcohol was forbidden in Islam and therefore theoretically prohibition would not have been an infringement of their religious rights. But since Islam forbade them from investing in anything in which they could charge interest, they had invested in a large way in property in cities like Bombay and these properties would attract a tax of ten percent.

<sup>84</sup> The Bhandaris had been granted the right to tap toddy by the erstwhile East India Company for certain 'military services' rendered to the company by the community. Lumley to Linlithgow, Report No.45, 1 August 1939, OIOC, L/P&J/5/158. *Bombay Chronicle*, a pro-Congress newspaper, reported on 14 March 1939 that a public meeting of about 5000 workers in liquor and toddy shops was held in Bombay City. The speakers at the meeting deplored that about seventy thousand of them and their families would soon face starvation because of prohibition.

<sup>85</sup> Lumley to Linlithgow, Report No.35, 1 March 1939, OIOC, L/P&J/5/158.

None of these problems however, sufficed to shift the government from its chosen course. Over the following months prohibition was extended to the rest of the presidency with the exception of Bombay city. There prohibition was enforced only in the mill areas and that too only on the first two days after each payday, when all the city's hotels and bars were required to close. People who tried to import liquor from outside were arrested at railway stations.<sup>86</sup>

A number of thorny issues such as the amount of alcohol admissible to Europeans, and the economic grievances of Parsis, were resolved almost at the last hour. The Parsis were appeased by being given permission to consume liquor for 'religious purposes'.<sup>87</sup> As for Europeans, it was decided after tortuous negotiations with the government, that for six weeks 'Europeans only' clubs would be allowed to serve liquor as they had always done.<sup>88</sup> After that, members would be required to sign over a portion of their alcohol allowance to their club as the price of the club receiving permanent exemption from the law.<sup>89</sup> Last but not the least, the ministry aided by the famous Haffkine Institute of Bombay came up with an ingenious scheme for keeping toddy fresh and unfermented, so that traditional tapping communities like the Bhandaris could continue in their occupations. It was hoped that the

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<sup>86</sup> Press Note from the Director of Information, Government of Bombay, *Bombay Chronicle*, 22 July 1938 and 10 September 1938. The Excise Superintendent, with the help of excise inspectors, sub-inspectors and constables of the Excise department, also patrolled the city until late in the evening.

<sup>87</sup> The Parsis even took steps to challenge the introduction of prohibition in the Federal Court and Sir Byramjee Jeejeebhoy, a prominent Parsi from Bombay defiantly talked of giving a cocktail party on the day after prohibition was introduced, but nothing came of it. The government relented to their pressure to some extent by permitting them to consume about 30,000 units of liquor on the days of their festivals. Lumley to Linlithgow, 30 April 1939, Report No.39, and 14 July 1939, Report No.44, OIOC, L/P&J/5/158.

<sup>88</sup> Gandhi was in favour of exempting Europeans from prohibition, keeping in view the fact that drink is not regarded as a vice but as a necessity in European society. He had declared that it was his regard for *ahimsa* (non-violence) and truth that had made him do so. *Harijan*, 14 August 1937 in the *Collected Works of Mahatma Gandhi*, Vol.65, p.47. But an incident involving Commissioner of Excise H.F. Knight, shows that the Bombay ministry expected their British civil servants to embrace prohibition. Although Knight had 'worked himself to the bone' in working out prohibition schemes, when he applied for a liquor permit for himself, Kher was furious and dashed off a note to the governor asking for Knight's transfer, believing that Knight was trying to ridicule prohibition. Lumley to Linlithgow, 1 August 1938, Report No.21, OIOC, L/P&J/5/157.

<sup>89</sup> Lumley to Linlithgow, 16 August 1939, Report No.46, OIOC, L/P&J/5/158.

unfermented (and therefore un-intoxicating) toddy, called *nira*, could be sold in place of the fermented variety.<sup>90</sup>

Interestingly, the government appears to have made no significant effort to appease the Muslims. Instead, a penalty for defaulting on the payment of the property tax was provided for in the Finance Bill of 1939, prompting the entire opposition (excepting for eight members) to walk out of the Assembly behind the Muslim League leader, Sir Ali Mahomed Khan Dehlavi.<sup>91</sup> Following this, the government rubbed salt into the Muslims' wounds by introducing a bill to restrict increases of rents by landlords.<sup>92</sup> Not surprisingly these measures significantly increased the level of communal tension in the province.

Another difficulty posed by the extension of prohibition to Bombay was that the capital was a coastal city whose environs included numerous hidden creeks. It would be hard to stop the smuggling of liquor into Bombay by sea. Moreover the suburbs of the city were still free from prohibition. Intense vigilance at railway and bus stations would be required to prevent liquor from being brought in trains and buses. Ultimately it was decided that extra police would be needed to make it work in the metropolis.<sup>93</sup> At the same time it was decided to progressively knit together the city and its suburbs into a 'Greater Bombay metropolitan zone', and to place the entire area under the control of a single commissioner of police as a means of facilitating enforcement.<sup>94</sup> This decision would have far reaching consequences for Bombay's development over the next half century.

The day for the inauguration of prohibition in Bombay city was fixed for 1 August, the death anniversary of the great Maharashtrian Congressman 'Lokmanya' Tilak. As the red-letter day approached, opposition to the scheme intensified. But the ministry was eager to launch it on a large scale to show that their enthusiasm for the project was in no

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<sup>90</sup> Lumley to Linlithgow, 14 July 1939, Report No.44, OIOC, L/P&J/5/158.

<sup>91</sup> *Times Of India*, 2 September 1939.

<sup>92</sup> *Bombay Chronicle*, 19 April 1939.

<sup>93</sup> Lumley to Linlithgow, 1 April 1939, Report No.37, OIOC, L/P&J/5/158.

<sup>94</sup> Lumley to Linlithgow, 14 July 1939, Report No.44, OIOC, L/P&J/5/158.

way diminished. The week starting from 25 March 1939 was declared 'Prohibition week' and, as in the case of Ahmedabad the previous year, the proceedings were redolent with Congress symbolism.<sup>95</sup> His reservations on the success of the scheme hidden from public view, Kher declared that, although his government might lose revenue, the people would stand to gain physically and spiritually — thereby emphasizing the high moral ground claimed by the ministry and the party.<sup>96</sup> 'Nothing short of a world war will prevent prohibition from being introduced on August the 1<sup>st</sup>', Lumley wrote stoically — a prediction not too far from the truth.<sup>97</sup>

Yet even as 'prohibition week' was being celebrated, Parsis held another large protest meeting. Resolutions were passed condemning the prohibition policy of the ministry as it 'interfered with the religious practices of the Parsis besides depriving them of their livelihood'.<sup>98</sup> The opposition of the Parsis to prohibition also took an ugly form when Excise minister Gilder — and incidentally also a Parsi — received a spate of angry letters and abusive telephone calls.<sup>99</sup>

Then, on the appointed day, a procession of Muslims protesting against the property tax suddenly turned violent and attacked the police. Although it was suppressed almost immediately, and 'with even more firmness than was necessary', in Lumley's opinion, the riot showed that the increasing divide between Bombay's communities on issues such as prohibition was slowly but surely turning the city into a smouldering tinderbox.<sup>100</sup>

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<sup>95</sup> *Bombay Chronicle*, 27 March 1939.

<sup>96</sup> *Ibid*, 28 March 1939.

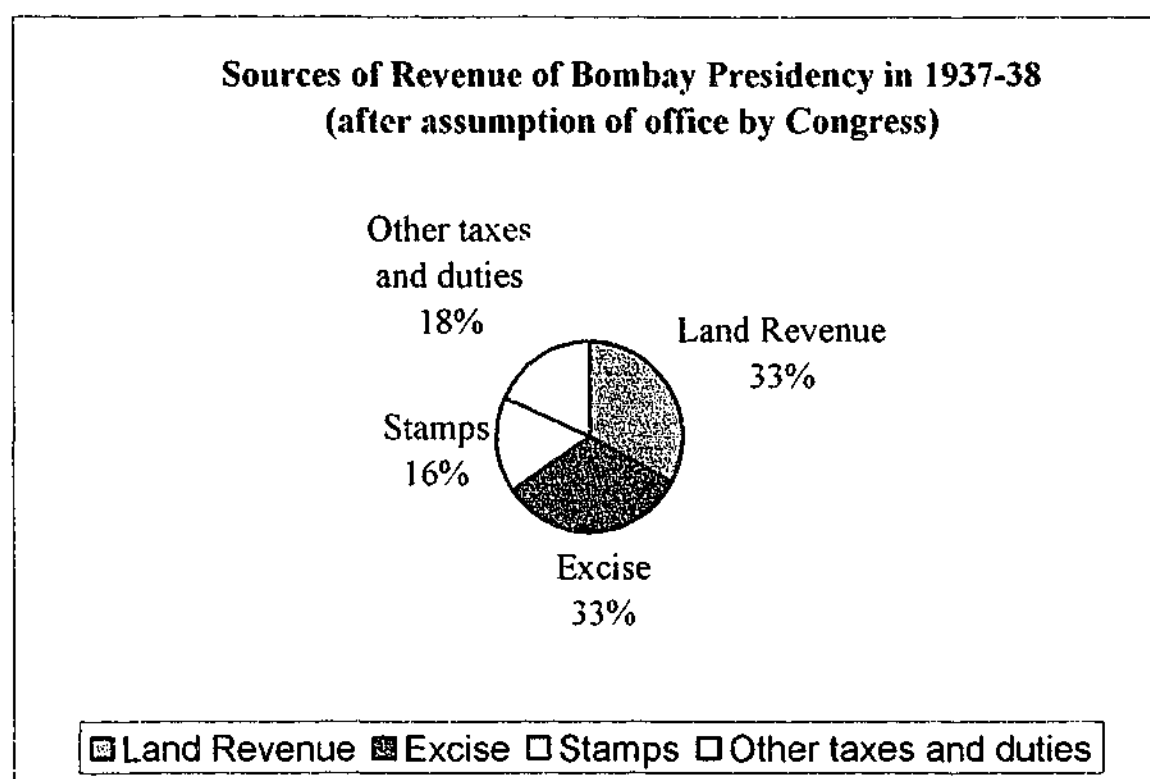
<sup>97</sup> Lumley to Linlithgow, 14 July 1939, Report No.44, OIOC, L/P&J/5/158.

<sup>98</sup> *Ibid*, 30 March 1939. Also Lumley to Linlithgow, 1 April 1939, Report No.37, OIOC, L/P&J/5/158.

<sup>99</sup> Lumley to Linlithgow, 1 April 1939, Report No.37, OIOC, L/P&J/5/158.

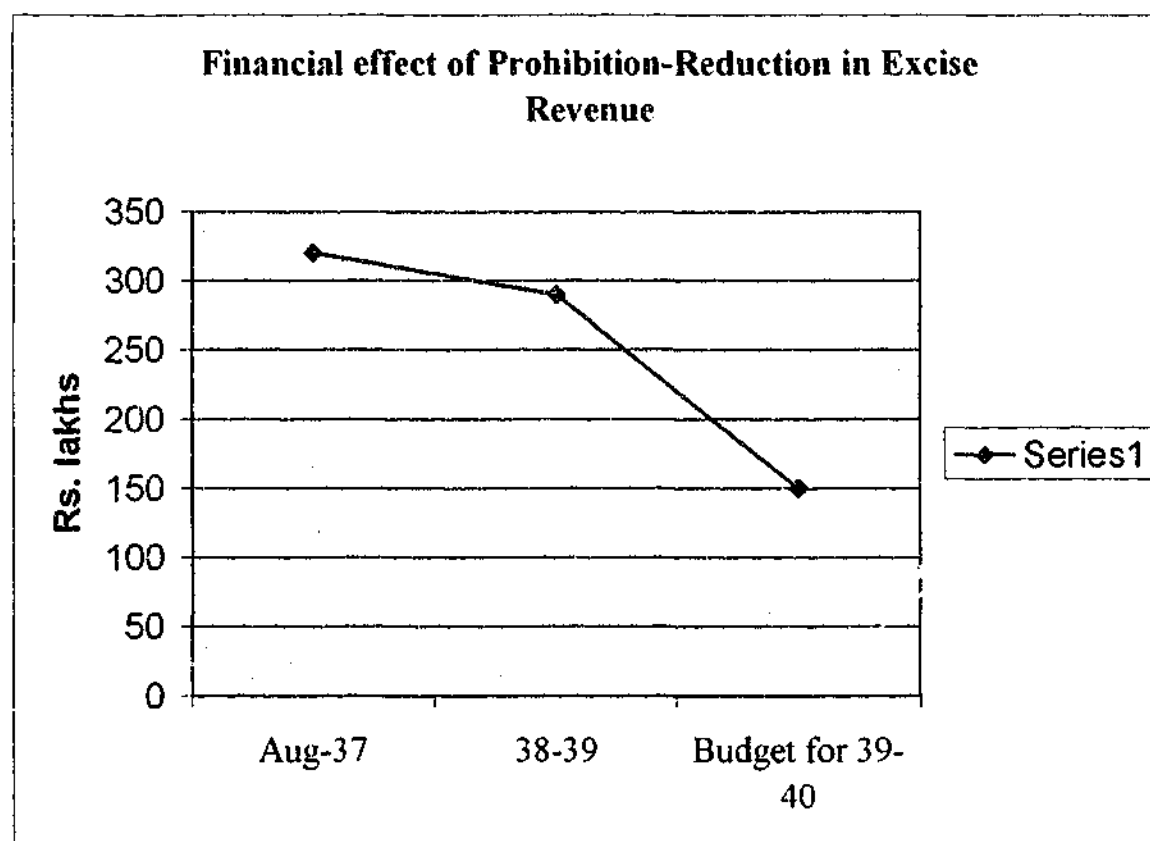
<sup>100</sup> Lumley to Linlithgow, 16 August 1939, Report No.46, OIOC, L/P&J/5/158.

**Fig 12**



*\*Source: Bombay 1937-38 and Bombay 1938-39.*

**Fig.13**



*\* Source: Bombay 1937-38 and Bombay 1938-39 and Budget 1939-40, BLA Debates*

When the prohibition struggle is viewed in hindsight, it appears to have been a largely futile experiment, as the Congress ministry left office barely two months after it was introduced in Bombay City. But even before then, many highly placed Congressmen had begun to have second thoughts. For example, S.K. Patil general secretary of the BPCC, described it later as 'a total failure. Everybody was drinking and the government alone was deprived of its revenues'.<sup>101</sup> This was a harsh but accurate assessment. Even in Gandhian Ahmedabad evasion was rife, with people either smuggling in alcohol or by visiting neighbouring 'wet' areas like Kalol, Dabhoda, Nadiad and Gothaj on weekends to get drunk.<sup>102</sup> Even Congressmen had their doubts. Prohibition may have salvaged some blighted lives but in the process minority communities were alienated, the presidency's fragile peace was threatened and vital developmental programmes were starved for funds. The party may have introduced the scheme to project itself as a custodian of people's interests and morals, but in the process it also came to be identified as custodian of Hindu ethics. In the final analysis, prohibition did the party more harm than good.

## UNTOUCHABILITY

The other social reform issue which ranked high on the Congress party's agenda was 'untouchability', the Hindu dogma that prescribed and justified massive discrimination against the castes at the bottom of the social order. Ironically, British rule had granted legal recognition to untouchability by declaring temple entry to untouchables a punishable crime under the Indian Penal Code.<sup>103</sup>

As with all other issues, it is interesting to examine the party's rhetoric on the problem of untouchability and their actions after assuming power in order to understand

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<sup>101</sup> S.K. Patil interviewed by Dr. Hari Dev Sharma, 7 August 1974, NMML, Oral transcripts.

<sup>102</sup> *Bombay Chronicle*, 22 March 1939.

<sup>103</sup> S.R. Bakshi, *Gandhi and his Social Thought*, p.126.

why the party was never really able to draw the 'Harijan' community into its fold, despite the party's, and particularly Gandhi's, efforts to do so.

In keeping with the educated upper caste Hindu background of its leaders, the Congress did not specifically discuss the issue of untouchability until 1917 when a resolution was passed urging the people of the country to remove 'all disabilities imposed by custom upon the depressed classes'.<sup>104</sup> With the arrival of Gandhi on the Congress political scene, however, increasing attention came to be paid to the country's social problems. Since his early days in South Africa as a young barrister, Gandhi had been aware of the pernicious effects of discrimination and he regarded untouchability as a taint on Hinduism which had to be removed.<sup>105</sup> Therefore, through the columns of his newspapers *Young India* and *Harijan* — the latter named specifically to honour those oppressed people he called 'the children of God' — Gandhi wrote time and again of the need to rid Hinduism of the pernicious practice. The Karachi resolution of 1931 and the Congress election manifesto of 1936 endorsed his sentiments.<sup>106</sup> Thus Gandhi hailed the victory of the party in the elections of 1937 as an affirmation of the people's support for his reformist position.

Yet for all that, the untouchables' self-styled leader, the Bombay Mahar Dr. B.R. Ambedkar, remained unconvinced that Gandhi and the Congress party had the interests of the downtrodden at heart. For one thing, he found Gandhi's views paternalistic and patronizing. Although Gandhi criticised the Brahmins for designating castes as inherently 'inferior', he believed that the caste system brought order and harmony to society. What he opposed, therefore, was not the institution of caste as such but the prevailing belief that

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<sup>104</sup> The Congress resolution of 1917, cited in Lelah Dushkin, *The Policy of the Indian National Congress towards the Depressed Classes: an Historical Study*, Thesis, Faculty of the Graduate School of the University of Pennsylvania, 1957.

<sup>105</sup> *Young India*, 6 October 1921 quoted in S.R. Bakshi, *Gandhi and his Social Thought*, Criterion Publications, New Delhi, 1986, p.123.

<sup>106</sup> From the Congress election manifesto, 22-23 August 1936 in Marguerite Dove, *Forfeited Future*, pp.445-447.

certain occupations and therefore people who performed them were 'unclean'.<sup>107</sup> As to how to remove untouchability, he believed that it needed only a change of heart among caste Hindus.<sup>108</sup> On the other hand, Ambedkar, as an 'untouchable' Mahar vehemently opposed the system root and branch. Nor did he believe that caste Hindus would voluntarily renounce their privileges. Therefore, he sought to use the political system to force the Hindus to give the untouchables a honourable place in Indian society.<sup>109</sup> In 1927 Ambedkar and a number of Mahars marched to Chowdar Tank in the Brahmin area of the Mahad, in Maharashtra, and drank from it. Subsequently, he led *satyagrahas* in the cause of temple entry — in Amraoti in 1927, in Pune in 1929 and in Nasik annually between 1930 and 1935. In 1935 he threatened to lead his followers out of the Hindu fold altogether.<sup>110</sup>

For another thing, none of these *satyagrahas*, though based on Gandhian methods, were supported by the Congress. Accordingly, Ambedkar gave up on the Congress and in 1936, formed his own party — the Independent Labour Party (ILP). Significantly, the ILP won 10 of the 15 seats reserved for the Scheduled Castes and three general seats in the Bombay Legislative Assembly in the elections of 1937 (Congress was able to secure only four reserved seats in the same elections).<sup>111</sup>

Spurred into action by the ILP's success, the new Bombay government lost no time in taking up the issue of allowing untouchables access to Hindu temples. Gandhi had long

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<sup>107</sup> Eleanor Zelliot, *From Untouchable to Dalit: Essays on the Ambedkar Movement*, Manohar Publications, 1996, p.154.

<sup>108</sup> *Harijan*, 2 September 1933.

<sup>109</sup> Eleanor Zelliot, *From Untouchable to Dalit: Essays on the Ambedkar Movement*, p.158.

<sup>110</sup> 'I was born in the Hindu religion; but I will not die in the Hindu religion', he declared at Yeola near Nasik, Maharashtra in 1935, *Ibid*, p.133.

<sup>111</sup> *Ibid*, p.106.

campaigned for opening temples to Harijans.<sup>112</sup> Removing the ban on temple entry for Gandhi was the first essential step towards eradicating untouchability altogether.

In May 1938 it sponsored the Bombay Harijan Temple Worship (Removal of Disabilities) Bill, which gave the trustees of temples the right to make a declaration regarding the entry of untouchables into temples and to have the declaration notified by a court of law.<sup>113</sup> The bill was passed without a single dissenting voice in either the Assembly or the Council, demonstrating that support for it cut across party lines.

Yet Ambedkar was far from impressed by the Congress party's legislation. He wrote:

I started temple entry satyagraha only because I felt that that was the best way of energizing the Depressed Classes and making them conscious of their position. As I believe I have achieved that, therefore, I have no more use for temple entry. I want the Depressed Classes to concentrate their energy and resources on politics and education.<sup>114</sup>

Denouncing the Congress government's initiatives as 'political charity' he warned that the Congress planned to 'kill by kindness', adding:

To open or not to open your temples is a question for you to consider and not for me to agitate. If you think it is bad manners not to respect the sacredness of human personality, open your temples and be a gentleman. If you rather be (sic) a Hindu than a gentleman, then shut the doors and damn yourself for I don't care to come.<sup>115</sup>

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<sup>112</sup>S.R. Bakshi, *Gandhi and his Social Thought*, p.126. Gandhi had also supported the Vaikom Satyagraha in Travancore state in 1924-25, a Satyagraha aimed at allowing depressed castes access to road passing the Vaikom temple.

<sup>113</sup> Details of the Bombay Harijan Temple Worship (removal of Disabilities) Act in *Bombay Chronicle*, 3 June 1938.

<sup>114</sup> Dr. Ambedkar's letter to Bhaurao Gaikwad, 3 March 1934 quoted in Eleanor Zelliot, *From Untouchable to Dalit*, p.131.

<sup>115</sup> B.R. Ambedkar, *What Congress and Gandhi have done to the Untouchables*, Thacker & Co, Ltd, Bombay, 1946, p.110.

Ambedkar concluded that purging the Hindu faith of the obnoxious caste system and granting untouchables equality of social status was more important than merely allowing them the right to worship in temples.<sup>116</sup>

An examination of the Act makes it clear that Dr. Ambedkar's criticism of the Congress party was not wholly justified. The Act did handle the issue of untouchability and discrimination against the untouchables carefully. The party's much touted concern for untouchables would have been taken more seriously if the Congress government had abolished untouchability in its entirety. Instead, they laid undue emphasis on temple-entry, which ultimately was not as important to the untouchables as achieving the right to live free from discrimination. In keeping with Gandhi's insistence on the voluntary change of heart by caste Hindus, the act placed the entire responsibility of allowing Harijans entry to temples on the trustees of the temples, who were invariably members of the upper castes. This gave the impression of *noblesse oblige* or charity, which the untouchables were not prepared to accept. Nevertheless, it was an important step forward, and in retrospect can be seen as something of a landmark in the social history of modern India. Without a Congress government in power, an act of this radical nature would never have reached the statute books in the 1930s.

Moreover, the ministry made several other attempts to remove the disabilities faced by untouchables in their daily life. In April 1939, it introduced a bill to penalise authorities who prohibited Harijans from enjoying access to public facilities such as roads, sources of water and conveyances. Those found guilty of such offences were liable to fines of up to Rs. 200 and, in the case of repeated

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<sup>116</sup> *Ibid*, p.112.

offences, of 20 rupees per day.<sup>117</sup> Ambedkar's Independent Labour Party remained unimpressed. They alleged that the government was not serious on the issue and declared that it should have made discrimination towards untouchables a cognisable offence.<sup>118</sup> The Bill was referred to a Select Committee, which was asked to report back by 31 August 1939. By the time the report was tabled, Congress had left office.

A critical look at the 'constructive' activities of the ministry gives the impression that ambitious plans were made without taking into consideration practical aspects such as proper planning or budgetary constraints. And given the limited funds that were available to the government, too much was spent on schemes of marginal social utility such as prohibition. In addition, this prevented some of its better plans from attaining fruition. It would be another two decades before the Congress party's visionary programmes for India's social reconstruction were substantially realised.

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<sup>117</sup> Bombay Chronicle, 5 April 1939.

<sup>118</sup> Declaring the offence as 'cognizable' would have made the offence non-bailable. *Ibid*, 20 April 1939.

## 6. Labour and Peasant Issues

In its election campaign, the Congress had promised to ameliorate the conditions of the 'poverty stricken masses' and the 'starving millions' — by which it meant peasants and industrial workers.<sup>1</sup> Yet despite Gandhi's efforts to identify with the poor, the party's primary support base resided in the middle class and more affluent sections of society. The Bombay Congress was eager to rectify this. It therefore time and again proclaimed its sympathy for the cause of industrial labour and the rural poor. It was generally assumed that when the party came to power, strenuous efforts would be made to translate this vision into reality.

### LABOUR

The Karachi Congress resolutions of 1931 included the following bold claim:

The State shall safeguard the interests of industrial workers and shall secure for them, by suitable legislation and in other ways, a living wage, healthy conditions of work, limited hours of labour, suitable machinery for the settlement of disputes between employers and workmen and protection against the economic consequences of old age, sickness and unemployment.<sup>2</sup>

And the party went even further in its election manifesto of August 1936:

In regard to industrial workers, the policy of the Congress is to secure to them a decent standard of living, hours of work and conditions of labour in conformity, as far as the economic conditions in the country permit, with international standards, suitable machinery for the settlement of disputes between employers and workmen, protection against the economic consequences of old age, sickness and unemployment *and the*

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<sup>1</sup> The Election Manifesto of the Indian National Congress, August 1936 and the Karachi Congress Resolution on Fundamental rights and Economic Programme cited in A.M. Zaidi, et al, (ed), *The Encyclopedia of the Indian National Congress, Vol.X, The Battle for Swaraj*, S.Chand, New Delhi, 1980, p.134, p.181.

<sup>2</sup> *Ibid*, p.182.

*right of workers to form unions and to strike for the protection of their interests.*<sup>3</sup>

In the light of these pronouncements, it is interesting to compare what the Bombay ministry said about labour policy in July 1937.

With regard to trade disputes, Government are determined to pursue an active policy with a view to maintaining industrial peace, endeavouring all the time to see that the workers obtain a fair deal. *It is the intention of Government to promote legislation aiming at the prevention of strikes and lockouts as far as possible.* The basis of this legislation would be the requirement that no reduction in wages or other change in conditions of employment to the disadvantage of the workers should take effect till they have had sufficient time and opportunity for having the facts and merits of the proposed change examined and all avenues of peaceful settlement of the dispute explored either through the channel of voluntary negotiation, conciliation or arbitration or by the machinery of the law.<sup>4</sup>

The change of emphasis is glaring. From a policy that supported the right of workers to form unions and engage in strikes, the Bombay Congress (or at least its parliamentary wing) had moved to one that aimed to prevent strikes by exploring avenues for the settlement of disputes. Even though this might appear at first only a slight shift and although the shift is readily explicable in the light of the responsibility that the party assumed, when it took office, to maintain law and order, protect property and keep up factory output, the truth is that the Congress government's record on the issue of worker's rights was dismal. For all the rhetoric, little improvement took place in the lives of Bombay workers during the 1937-39 period.

The industry most affected by unrest during the period 1937-39 was the textile industry. Although textile mills were located throughout the presidency towns as far apart

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<sup>3</sup> Emphasis is added. The Congress Election Manifesto cited in A.M. Zaidi et al (ed), *The Encyclopedia of the Indian National Congress, Vol. 11, 1936-38: Combatting an unwanted constitution*, S. Chand, New Delhi, 1980, p.137.

<sup>4</sup> Cited in Morris David Morris, *The Emergence of an Industrial Labour Force in India: A Study of the Bombay Cotton Mills, 1854-1947*, University Of California Press, 1965, p.188. Emphasis is added.

as Sholapur and Ahmedabad, the nucleus of the industry was in Bombay City. From the late nineteenth century, the cotton textile industry was the major reason for Bombay's claim to be an industrialised city.<sup>5</sup>

The textile industry was established in Bombay initially with British enterprise and expertise but investment in it by the early 20<sup>th</sup> century was almost exclusively Indian, mostly Gujarati, and so was the management of most of the mills.<sup>6</sup> It was also the city's largest employer. Almost 136,000 people worked in the mills in 1931 —almost a quarter of the city's working population.<sup>7</sup> This large workforce had to be fed, clothed and transported to their places of work and provided with other necessities such as power supply, schools and hospitals. Therefore the industry dominated the economic life of the capital, and the heavily exploited textile workers took full advantage of the fact to push for better wages and conditions. From the 1870s strikes became a regular feature of the industrial life of the city.<sup>8</sup> And the problem was exacerbated during the First World War by a sharp increase in the cost of living, increasing influence of communist ideology and the growing nationalistic fervour in the country. In January 1919 a strike involving 150,000 workers lasted for twelve days. Another followed it, a month long, barely a year later.<sup>9</sup> Nevertheless, at this time strikes were not a by-product of organised labour activity but were more in the nature of spontaneous protests by groups of workers.

But that was soon to change. Trade unionism arrived in earnest in 1925 with the formation of the Bombay Textile Labour Union by N.M. Joshi and R.R. Bakhale.<sup>10</sup> Soon it was joined by the Girni Kamgar Mahamandal (GKM) and the Communist-led Girni

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<sup>5</sup> *Census of India, 1931, Vol. IX, The Cities of the Bombay Presidency, Part I, Report by H.T. Sorley, MF 62/66-72, OIOC, London, p.53.*

<sup>6</sup> Dick Kooiman, *Bombay Textile Labour: Managers, Trade Unionists and Officials, 1918-1939, Bombay Textile Labour: Managers, Trade Unionists and Officials, 1918-39, Manohar Publications, New Delhi, 1939, p.6.*

<sup>7</sup> *Ibid.*

<sup>8</sup> Morris David Morris, *The Emergence of an Industrial Labour Force in India, p.178.*

<sup>9</sup> *Ibid, p.179.*

<sup>10</sup> Dick Kooiman, *Bombay Textile Labour, p.33.*

Kamgar Union (GKU). Unlike the Bombay Textile Labour Union, which was a product of outside initiative, the Girni Kamgar Mahamandal was formed by labourers and also included some jobbers, shop-keepers and clerks.<sup>11</sup> The more militant of these broke away and created the GKU in 1928. Almost immediately the GKU called its members out, and the snap strike caught the employers off-guard. They offered concessions to get the men back to work. On the strength of this coup, the GKU's membership rose to 60,000 across 40 mills.<sup>12</sup> However, when the GKU attempted to replicate this strategy in April 1929, employers stood firm and the strike collapsed in a few months.<sup>13</sup> After this defeat, membership strength dwindled rapidly. In the same year a Trades Disputes Act established embryonic machinery — a Court of Inquiry and Board of Conciliation — for the settlement of industrial disputes. Yet, thanks largely to the economic difficulties created by the world depression, industrial unrest remained a problem. In 1931, the Bombay presidency witnessed three major strikes — at the Sholapur Cotton Mills and at the Madura and Swadeshi Mills at Kurla in Bombay, involving about 25,800 workers in total.<sup>14</sup> By 1932 there were 102 textile-based unions in the presidency, with 45 of them located in Bombay city alone.<sup>15</sup> By 1933 16,500 textile workers had been retrenched and a large number had been moved to the ranks of the partially employed, able to find work for only about 14 days a month.<sup>16</sup>

Rationalisation programmes introduced into the industry in the 1920s, had the effect of reducing the man-machine ratio with bare attention being paid to the upgrade of technical equipment, were another source of labour unrest, which led to mammoth strikes

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<sup>11</sup> Jobbers were recruiters of labour and served as links between the rural communities who formed the labour and the world of urban industry.

<sup>12</sup> Dick Kooiman, *Bombay Textile Labour*, p.34.

<sup>13</sup> Morris David Morris, *The Emergence of an Industrial Labour Force in India*, pp. 184-185.

<sup>14</sup> Chamanlal Revri, *The Indian Trade Union Movement*, Orient Longman, New Delhi, 1972, p.182.

<sup>15</sup> Statistics compiled from the Bombay Labour Gazette, cited in Vasant Gupte, *Labour Movement in India: Origin and Growth upto Independence*, Institute Of Workers Education, Bombay, 1981, p.102.

<sup>16</sup> Revri, *The Indian Trade Union Movement*, p.184.

in 1934.<sup>17</sup> During that year, Sholapur witnessed a strike that lasted for four months, while Bombay city was hit by a general strike called to protest the reduction in the wages of workers.<sup>18</sup> It involved over 90,000 workers and resulted in a loss of more than half the working days of the year. The Bombay government was convinced that communist influence was behind the strike party. For this reason it declared the Communist Party of India an unlawful association and also banned its local affiliates such as the Lal Bavta (Red Flag) Textile Union of Bombay.<sup>19</sup>

A Trades Disputes Conciliation Act was passed in 1934, which was an improvement on the Trades Dispute Act of 1929. It provided for both or either disputing parties to apply to a conciliator, who then would cause notice to be given to the parties to appoint delegates and appear before him in a conciliation proceeding.<sup>20</sup> Further, it had the provision for the appointment of a labour officer to help in the mediation process. The labour officer's duty was to inform the conciliator of impending labour disputes or of prevailing ones and act as a delegate of the workers in instances where they had no delegate of their own.<sup>21</sup>

When the Congress accepted office in Bombay in July 1937 there was great optimism about what it would achieve. On the labour front Kanji Dwarkadas, who was closely connected with labour interests in Bombay, wrote: 'In July 1937, a bright day for labour dawned when the Congress Government was formed in Bombay under the Government of India Act, 1935, with B.G. Kher as the Chief Minister, and the Education and Labour Minister.'<sup>22</sup>

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<sup>17</sup> Kooiman, *Bombay Textile Labour*, p.86.

<sup>18</sup> *Ibid*, p.186.

<sup>19</sup> *Ibid*, 104-105.

<sup>20</sup> Morris David, *The Emergence of an Industrial Labour Force in India*, p.187.

<sup>21</sup> *Ibid*, p.91.

<sup>22</sup> Kanji Dwarkadas cited in *Ibid*, p.48.

The workers themselves seem not to have shared Dwarkadas' optimism. The incidence of strikes in the presidency did not abate. In 1937 Bombay recorded 88 disputes involving 109,858 workers.<sup>23</sup> Soon, the Congress ministry too, was blaming the communist bogey. As Lumley reported approvingly, the ministers had become 'very uneasy' about the labour situation and 'are now under no illusion about the communists'.<sup>24</sup> In October, ostensibly with the aim of 'containing the communist menace,' Kher appointed an official committee called the Textile Labour Inquiry Committee to investigate the question of wages in the textile industry.<sup>25</sup> The committee (composed entirely of Congressmen) recommended an increase in wages of nine percent in Ahmedabad, 11.9 percent in Bombay and 14.3 percent in communist-dominated Sholapur.<sup>26</sup>

The ball was now in the mill-owners court. But Jalgaon and Dhulia mill-owners refused outright to give effect to the report's recommendations while at Sholapur, they temporised.<sup>27</sup> When the Khandesh mill-owners also refused to pay the new wages, local workers went on a strike, whereupon the government put pressure on the mill-owners who 'reluctantly agreed to pay'.<sup>28</sup> Gradually those in Ahmedabad and Bombay too were coaxed into accepting the new rates. Yet the mill owners made it clear to the government that they had expected better from the Congress. During several 'heated interviews' with Kher and other ministers, the Ahmedabad mill owners pointed out that they had contributed heavily to the Congress party for many years — they were now being rewarded with 'heavy burdens'. Worried that the patronage tap might get turned off, the government agreed that further legislation providing health benefits and old age pensions for workers would not be

<sup>23</sup> Revri, *The Indian Trade Union Movement*, p.218.

<sup>24</sup> Lumley to Linlithgow, Report No.1, 2 October 1937, OIOC, L/P&J/5/155.

<sup>25</sup> Lumley to Linlithgow, Report No.2, 16 October 1937, OIOC, L/P&J/5/155.

<sup>26</sup> Lumley reported that it was 'packed with Congressmen'. Lumley to Linlithgow, 16 October 1937, Report No.2, OIOC, L/P&J/5/155. Also see *Interim Report of the Textile Labour Inquiry Committee*, dated 14 February 1938, Maharashtra State Archives, File 950 (22)/1938, Home (Special).

<sup>27</sup> Revri, *The Indian Trade Union Movement*, p.222.

<sup>28</sup> Lumley to Linlithgow, Report No.14, 14 April 1938, OIOC, L/P&J/5/156.

put into operation for at least a year, and that in the meantime, Congress ministries elsewhere would ensure that wages and social legislation in their provinces was leveled up to those in the Bombay presidency to avoid the possibility of the local mill-owners being undercut by their competitors.<sup>29</sup> But the Bombay and Ahmedabad mill owners did not stop there. In an attempt to reduce the impact of the new wage rates, they jointly concocted a scheme to curb production. Mills, which operated one shift per day, would now remain closed for an entire day each week. Mills that worked two shifts per day would remain closed for an entire day and night each week. These measures took a while to bite but in the longer term they reduced jobs and eroded the popularity of the beleaguered ministry.<sup>30</sup>

Meanwhile, the ministry took up the issue of strikes. On 2 September 1938 Kher introduced his Trades and Industrial Disputes Bill into Assembly. In his introductory speech, the premier described the multiplicity of strikes in the presidency over the preceding seventeen years as constituting a 'disease in its most virulent form'.<sup>31</sup>

The Bill was an unashamedly draconian measure which sought to restrict the right of unionized labour to go on strike. Under its provisions, workers were compelled to follow a prescribed process of arbitration, which was made convoluted to ensure that it functioned slowly. Until the process of conciliation and arbitration had been worked through, the workers were forbidden to strike! Moreover to enter the process of arbitration, unions had first to be recognised by the government. Only unions who represented more than 25 percent of the total workers employed in an organisation were deemed eligible.<sup>32</sup> If no recognised unions existed in a factory subject to a dispute, the government had the right to delegate one of its own officers to represent the workers.<sup>33</sup> Last but not least, the official

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<sup>29</sup> Lumley to Linlithgow, Report No.12, 15 March 1938, OIOC, L/P&J/5/156.

<sup>30</sup> *Bombay Chronicle*, 3 August 1939.

<sup>31</sup> N.N.Mitra (ed), *The Indian Annual Register*, July-December 1938, Vol.II, p.149.

<sup>32</sup> In the first draft of the bill, this was fifty percent, which was later revised due to widespread opposition in the assembly.

<sup>33</sup> *Bombay Industrial Disputes Investigation and Settlement Act 1938*, NMML, AICC Files, P.L.2, 1938.

official conciliator was given the power to disqualify any representative of the workers from acting on their behalf if, in his opinion, the man was not 'a fit and proper person' — a decision that was final and unchallengeable.<sup>34</sup>

Not surprisingly, the bill had the full support of the governor, who wrote appreciatively: 'The main object of the bill, which is to provide a compulsory delay, which may extend to three or four months before a strike or lockout begins is admirable.'<sup>35</sup>

For the same reason, it had a stormy passage through the Assembly, debates on the Bill occupying about one hundred and fifty hours spread over thirty-three days.<sup>36</sup>

Lumley reported,

Ministers are getting annoyed by this opposition and it is their first experience of obstructive tactics. They are making the Assembly sit longer and are threatening to sit at night: this in turn is annoying the rest of the House, which feels that, as the Government refused to refer the Bill to a Select Committee, they have only themselves to blame if its passage on the floor of the house meets with opposition. There are the makings of a minor Parliamentary storm in this situation.<sup>37</sup>

Interestingly, its strongest supporter outside of the ranks of the Congress party was G.H. Cooke, a European representative of the Bombay Chamber of Commerce who declared himself a Gandhian on the subject of the relationship between capital and labour — a classic example of politics bringing together strange bedfellows.<sup>38</sup>

Opposition was also registered outside the assembly. On 24 September, a meeting of the Bombay Provincial Trade Union Congress held a meeting with Jamnadas Mehta in the chair. The meeting condemned the Bill, called for its immediate withdrawal and authorised direct action in support of that objective. A Council of Action, comprising a

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<sup>34</sup> Lumley to Linlithgow, 14 April 1938, Report No.14, OIOC, L/P&J/5/156.

<sup>35</sup> *Ibid.*

<sup>36</sup> Revri, p.226.

<sup>37</sup> Lumley to Brabourne, 1 October 1938, Report No.25, OIOC, L/P&J/5/157.

<sup>38</sup> *The Indian Annual Register*, July-December 1938, Vol.II, p.150.

wide spectrum of opinion (it included communists like S.A Dange and B.T Randive, Mehta from the Democratic Swaraj Party and Ambedkar of the Independent Labour Party) was set up to coordinate the agitation. The Council decided to call a grand strike on 17 October 1938, but subsequently pushed the date back to 7 November to coincide with the anniversary of the Russian revolution.<sup>39</sup> In the event, the strike was well supported, particularly by the mill-hands, but it was swiftly and ruthlessly suppressed in a manner that drew praise from the governor but confounded Indians from all shades of public opinion. We will return to this event in the next chapter when we examine the Congress government's record in handling dissent.

Along with framing legislation to check the power of trade unions, the home minister K.M. Munshi tried to encourage the formation of unions supportive of Congress interests and strong enough to break the communist's hold over the industrial workers. He not only set up a new Congress-led textile union — the Mumbai Kamghar Sangh — but proposed to subsidise it and start a labour newspaper using government funds.<sup>40</sup> However Munshi's project failed to take off. When the Managing Committee of the Lal Bavta (Red Flag) Press Kamgar Union learned in July 1938 what Munshi was planning, the Committee demanded an explanation from the ministry and called upon all workers to unite to defeat the minister's object, which they believed protest was 'to split working class ranks and trade unions'.<sup>41</sup>

This angry response led Vallabhbhai Patel to write to Kher raising concerns:

I read in the press about Mr. Marathe whom you have employed for social work in the Worli Chawls among the mill-hands. He has taken upon himself the work of organising a Trade Union. This is against our definite instructions and he has wittingly or unwittingly created difficulties for you. The trade union people have already begun to howl at you for employing men at Government expense to organise Labour

<sup>39</sup> Circular Letter dated 6 October 1938, NMML, AITUC Papers, File No.61 (I), 1938.

<sup>40</sup> Lumley to Linlithgow, Report No.4, 15 November 1937, OIOC, JP&J/5/155.

<sup>41</sup> *Resolution of the Lal Bavta Press Kamgar Union*, 3 July 1938, NMML, AITUC Papers, File 61 (II), 1938.

Unions - rival to the Trade Unions organised by non-officials. Mr.Marathe saw me after this and he could not explain his position to me. Mr. Gulzarilal knows about this and he will have to do something before the next assembly meeting to meet with criticisms from the opposition....<sup>42</sup>

Kher at once ordered Munshi to sever ties with the Kamghar Sangh before more damage was done to the government's credibility. Possibly for this reason, only a handful of workers volunteered to join. Eight months later the governor noted 'at present the Red Flag Union has more control over mill labour than the Congress organisation'.<sup>43</sup>

True, the track record of the ministry in respect to labour was not entirely black. For instance, it passed the Bombay Shops and Establishments Bill, also known as the Shop Assistants Bill, which regulated the hours of work in shops and commercial establishments such as restaurants and theatres. The bill prescribed a maximum of a nine-and-a-half-hour working day for such employees, with a rest day each week. It also placed restrictions on children below twelve from being employed in such establishments and instructed employees between thirteen and seventeen years of age to work eight hours a day during daylight hours.<sup>44</sup>

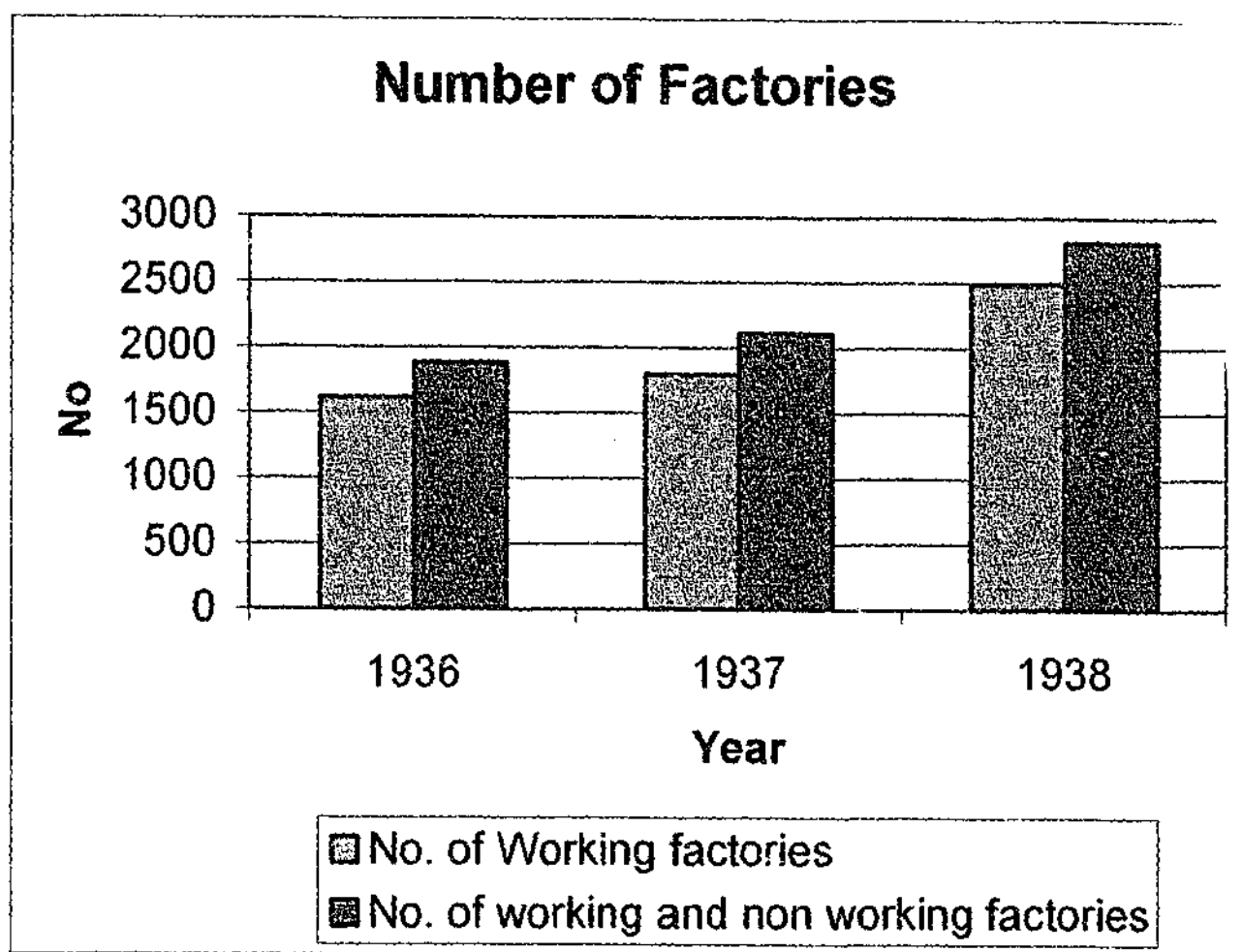
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<sup>42</sup> Letter from Vallabhbhai Patel to BG Kher, 11 July 1938, NMML, Kher papers, File No.6.

<sup>43</sup> Lumley to Linlithgow, Confidential letter, 2 July 1938 cited in Basudev Chatterjee (ed) *Towards Freedom: Documents on the Movement for Independence in India, 1938, Part II*, p.1937.

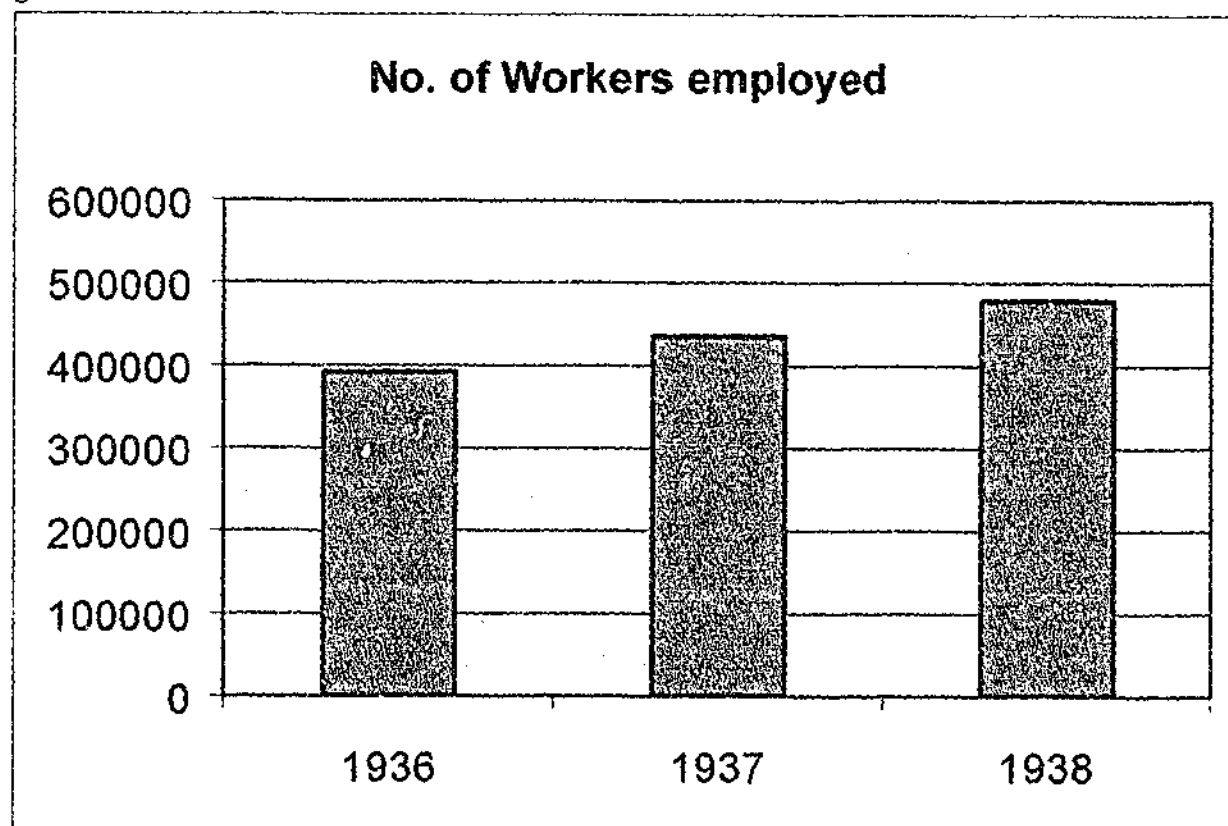
<sup>44</sup> *The Indian Annual Register*, July-December 1939, Vol.II, p.143.

Fig. 14



*\* Source: Bombay 1937-38 and Bombay 1938-39.*

Fig.15



*\* Source: Bombay 1937-38 and Bombay 1938-39.*

Yet as Figures 14 and 15 show, while there was a modest increase in the number of factories during the period of Congress rule, the workforce grew very little. Thus, we can say that the Congress industrial policy does not appear to have been a big success either with regard to improving the conditions of industrial labour or with respect to creating a suitable industrial climate. Although the ministry's desire to reform the workers' conditions appears to have been genuine, it was tempered by a consuming interest in controlling their activities. Thus, the ministry expended considerable effort in trying to prevent strikes and containing perceived communist influence among organised labour. Indeed, Congress showed itself as ruthless in dealing with the urban working class as its British predecessors. But then, what else would one expect of a political party led by men with little understanding of or sympathy for the hardships of subaltern life?

## PEASANTS

The economic life of the Bombay presidency was, typically, dominated by agriculture. During the period of our study, the major crops were the millets — jowar and bajra — which occupied nearly three-quarters of food grain production in the region. The prominent non-food grain that was cultivated was cotton. The period was marked by a downward trend in the cultivation of food grains and an upward trend in the cultivation of non-food grains.<sup>45</sup>

For various, mainly historical, reasons, diverse types of land tenures were present across the presidency, the major ones being *ryotwari*, *narwa*, *bhagdari*, *talukdari* and *khoti*. But the *ryotwari* system was by far the most common. Under this system, the land revenue was collected directly from the smallholding cultivator or 'ryot'. *Ryotwari* tenures were not ubiquitous throughout the presidency, however, and were most widespread in the

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<sup>45</sup> George Blyn, *Agricultural trends in India, 1891-1947: Output, availability and Productivity*, University of Pennsylvania Press, Philadelphia, pp.160-170.

Deccan and Karnataka; the Konkan, particularly the districts of Ratnagiri and Kolaba was dominated by the system of Khoti tenure, which supported a form of landlordism not all that far removed from European feudalism. The Khots or village-based landlords owned virtually all the land and used this monopoly to bind the rest of the population to them economically. Gujarat, on the other hand, had a mixed tenurial system — mostly ryotwari but with other forms such as narwa, bhagdari and talukdari tenures. The bhagdari and narwa systems were similar. The peculiarity was that responsibility for the payment of the land revenue devolved on whole families. Under the bhagdari system, the village lands were divided into units called 'mox-bhags', which were further sub-divided into smaller subdivisions called 'peta-bhags'. The head of each landed family was responsible for the payment of the revenue due from the 'mox-bhag' while other members of the family had responsibility for that falling on 'peta-bhags'. All sub-sharers had equal rights and thus were called 'patidars'. The main difference between bhagdari and narwa tenure was that under the former, each field was separately assessed whereas under the narwa tenure, the revenue was fixed in lump-sum and was levied on each village.<sup>46</sup>

The *kunbis* or small owner-cultivators formed the majority of the rural population in Bombay, comprising over 52 percent of the presidency's agriculturists.<sup>47</sup> The typical *kunbi* was poor. Despite the fertility of the soil, agriculture in Bombay was a relentless struggle against the vagaries of nature. As well, the peasantry had to contend with avaricious money-lenders, burdensome assessments, and uneconomic land holdings.

Especially from the time that Gandhi took the helm of its affairs, Congress professed to have the concerns of the peasants foremost in its plans for a better future for India. The Karachi Congress of 1931 resolved that, if and when the Congress acquired power:

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<sup>46</sup> G.D. Patel, *Agrarian Reforms in Bombay*, Vasant Bhuwan, Bombay, 1950, pp.28-29.

<sup>47</sup> Neil Charlesworth, *Peasants and Imperial Rule: Agriculture and Agrarian Society in the Bombay Presidency, 1850-1935*, Cambridge University Press, Cambridge, 1985, p.11.

The system of land tenure and revenue and rent shall be reformed and an equitable adjustment made of the burden on agricultural land, immediately giving relief to the smaller peasantry, by a substantial reduction of agricultural rent and revenue now paid by them, and in case of uneconomic holdings, exempting them from rent so long as necessary, with such relief as may be just and necessary to holders of small estates.<sup>48</sup>

Similarly, the Lucknow session of April 1936 concluded that:

the most important and urgent problem of the country is the appalling poverty, unemployment and indebtedness of the peasantry fundamentally due to antiquated and repressive land tenure and revenue systems and intensifies in recent years by the great slump in prices of agricultural produce. The final solution of this problem inevitably involves the removal of British imperialistic exploitation, a thorough change of the land tenure and revenue system and a recognition by the State of its duty to provide work for the rural unemployed masses.<sup>49</sup>

Last but not the least, the Congress party's election manifesto of August 1936 declared that the party stood

for a reform of the system of land tenure and revenue and rent, and an equitable adjustment of the burden on agricultural land, giving immediate relief to the smaller peasantry by a substantial reduction of agricultural rent and revenue now paid by them and exempting uneconomic holdings from payment of rent and revenue. The question of indebtedness requires urgent consideration and the formulation of a scheme including the declaration of a moratorium, an enquiry into and scaling down of debts and provision for cheap credit facilities by the state. This relief should extend to the agricultural tenants, peasant proprietors, small landholders, and petty traders.<sup>50</sup>

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<sup>48</sup> The Karachi Congress Resolution on Fundamental rights and Economic Programme cited in A.M.Zaidi et al (ed), *The Encyclopedia of the Indian National Congress, Vol X, 1930-35: The Battle for Swaraj*, p.181.

<sup>49</sup> *The Agrarian Programme of the Congress, Forty-ninth Session of the Congress, Lucknow, April 12-14 1936* cited in A.M.Zaidi et al (ed), *The Encyclopedia of the Indian National Congress, Vol.11, 1936-38: Combatting an unwanted Constitution*, p.119.

<sup>50</sup> *Ibid*, p.137.

The common theme in the party rhetoric was land reform. This made good sense given that more than 80 percent of the country's population lived in rural areas. How did the Congress ministry in Bombay shape up to that very considerable challenge?

Although as we have seen, the ministry immediately issued a manifesto on labour policy, it said little about what it proposed to do for the peasants. This could have been because the relatively well-organised legions of urban labour had the potential to bring economic life in the cities to a grinding halt, whilst the largely voiceless rural poor did not, in the 1930s, have the same disruptive potential. Nevertheless, soon after assuming office, the government decided that all arrears of land revenue more than a year overdue should be remitted at a cost of Rs.1,700,000 to the exchequer, and that another Rs. 500,000 should be provided towards giving relief to those whose revenue assessments were 'unduly high'. It also resolved to progressively abolish grazing fees at the cost of an additional Rs. 500,000.<sup>51</sup>

However, their populist moves aside, little effort was expended by the ministry in its first year of office on the issue of agrarian reform. Instead, the return of confiscated lands, details of which have been discussed in an earlier chapter, occupied most of their attention, with Morarji Desai, the Revenue Minister, moving on the matter in the Legislative Assembly barely a couple of months into the ministry's term of office.<sup>52</sup> This was evidently the ministry's chief priority. Only when the process of restoring the confiscated lands was well under way did the ministry begin to take up the issue of reform by sponsoring a Small Holders Relief Bill.

Introduced in January 1938, the Small Holders Relief bill was designed to offer protection to encumbered landholders by preventing rural creditors from selling lands mortgaged to them. But it was at best only a stop-gap measure. For one thing only 'small'

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<sup>51</sup> Lumley to Linlithgow, Report No.12, 5 August 1937, OIOC, L/P&J/5/155.

<sup>52</sup> *Resolution on the Return of Confiscated Lands*, 23 September 1937, *Indian Annual Register*, Vol.2, 1937, pp.190-191.

landholders were eligible. Initially 'small' was the possessor of up to five acres of irrigated land and 15 acres of other land. But following criticism in the Assembly, the limit was increased to six acres of irrigated land or 18 acres of non-irrigated land (or lands of whatever description whose revenue assessment did not exceed thirty rupees).<sup>53</sup> On an application by such a small-holder to the collector of the district, all proceedings for the sale of his land for the recovery of the debts owed by him could be stayed. However, the collector had the discretion not to act if he was convinced that the stay order could cause the creditor 'substantial loss'.<sup>54</sup> Secondly, the Bill had some major demerits. It presupposed that the average small-holder would be an educated person, aware of his rights under the legislation and capable of acting promptly to petition the collector the moment his creditor moved against him. The truth was quite to the contrary. Most of the small landholders were illiterate and had little knowledge or understanding of the legislative process. Collectors stationed in the district headquarters, big towns often situated far away from the myriad of villages that made up the presidency's districts were formidable aloof figures to whom peasants did not have easy access. Besides, the provision whereby collectors could allow decree holders to continue proceedings against small-holders on discretionary grounds was also one with a potential for being misused.

Landlord-tenant relations in the presidency were jointly governed by the Bombay Land Revenue Code of 1879 and the Khoti Settlement Act of 1880, under which even long-term tenants who had cultivated a particular plot of land for generations could be evicted at will by their landlord. Thus, they had no incentive to make improvements. Indeed, they actually suffered a disincentive because if they did make improvements, either an increased rent could be charged from them or, if the landlord was not happy with what

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<sup>53</sup> *Bombay Small Holders Relief Act, 1938*, NMML, AICC File No. P.L.2, 1938.

<sup>54</sup> *Ibid.*

had been done to his land, they could be evicted.<sup>55</sup> The Tenancy Bill introduced by the Congress ministry in 1938 aimed to change all this by providing for the protection of those tenants who cultivated land either in an alienated village or in a village held on Khoti or Talukdari tenure and who had held the land continuously for not less than six years.<sup>56</sup> Furthermore, the Bill allowed tenants who had been evicted since 1 April 1937 to apply to have their evictions set aside. The only catch was that the applicants had to agree to hold the land on the same terms and conditions as before. However, the Bill applied only to landlords who owned 33 and a third or more acres of irrigated land or one hundred or more acres of other land and whose assessment exceeded Rs.150.<sup>57</sup> Again, the Bill put the onus on the tenant to pay regularly. Falling into arrears, or defaulting on the payment of an instalment of arrears owed to the landlord made the tenant liable for eviction.<sup>58</sup> And the landlord could also evict if the land was used in a manner that made it unfit for the purpose for which it had been let or if the tenant did anything 'destructive' or 'injurious' to it. Finally, even if the tenant had fulfilled all his obligations in an exemplary manner, the landlord could still evict him by giving him a year's notice that he required the land for 'personal' cultivation or for some other agricultural (non-defined) or non-agricultural

<sup>55</sup> *Statement of Objects and Reasons*, The Bombay Tenancy Act, 1938, Bombay Legislative Debates, Vol.4, 1938, Appendix.15, p.4641.

<sup>56</sup> An alienated village referred to a village, which was exempted from paying land revenue. The Talukdari tenure was prevalent in the districts of Ahmedabad, Khaira, Panch Mahals and Broach. The Talukdars held their land by virtue of inheritance, not from any grant made by the British and their right to the Talukdari often dated to Mughal and pre-Mughal times. G.D. Patel and M.N. Nanavati, *Agrarian Reforms in Bombay*, pp.71-87. The Khoti tenure on the other hand was prevalent in the Ratnagiri and Konkan districts in Maharashtra. The Khots were landlords primarily responsible for the collection of land revenue from the village. They had vast numbers of tenants working on their lands for a small payment of grain. The tenants had to perform several services for the Khot such as cutting his wood, being his ploughman, thresher and son on. In return he enjoyed some privileges such as free grazing on the Khots lands and free fuel. The treatment of the Khots to their Mahar tenants who were a backward caste, made the system extremely unpopular among them. *Ibid*, pp.101-141.

<sup>57</sup> The Bombay Tenancy Act, 1938, Bombay Legislative Debates, Vol.4, p.4633. The Governor was of the view that this was done to 'placate' the smaller landlords, particularly of Karnataka, who were Congress supporters. Lumley to Brabourne, 5 August 1938, OIOC, MSS EUR F 253/8.

<sup>58</sup> All arrears of rent were to be payable in four equal annual instalments starting from 31 May 1939 with subsequent instalments on or before 31 May of each succeeding year.

purpose.<sup>59</sup> These provisions made the ministry's claims of 'protecting' the tenants sound hollow. In particular, the draconian insistence on the prompt payment of rent and arrears by a stipulated time suggests a government out of touch with the problems of agriculturists beset by frequent droughts and other natural calamities. On the other hand, the Bill made no attempt to regulate rents or restrict arbitrary rent increases by landlords, even though many rural activists thought the level of rents paid in the presidency was already too high.<sup>60</sup>

This Bill too, had a difficult passage through the assembly.<sup>61</sup> Opposition members of the Legislative Assembly such as Jamnadas Mehta and particularly S.V. Parulekar attacked the blandness of the act and, the potentially reactionary nature of its provision that landlords had the right to evict their tenants simply on the basis that they needed the land. At the same time, landlords including some claiming to be Congress supporters, objected to the Bill on the ground that their tenants had no problems and were content with the *status quo*. Landlords in Karnataka were especially critical, and their opposition to the Bill drew support from the Karnataka PCC.<sup>62</sup> They complained that the proposed legislation would alienate the 'sympathies of all the middle class landholders who hitherto have been the main prop of the Independence struggle'.<sup>63</sup>

All this activity unnerved the ministry and caused them to do some serious rethinking. Lumley reported:

The Revenue Minister is himself not at all happy about it and would have preferred a more drastic Bill.<sup>64</sup>

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<sup>59</sup> BLA Debates, Vol.4, 1938, Appendix.15, p.4635.

<sup>60</sup> *Minute of Dissent*, S.V.Parulekar, BLA Debates, Vol.6, 1939, p.1347.

<sup>61</sup> It was regarded as the one that stretched for the longest time and had the largest amendments after the Industrial Disputes Bill. BLA Debates, Vol.7, 1939, Part I, p.694.

<sup>62</sup> Times of India, 12 July 1938 and 14 July 1938.

<sup>63</sup> Letter dated 16 July 1938, NMML, AICC File No.G-28/ 1938.

<sup>64</sup> Lumley to Brabourne, Acting Viceroy, 5 August 1938, confidential letter, OIOC, MSS EUR F 253/8.

But when he consulted his back-bench, Kher found that few Congress MLAs were anxious to have the Bill strengthened. He decided to stand firm and wait for the opposition to run out of steam. Eventually it did and the Bill was passed just before the ministry quit office in October 1939.<sup>65</sup>

Yet another controversial piece of legislation sponsored by the ministry that impinged on the peasantry was the Bombay Money-lenders Bill. Hitherto money lending had not been regulated. The Bill aimed therefore to give the government some control over the *sahukar's* business activities.<sup>66</sup> Essentially the Bill required all practising money-lenders to take out a license by making an application and paying a license duty to a Registrar, appointed by the provincial government. The licenses were to be area-specific, and no money-lender would be allowed in future to carry on business except in the area for which he had been granted a license. Also, if the Registrar came to believe that a money-lender had invested capital in his business in excess of that for which he had paid license duty, the Registrar could after making a summary inquiry, impose an additional fee. Another important feature of the Bill was the requirement placed on money-lenders to keep accounts. Every money-lender was required to furnish his clients with statements showing the debt owing, to provide a plain and complete receipt for every payment and on repayment of money owing, to mark every paper signed by the debtor indelibly, indicating payment or cancellation and discharge of the debt. Interest exceeding the principal of the original loan was prohibited; and the rate of interest was limited to nine percent simple in the case of secured loans and twelve percent in the case of unsecured loans. Compound interest was prohibited. Finally, the Bill, made 'molestation' of debtors by money-lenders a

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<sup>65</sup> The Legislative Assembly passed the Tenancy Bill only on 3 October and the Council passed it as late as on 20 October, by which time, the ministry was no longer in office.

<sup>66</sup> *Statement of Object and Reasons*, The Bombay Money-lenders Bill, 1938, Bill No.VII, NAI, File No.31/3/38, Home-Judicial.

criminal offence punishable with imprisonment up to three months or with a fine of five hundred rupees or with both.<sup>67</sup>

The Bill in many ways was a progressive one, and not surprisingly it drew heavy flak from the *sahukar* class. Letters and telegrams of protest inundated the party high command, praying for its intervention. For example G.K. Phadke, a Congress MLA for Thana South, but a money-lender by profession, declared that the Bill would see honest money-lenders winding up their businesses and suggested that the poor might find themselves in great difficulties due to want of credit. Phadke thought that the Bill had many 'objectionable features', but he reserved his strongest spleen for the powers of the proposed Registrar of Money-lenders: 'the enforcement of modern laws have made them [money-lenders] so timid that the very words "Registrar of Money-lenders" would terrify them' into closure, he prophesied darkly.<sup>68</sup>

Ironically one of the most anguished cries for help came the secretary of a local Gram Seva Mandal, a Congress rural welfare organisation, who insisted that the Bill was 'entirely ruining the money-lender class [by] wiping off almost all agricultural debts'. The village money-lenders, he continued, had been loyal, active Congress supporters but were now being treated 'mercilessly'. The telegram ended with a plea to Congress president Rajendra Prasad to 'please exert your powerful influence for saving us. Please see that Bill be not hurried up and rushed through'.<sup>69</sup>

Yet strangely, these patently self-serving appeals did not fall entirely on deaf ears. The Bill was referred to a Select Committee. The Committee kept delaying the submission of its report, thereby forcing the ministry to ask the Assembly to grant it several extensions.

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<sup>67</sup> The Bombay Money-lenders Bill, 1938, Bill No.VII, NAI, File No.31/3/38, Home-Judicial,

<sup>68</sup> BLA Debates, 29 January 1938, Vol.2, 1938, p.817.

<sup>69</sup> Telegram from Secretary Gram Seva Mandal to Rajendra Prasad, 24 June 1939, NMML, File. No.PL.4/1939, AICC Files.

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Finally, like the Tenancy Bill, the Moneylenders Bill was passed hurriedly in the closing days of the ministry.

It is evident from its limited scope that the agrarian reform programme implemented by the Congress ministry in Bombay was intended to mainly benefit the prosperous classes who formed the core of Congress support in the rural areas. In 1928, Patel addressing a group of peasants in his home state Gujarat, exhorted them to obey and respect their money-lenders:

...for you, your Sahukar is everything. You should laugh at and consider him a fool if someone says that you should change your Sahukar. It is just like saying to a pativrata<sup>70</sup> that she should change her husband. How can you leave the Sahukar who has helped you in your difficulties?<sup>71</sup>

Similarly, on the Tenancy Bill, Patel offered this comment to Rajendra Prasad:

It is no use trying to improve it, if it has to be forced down the throats of unwilling landlords. We shall have to resist the excessive demands of the tenants who have been worked up and expect too much from the Congress ministries.<sup>72</sup>

When powerful party leaders thought on these lines, it is hard to expect that there would be a genuine effort by Congress to address the problems of the rural poor. The 'Hali' system was prevalent in the Broach and Surat districts of south Gujarat.<sup>73</sup> The term *Hali* referred to a farm servant, who with his family, was in the permanent employment of a landlord — generally from the Anavil Brahmin or the Kanbi castes. The relationship usually began when an agricultural labourer borrowed a substantial sum of money from his landlord to pay for a marriage or for some other extraordinary expense. Labourers were paid so poorly, that the borrower had no hope of ever repaying the debt during his life time; but this was fine by the landlord as it turned the obligation into a hereditary one. Thus entire

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<sup>70</sup> chaste and dutiful wife.

<sup>71</sup> Cited in David Hardiman, *Feeding the Baniya: Peasants and Usurers in Western India*, Oxford University Press, Delhi, 1996, p.306.

<sup>72</sup> Letter from Sardar Patel to Prasad, 4 Dec 1937, cited in Kapil Kumar (ed) *Congress and Classes: Nationalism, Workers and Peasants*, Manohar Publications, New Delhi, 1988, p.222.

<sup>73</sup> Neil Charlesworth, *Peasants and Imperial Rule*, p.180.

generations of labourers, most of them from the backward *Dubla* caste became bonded to that of their landlords.<sup>74</sup> It was palpably an iniquitous system, and its abolition had been for long a professed aim of the Congress. Yet the matter rated barely a mention from the party after it got into office because its leaders were reluctant to antagonise the *kunbis* who were their traditional supporters.<sup>75</sup> Similarly, the party in office ignored the issue of the Khots' exploitation of their poor Mahar tenants in the Ratnagiri and Konkan districts of Maharashtra. In the election campaign of 1937, the abolition of the Khoti system had been a major plank on the Congress' agenda but somehow this got forgotten after the party's assumption of power and it was left to Ambedkar, the leader of the ILP, to raise the issue in the Legislative Assembly. The government offered sympathy but declined to legislate. The justifiable anger of the Mahars towards the Congress manifested itself in an upsurge of violent peasant protest.

Nevertheless, when one compares the party's promises prior to assuming power with their performance after assuming office, the gap is striking. The plight of landless labourers, problems related to uneconomic landholdings or unfair and antiquated land tenures, the plight of rural unemployed and the reform of the land revenue system do not appear to have engaged the attention of the ministry at all.

And this was not a failing of the Bombay Congress, but in all the Congress governments. For example although the UP Congress Agrarian Enquiry Committee of 1936 called for a great reduction in land tax or rent, exemption of all uneconomic land holdings from all rent, abolition of feudal dues, reduction of rural indebtedness and the introduction of cooperative farming, the Tenancy Act passed in the United Provinces in

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<sup>74</sup> Jan Breman, The Hali System in South Gujarat in Gyan Prakash (ed), *The World of the Rural Labourer In Colonial India*, p.243.

<sup>75</sup> S.J.M. Epstein, *The Earthy Soil: Bombay Peasants and the Indian National Movement 1919-1947*, Oxford University Press, Delhi, 1988, pp.81-82.

1939 failed to take up the question of landless labour at all.<sup>76</sup> Further, it placed only those who paid more than Rs. 250 a year in land revenue, who were exceedingly rich farmers owning more than 100 acres of land in danger of expropriation.<sup>77</sup> In Bihar, despite widespread agrarian unrest (widely known as *bakasht* agitation), the Bihar Tenancy Amendment Acts of 1937 and 1938 and the Restoration of Arrears Amendment Act also of 1938 failed to effectively address the concerns of the peasants. Several loopholes were provided in the Acts for landlords to circumvent the legislation. And while the demands of landlords for a mechanism to speed up the disposal of rent suits, and for the right to sell tenant holdings in lieu of arrears were taken on board, concessions to tenants incorporated in the Acts in respect of reduction of rents were hemmed in by conditions. No mention was made in the bills regarding peasant rights to common property resources as well as to forest and grazing rights. Finally, the legal procedure introduced for redressing peasant grievances was so expensive and protracted that only rich peasants could afford to take advantage of it. The most telling comment on the effectiveness of the Bihar Congress ministry's peasant policy came from Chandreshwar Narayan Singh, leader of the Landlord party who congratulated the Congress on 'its policy of adjustment and peace'.<sup>78</sup>

It would not be unfair to say that the sympathies of the Congress party lay entirely with the rural elites and that their rhetoric on the issue of rural poverty was merely hot air. Clearly they did want to do something to alleviate the miseries of the poor — hence the legislations discussed above. But since they could not afford to alienate their traditional supporters among the powerful rural elites, they were forced to proceed slowly. Doubtless

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<sup>76</sup> Gyanendra Pandey, 'A Rural Base for Congress: The United Provinces, 1920-40' in D.A. Low (ed), *Congress and the Raj*, p.217.

<sup>77</sup> Robin Jeffrey, *Asia - The Winning of Independence*, pp.93-94.

<sup>78</sup> Vinita Damodaran, *Broken Promises*, p.153.

they felt that there would be plenty of time to enact more radical legislation later on when the British yoke had finally been lifted.<sup>79</sup>

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<sup>79</sup> The Khoti land tenure was for example, abolished in 1949.

## 7. Law and Order

The question of what it called 'civil liberties' was an important one for the Congress party and formed a significant component of party discourse in pre-election days. Broadly, the term in party imagination included issues such as repealing antiquated and repressive laws for controlling protest, freeing political prisoners and removing bans on political organisations. The Congress election manifesto of 1936 had declared that it would:

take all possible steps to end the various regulations, ordinances and acts which oppress the Indian people and smother their will to freedom and would work for the establishment of civil liberty and for the release of political prisoners and detenus.<sup>1</sup>

In the same vein the Faizpur session of the Congress in December 1936, passed a detailed resolution condemning the 'suppression of civil liberties' by the British and calling for 'full personal, civil and democratic liberties in the whole of India'.<sup>2</sup>

After assuming power, the ministry sought to address these concerns. But the task of maintaining law and order while simultaneously to fulfilling its pre-election promises on civil liberties was a daunting one — all the more so because despite its rhetoric and good intentions, the ministry inherited the colonial government's fear of mass protest. To make matters worse, it also found itself unable to devise new techniques of containing dissent. So, when it came to the crunch, the ministry usually

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<sup>1</sup> The Election Manifesto of the Indian National Congress, August 1936, in A.M.Zaidi et al (ed), *The Encyclopedia of the Indian National Congress, Vol.II, 1936-38: Combatting an Unwanted Constitution*, p.136.

<sup>2</sup> Resolutions passed at the 50<sup>th</sup> session of the Congress held at Faizpur, December 27 and 28, 1936, cited in *Indian National Congress 1936-37: being the resolutions passed by the Congress, the All India Congress committee and the Working Committee during the period between April 1936 to January 1938*, p. 93.

ended up employing the same methods of governmental control and repression that they themselves had faced many times in the past.

But it did not start out with that intention. Soon after the Congress took office, Home Minister K.M. Munshi, made an 'unequivocal assurance' in the Assembly that the Congress stood by every word that had been stated in the election manifesto.<sup>3</sup> As a further demonstration of its bonafides, the ministry cancelled bans on about 227 Congress branches and allied institutions, and returned 'securities' that had been taken from a number of pro-Congress newspapers.<sup>4</sup> At the same time, however, the ministers 'continually assured' the governor that they had no intention of recommending the relaxation of restrictions on communists.<sup>5</sup> This could be interpreted to mean that the ministers intended to deny civil liberties to non-Congress organisations.<sup>6</sup> Home minister, K.M. Munshi was so paranoid about communists that he kept detailed dossiers on communist leaders in the presidency and met them secretly under the cover of darkness to ascertain their views on various issues of the day.<sup>7</sup> In the event, five communist organisations remained banned; while some communists not belonging to the presidency were forbidden to enter it and at least six communists regarded as 'definitely dangerous' were interned in various parts of the presidency.<sup>8</sup>

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<sup>3</sup> *Indian Annual Register*, Vol.2, July-December 1938, p.187.

<sup>4</sup> Those newspapers that were regarded as having written scurrilous articles against the government were required to deposit a sum of money as 'security' for good behaviour in future. Brabourne to Linlithgow, Report No.12, 5 August 1937, OIOC, L/P&J/5/155.

<sup>5</sup> *Ibid.*

<sup>6</sup> According to K. M. Munshi, when the then governor Lord Brabourne was sounded out on a proposal to cancel the bans on communists, he declared: 'You can do it only on my dead body'. *Indian Constitutional Documents*, Vol.1, p.49.

<sup>7</sup> Microform Reel No.26 of K.M.Munshi's papers contain details of the lives and activities of Communists like Ajoy Ghose, Dr. Adhikari and SA Dange. Some of the reports that he received from 'secret sources' on them were subsequently proved false. The same reel also contain details of his secret meetings with communist leaders and other notes on communist activities in Bombay city, revealing an astonishing preoccupation with that political party, NMML, Microform Reel No.26, KM Munshi Papers. In his book, *Constitutional Documents*, Vol.1, p.50, Munshi described a secret meeting with Ajoy Ghose. Ghose is reported to have requested Munshi not to afford police protection to workers who wanted to go to work during strikes. 'You are fighting the British and so are we. The use of the police would only strengthen the British hold over this country', Ghose is reported to have told Munshi.

<sup>8</sup> Brabourne to Lumley, 14 August 1937, OIOC, MSS EUR F 253/10.

Possibly they might have been content to leave these restrictions in place forever. However, the ministry's stance outraged the party high command – Gandhi in particular. Gandhi concluded – not unjustifiably — that the problem would not have arisen had the Congress government, in concert with the owners, made a serious attempt to win over labour.<sup>9</sup> Very soon the ministry came under 'great pressure' from the Mahatma to relax the restrictions on communists and. Kher was peremptorily summoned to Wardha to discuss the issue.<sup>10</sup> And the left-leaning Jawaharlal Nehru proved even less charitable. Munshi recalled later:

My first taste of his [Nehru's] temper was scarcely happy. A few days after we accepted office, he came to Bombay and sent for me. His first question was 'Why have you not removed the ban on communists? Why have you not cancelled the orders proscribing books?' I explained to him that I was studying the communist movement from secret files – Bombay was the cockpit of communism – and that as soon as I felt there would not be any serious violation of law and order, I would remove the ban. At that time the communists were staging lightening strikes almost every day and unless I reviewed the whole situation, I wouldn't be able to decide what action I should take. As regards books, I said, there were hundreds of files on proscribed books and I was trying to go through them as fast as I could. He lost his temper and said, 'You have already become a police officer'. I bundled up my papers and left.<sup>11</sup>

As the pressure on the ministry to withdraw the bans on the communists mounted, another related and equally thorny issue surfaced: the repeal of the Bombay Special (Emergency) Powers Act of 1932 and the Indian Press (Emergency Powers) Act of 1931. This 'emergency legislation' enacted during the period of the Civil Disobedience movement had given the government extraordinary powers to deal with the disturbances. But the Civil Disobedience movement had been suspended in 1934.

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<sup>9</sup> Undated report of K M Munshi's interview with Gandhi, OIOC, MSS EUR F 253/15.

<sup>10</sup> *Ibid.*

<sup>11</sup> Interview with K M Munshi, 18 Oct 1966, NMML, Oral Transcripts.

Writing to Munshi, Gandhi put the view that

We should start with the principle that extraordinary measures and emergency powers are taboo for us. The whole asset of the Congress is contained in its refusal to over ride the provisions of the existing law. I know that you have to be prepared for a conflagration, but not by arming yourselves with emergency powers to quench it but by readiness to immolate yourselves when the need arises.<sup>12</sup>

Somewhat shamed by this reminder, Munshi proposed to the governor that all internment and externment restrictions on individuals be removed and bans on all communist organisations except the CPI be lifted. He explained that the ministry was bound to do something- for if they did not act, 'they will have to face criticism within and without the Congress party'.<sup>13</sup> Brabourne was very reluctant to sanction this step but Munshi cunningly suggested that if he would consent to removing the bans, they would not push for repealing the emergency legislation. He agreed. Subsequently, notification on the removal of bans on communist organisations was issued on 19 October 1937. However, the question of repealing the emergency legislation refused to vanish. Hemmed in by persistent criticism, from the high command Munshi went back to the governor and put it to him that with the 'communist danger' much reduced, the prompt use of the Penal Code and Criminal Procedure Codes would be as effective in containing 'serious situations' as the unpopular emergency legislation.<sup>14</sup> Munshi also pleaded that an announcement to this effect before the next annual conference of the party, due at Haripura in February 1938, would

strengthen the position of Government with the Congressmen who support it and the public in general. It will appear clearly that though in a serious situation Government are firm, they are anxious to carry out their pledges.<sup>15</sup>

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<sup>12</sup> *Ibid.*

<sup>13</sup> Lumley to Linlithgow, 'Q' telegram, 7 Oct 1937, OIOC, MSS EUR F 253/15.

<sup>14</sup> Note by K M Munshi, 23 January 1938, Maharashtra State Archives, Home (Special), File No.970/1938.

<sup>15</sup> *Ibid.*

Finally — although he did not mention this to the governor — Munshi had a personal reason for pushing for repeal. He had been much criticised for using force to contain labour unrest in Ahmedabad and Sholapur and he felt that his position would be strengthened if he repealed the emergency acts.<sup>16</sup>

Negotiations between the ministry and the governor continued. Ultimately Brabourne persuaded his ministers that the repeal of the Indian Press (Emergency Powers) Act would be a mistake as it had the capacity to exercise a 'restraining influence' during communal riots. But the governor agreed to allow the repeal of the Bombay (Special) Emergency Act, a compromise ensuring that censorship of the press continued and that the CPI remained a banned party during the period of the Congress ministry.

But the Congress ministry was not only content to support legislative infringements on civil liberties it was also — as we shall see later — proposing, when necessary, to use force against dissenters. Efforts were made by the Bombay ministry to 'Indianise' the Bombay police by suspending the recruitment of Europeans and Anglo-Indians in the force until such a time as their proportion had been reduced to twenty-five per cent of the officers.<sup>17</sup> The strength of the police force at Ahmedabad was also increased by about a hundred.<sup>18</sup>

Figures 16 and 17 indicate that the cost of policing the presidency and indeed the number of policemen on the government payroll increased rapidly during the Congress term. Given that the Congress had been so often at the receiving end of police excesses, one might have expected that it would use its new-found power to

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<sup>16</sup> Munshi had used Section 144 of the Criminal procedure Code and that was much resented by the public, who had hoped for a more imaginative approach to handling protest. Lumley to Linlithgow, 5 Feb 1938, 'Q' telegram, OIOC, MSS EUR F 253/15.

<sup>17</sup> *Bombay Chronicle*, 14 June 1938. Also, Lumley to Linlithgow, Report No.14, 14 April 1938, OIOC, L/P&J/5/156.

<sup>18</sup> Lumley to Brabourne, Report No.25, 1 October 1938, L/P&J/5/157, OIOC.

try to even up the score. The fact that they did not do so, but on the contrary, attempted to beef up the police force, highlights once again the ease with which Bombay's Congressmen put on trappings of office and fell into modes of governing they had steadfastly opposed for all the years of their existence.

## POLITICAL PRISONERS

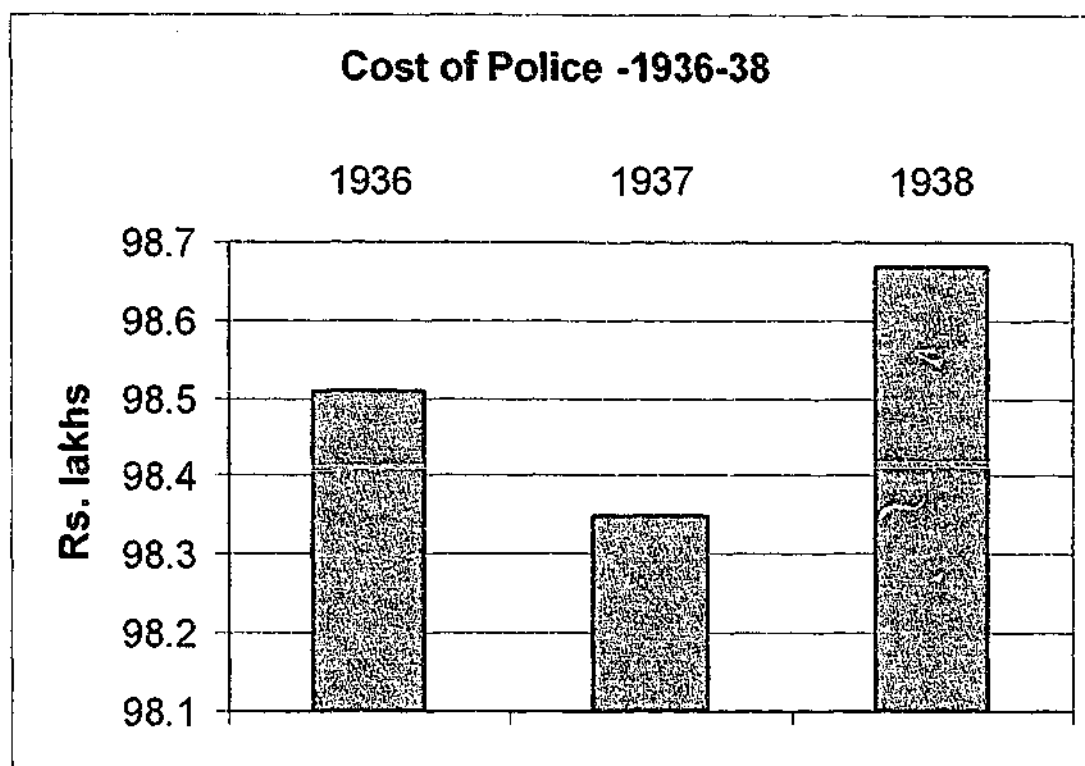
Another issue that engaged the attention of the ministry was the release of political prisoners. This, too, had been an important promise in the election manifesto. Yet, here again, while the ministry showed remarkable alacrity in working for the release of prisoners belonging to its own ranks, it dragged its feet on releasing those belonging to other parties and particularly prisoners with communist loyalties. Although ministers assured the governor that they did not intend to release anyone serving sentences for 'crimes of violence', some Congressmen who had been found guilty of such crimes went scot-free. For instance, V.B.Gogate who was convicted of attempting to murder the erstwhile governor of the presidency Sir Ernest Hotson, was released within a few months of the Congress assuming office. Also interesting is the case of a young Congressman named Bhonsle, who was released because, in Munshi's estimation, he had merely 'overstaked the bounds of law in his enthusiasm' to the Congress cause.<sup>19</sup> Carrying the indulgence to Bhonsle further, Munshi demanded that the arresting police officer who had put Bhonsle in handcuffs provide an explanation for his action.<sup>20</sup>

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<sup>19</sup> Note by Munshi, 20 Sept 1937, NMML, K.M. Munshi Papers, Microform, Reel No.25.

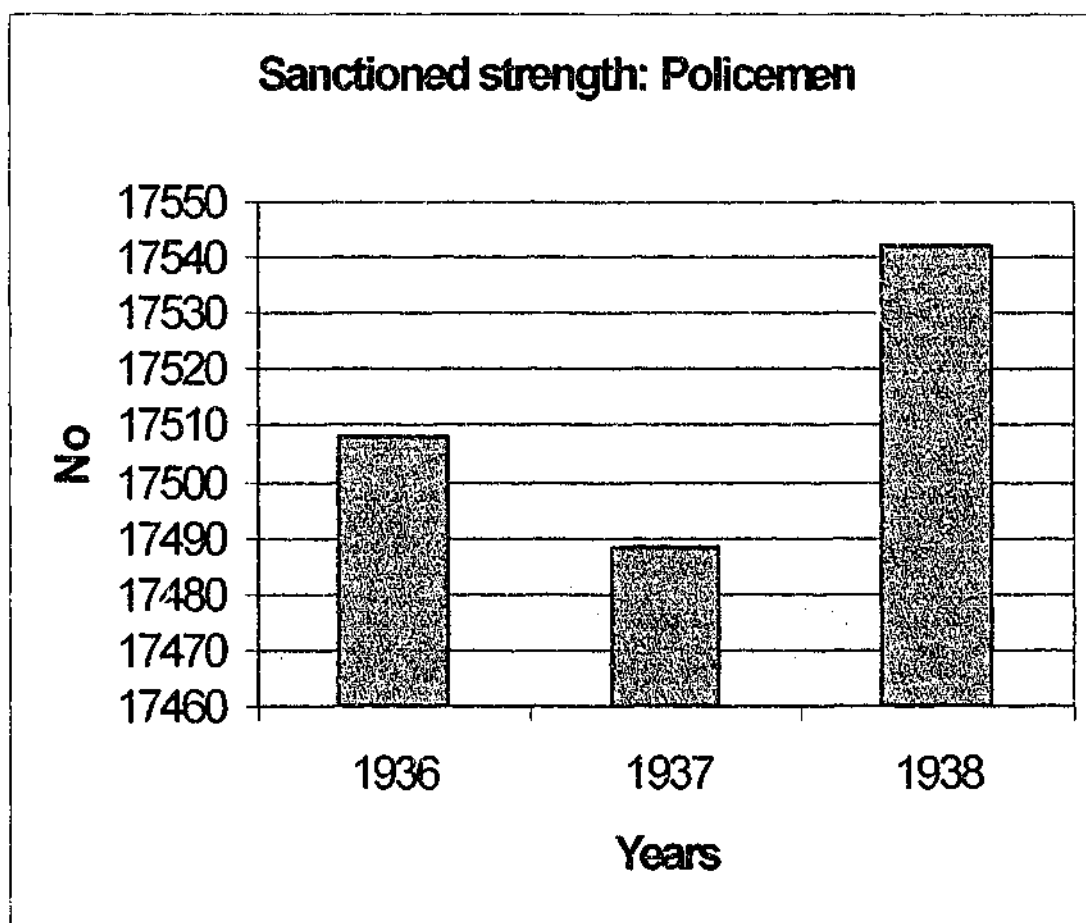
<sup>20</sup> Munshi to Secretary, Home Department, 2 Sept 1937, NMML, Microform, Reel No.25.

Fig. 16



*\*Source: Bombay 1937-38 and Bombay 1938-39*

Fig.17



*\*Source: Bombay 1937-38 and Bombay 1938-39*

Under persistent pressure from the public, a number of prisoners of various political persuasions were gradually released; but the communists continued to languish in jail.<sup>21</sup> This, as they regularly pointed out, made a mockery of Munshi's claims that not a single political prisoner was left in the jails of the presidency.<sup>22</sup>

Frustrated and angered by the government's indifference, the Communists decided to observe 14 February 1938 as Political Prisoners Day, and adopted the slogan 'Release political prisoners or resign [your] ministerships'. This was followed by a spate of public meetings highlighting the ordeals of Bombay's political prisoners.<sup>23</sup> Matters came to a head in Sholapur, a traditional centre of communist activity, when thirteen communists were arrested attempting to organise a strike timed to coincide with Political Prisoners Day were found guilty, and sentenced to terms of imprisonment ranging from six to nine months — under the circumstances, very severe penalties indeed. In a heartfelt letter to Nehru, G D. Sane, president of the Lal Bawta Girni Kamgar Union, protested that the arrested men had been engaged only in peaceful picketing, although he admitted that some had been caught 'fraternising' with the political prisoners languishing Sholapur jails. Sane attributed the severity of the sentences handed down by the magistracy squarely to the Bombay ministry, which he

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<sup>21</sup> Reply by K M Munshi, 12 January 1938, to a question put to him in the Assembly by R N Mandlik of the Democratic Swaraj Party regarding whether the ministry had passed orders that communists should not be released at all. Maharashtra State Archives, File No.946/1937, Home Department (Spl). File No/947/1937 also contains a list of all people on whom restrictions were cancelled.

<sup>22</sup> Two communists, released in February 1938 after serving their full sentence of two years rigorous imprisonment for having worked for the communist party, released a statement to the press refuting his claim and declaring that Munshi was lying. They alleged that despite Munshi's claims, there were still several political prisoners 'rotting in the jails of the presidency'. They also maintained that the Congress was following 'a policy of differentiation' among political prisoners and between political parties, and charged Bombay jails with having some of the worst conditions in the country. Press statement of Somnath Lahiri and Iqbal Singh in *Bombay Chronicle*, 10 Feb 1938.

<sup>23</sup> Brief Note on Communist activities in Bombay City since the assumption of office by the Present Ministry, cited in Basudev Chatterji (ed), *Towards Freedom: Documents on the Movement for independence in India*, 1938, p.2013.

said wanted to stamp out political strikes.<sup>24</sup> The governor however, was struck by the irony of the incident:

A few days ago the communists of Sholapur tried to arrange a *hartal* in support of the demand for the release of prisoners. Their efforts were not very successful but they endeavoured to prevent workers from the Criminal Tribes Settlement from going to the mills and there was a small amount of rioting. *Fortunately*, practically all the local communist leaders took part in this and they were all arrested on charges of criminal intimidation or assault. *Munshi was delighted with this coup.*<sup>25</sup> If he resigns on the question of the release of political prisoners, almost his last act as Home Minister will thus have been to arrest a number of persons belonging to another political party for demonstrating in favour of the very point over which he and his colleagues will be resigning.<sup>26</sup>

In the event the ministry did not resign. But the issue of the political prisoners of Sholapur refused to go away. Early in May 1938, one of the Sholapur agitators, a communist named Gangaram Chavan, was whipped in Bijapur jail for talking back to a guard. News of the incident leaked out, sparking an outcry all over the country and apparently giving the lie to the Congress party's that political prisoners in its jails were now being treated in a 'humanitarian and rational manner'.<sup>27</sup> However, Chavan had not been classed as a political prisoner. He and his companions had been lodged in 'C' class facilities along with habitual criminals. Chavan started a hunger strike, and received support from some other prisoners who belonged to his caste group.<sup>28</sup> Later, Chavan cited other injustices meted out to him including prison officials dragging him out of the lavatory, giving him insufficient water for bathing, forcing him to wear the black cap worn by habitual offenders and refusing to allow him to stroll after his

<sup>24</sup> Letter from G.D. Sane to J. Nehru, 12 May 1938, NMML, AICC File No. G-38/1938.

<sup>25</sup> Emphasis is added.

<sup>26</sup> Emphasis is added. Report No. 10, Lumley to Linlithgow, 16 Feb 1938, OIOC, L/P&J/5/156.

<sup>27</sup> The Election Manifesto of the Indian National Congress, August 1936, A.M.Zaidi et al (ed), *The Encyclopedia of the Indian National Congress, Vol.II, 1936-38: Combatting an Unwanted Constitution*, p.138.

<sup>28</sup> Chavan belonged to the Pardhi caste, which was classified under the 'Criminal Tribes' category.

meals.<sup>29</sup> On 5 May Chavan was taken to the jail office and flogged nine times by the Superintendent of the jail, in the presence of the District Magistrate and the Jailor. Chavan begged them to stop, offering to apologise — but the flogging continued. Jail authorities afterwards justified their conduct on the grounds that it had been necessary to prevent insubordination from spreading in the jail.<sup>30</sup>

But this cut no ice with the Communists or for that matter with many working-class Congressmen. The GIP Railway Workers union was one of the many trade unions to express 'great concern' over the flogging. It resolved: 'such treatment is not only inhuman but contrary to the very basic rights and dignities of political workers and the declared policy of the Congress towards political prisoners' and called for all trade unions to observe a day of protest.<sup>31</sup>

At a public meeting in Calcutta, *bhadralok* worthies registered their 'horror and indignation' at the incident.<sup>32</sup> Shortly afterwards, a public meeting organised by the BPTUC, the Congress Socialist party, the National Trade Union Federation, the Indian Civil Liberties Union and the 'F' ward of Bombay City Congress Committee passed a joint resolution condemning the flogging.<sup>33</sup> In the face of this mounting pressure, Munshi caved in and appointed a committee headed by consisting of a retired high court judge to inquire into the incident. Even though the committee's report absolved the jail authorities of all blame, the episode seriously tarnished the image of the Bombay Congress ministry.

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<sup>29</sup> *Report of the Committee of Inquiry into the flogging of Gangaram Chavan, a prisoner in Bijapur Jail*, 1938, p.4.

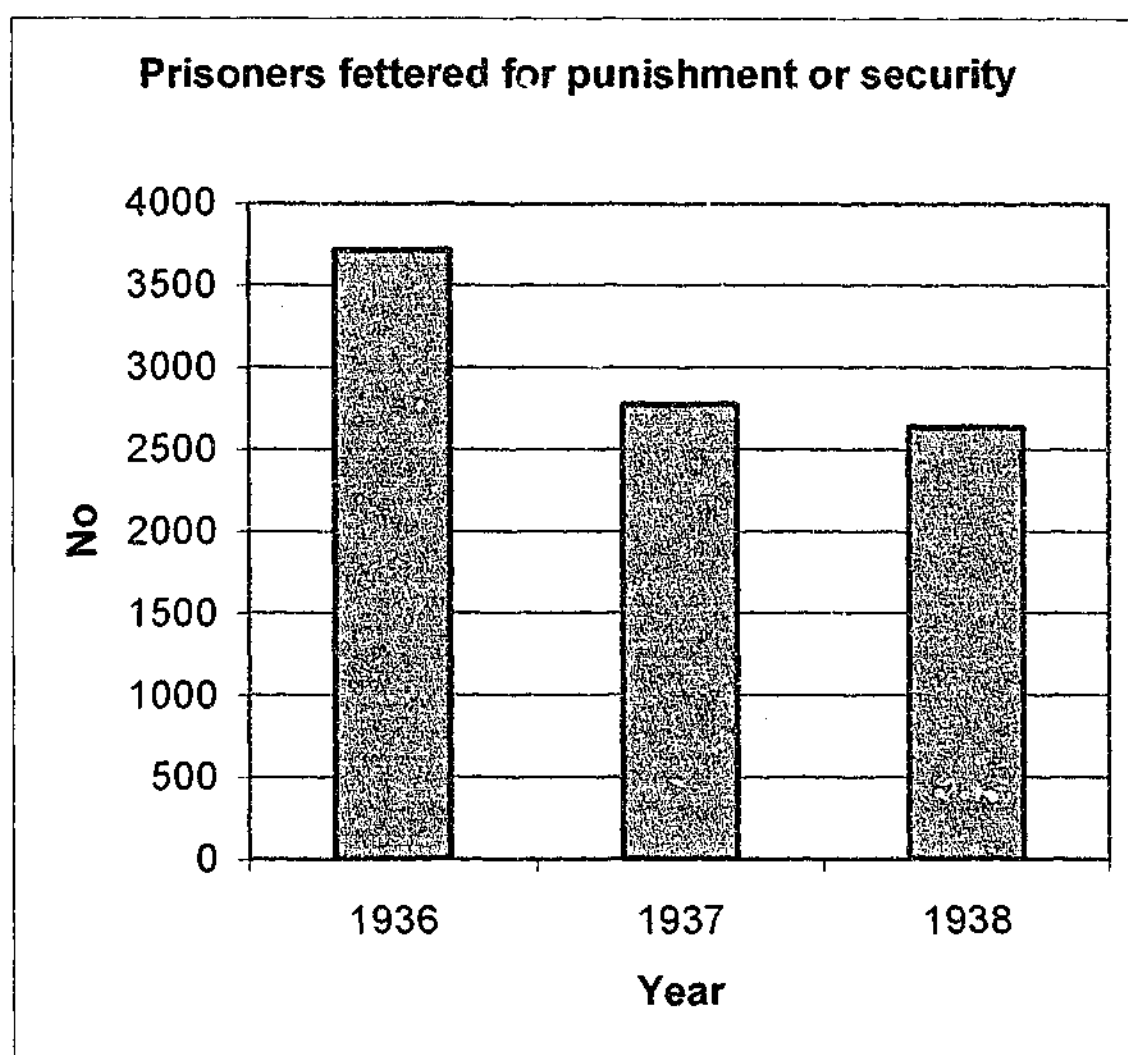
<sup>30</sup> *Ibid*, p.8.

<sup>31</sup> Letter by General Secretary, GIP Railway Workers union to the Secretary, BPTUC, 15 May 1938, NMML, AITUC Papers, File No.61 (I), 1938.

<sup>32</sup> Resolutions passed by the citizens of Calcutta forwarded to the Congress working Committee by Mayor of Calcutta, 26 May 1938, File No.G-38/1938, NMML, AICC Papers. The 'outrage' in Bengal could be due to the fact that during the period in question, great criticism was voiced in the Congress over the ill-treatment of prisoners in the Andamans, which fell under the jurisdiction of the Bengal government.

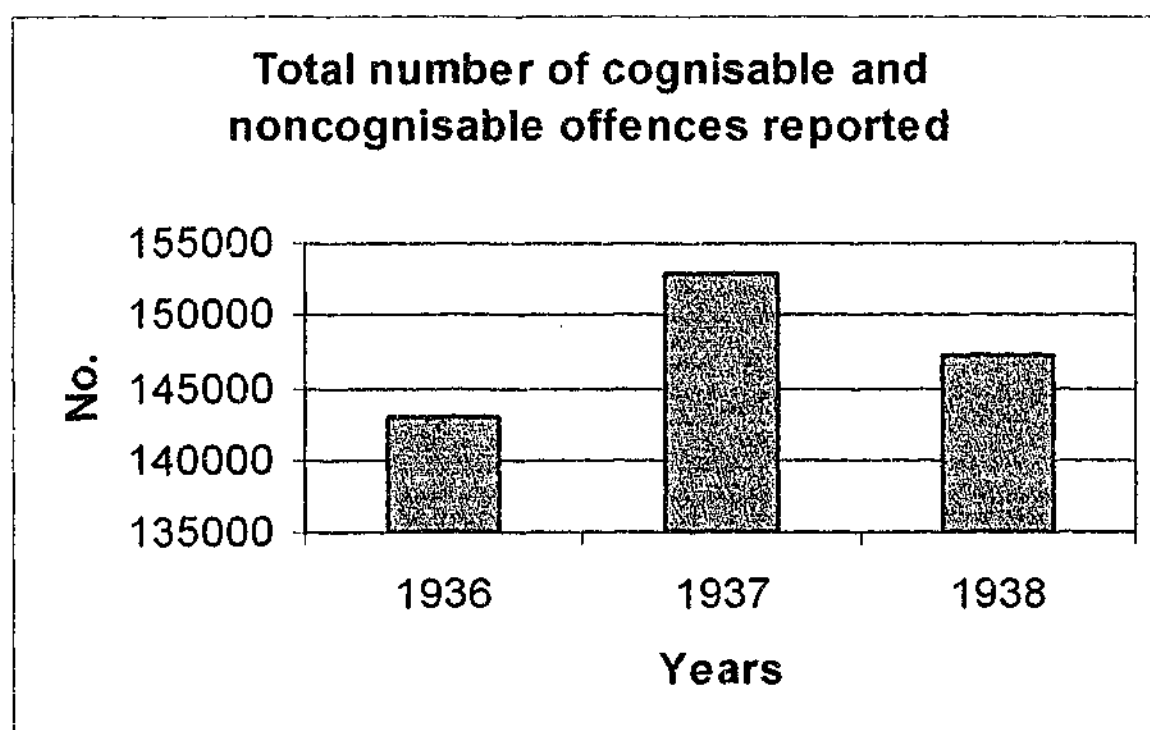
<sup>33</sup> *Letter to the Congress Working Committee from SS Mirajkar, Secretary, BPTUC appending the joint resolution*, dated 30 May 1938, NMML, File. No.G-38/1938, AICC Files.

**Fig.18**



*Source: Bombay 1937-38 and 1938-39, National Archives of India*

**Fig. 19**



*Source: Bombay 1937-38 and 1938-39, National Archives of India*

Yet, statistics for the period 1937-39 indicates that in reality, the Congress government was not as negligent of the conditions of prisoners or law and order as the Sholapur case would suggest. The period saw a steep reduction in the number of offences brought before the courts as also in the number of prisoners fettered in Bombay jails. Flogging — if it did not cease altogether — became rare. Moreover Munshi tried to ameliorate the severity of the prison system. He created 'model prisons' such as the one at Visapur, which was set up as a 'farm colony' where prisoners could learn farming techniques and other skills that would help them re-integrate into society when they had finished their terms. To that end Munshi was particularly keen on jail superintendents coming from civilian backgrounds and appointed several from the agricultural department in the hope that they could teach new methods of farming to the prisoners.<sup>34</sup> All this indicates that the Congress government did, to some extent, fulfil its election promise to inaugurate of a more humane treatment of prisoners — regardless of the flogging of Chavan.

#### THE STRIKE OF 7 NOVEMBER 1938

Also controversial is the way the ministry handled strikes. The strike of 7 November 1938, which was easily the biggest one during the tenure of the Congress ministry, makes an interesting case study. The strike was organised chiefly to protest against the passing of the Industrial Disputes Bill, the main provisions of which were, it will be recalled, discussed in an earlier chapter.<sup>35</sup> The Bill aimed essentially at forcing workers to have their grievances arbitrated.

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<sup>34</sup> *Letter to the Inspector General of Prisons*, 1 Sept 1937, NMML, K.M.Munshi papers, (microform) Reel 25.

<sup>35</sup> Circular Letter, 6 October 1938, NMML, AITUC Papers, File No.61 (I), 1938.

Over forty public meetings were held from late September to early November 1938 to popularise the strike. Articles also appeared in communist newspapers such as *Kranti* and *National Front* on the subject. As preparations for the strike got under way, the ministry retaliated by organising counter-meetings, sending Congress workers, particularly women workers (called in Congress parlance 'desh sevikas' or 'servants of the nation') to working class localities to remonstrate with womenfolk against joining the strike and distributing leaflets throughout Bombay city explaining the Bill.<sup>36</sup> Along with this, certain precautions were taken — such as the introduction of a Criminal Law Amendment Act making intimidation a cognizable offence and increasing the police presence in Bombay city by drafting 400 additional constables.<sup>37</sup> On 4 November the Commissioner of Police issued an order under Section 23 of the Bombay City Police Act prohibiting the public in certain areas from carrying lethal weapons or sticks or collecting or carrying stones or other implements.<sup>38</sup>

In spite of these precautions, the strike was marred by violent incidents. There was intimidatory picketing outside textile mills in the city and incidents of stone throwing; and attempts were made by workers to stop trams and buses by stoning them. Workers chanting slogans also took advantage of the situation to travel all over the city on trams without buying tickets. Crowds headed by volunteers of the Red Flag Union and the Independent Labour Party forcibly closed shops in various parts of the city.<sup>39</sup> A car in which Sardar Patel and Munshi were travelling was attacked and the windscreen

<sup>36</sup> *Report of the Bombay disturbances Enquiry Committee on the disturbances caused by a strike on 7 November 1938*, File No.5/2/39, NAI, Home-Political. Also Lumley to Linlithgow, Report No.28, 15 November 1938, OIOC, L/P&J/5/157. The refrain that the Congress spent money 'like water' for their counter propaganda can also be found in a letter by S.S Mirajkar, General Secretary, BPTUC, 14 November 1938, NMML, AITUC Papers, File No.60/1938.

<sup>37</sup> Lumley to Linlithgow, Report No.28, 15 November 1938, L/P&J/5/157, OIOC.

<sup>38</sup> *Report of the Bombay disturbances Enquiry Committee on the disturbances caused by a strike on 7 November 1938*, NAI, File No.5/2/39, Home-Political. Also, the *Bombay Chronicle*, 5 November 1938.

<sup>39</sup> *Ibid.*

smashed.<sup>40</sup> Reports came to light too of women workers being shamefully treated, with two of them being stripped by jeering crowds.<sup>41</sup>

The scavengers of the city and even domestic servants called 'Ramas' supported the strike. The press workers of Poona also struck work for the day in support.<sup>42</sup> The formal climax of the day's activities was a huge public meeting in the afternoon at Kamgar Maidan addressed by, amongst others, Jarnadas Mehta, S.A. Dange and B.R. Ambedkar.<sup>43</sup> Slogans such as *Russian Kranti cha vijay aso. Soviet Union cha vijay aso, inquilab zindabad* ('Victory to the Russian revolution, victory to the Soviet Union, long live the revolution') were chanted and Communist songs such as *Lal Jhande ne andhere mein ujala kar dia* ('the red flag has brought light into the darkness') were sung.<sup>44</sup> An effigy of the Bill (bearing a remarkable likeness to Kher, spectacles and all) was burnt.<sup>45</sup> However, the day is particularly remembered for two notorious incidents involving police firing. The first incident took place at Elphinstone Mills at about 8 a.m. A crowd which had gathered outside the mills became agitated and began throwing stones and jeering at the police. When a sub-inspector was struck on the cheekbone, deputy commissioner Wilson ordered his constables to fire. Sixteen rounds were fired injuring two demonstrators, of whom one subsequently died. The second incident took place in the evening outside the Spring Mills. Again, the police over-reacted and another man died.<sup>46</sup> In a macabre twist, the corpse of the second man killed was not released to his relatives or to his union, (the Red Flag Union) on the

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<sup>40</sup> *Bombay Chronicle*, 8 November 1938.

<sup>41</sup> The Communist party report was understandably silent about such incidents but there is no mention of any such incident in contemporary newspapers or in the governor's report.

<sup>42</sup> *Bombay Chronicle*, 8 November 1938.

<sup>43</sup> Ambedkar incidentally used the occasion to ask for the workers votes during the coming municipal election, which was commented upon by the communist leaders as a 'particularly unhappy' speech. See P C Joshi in the *National Front*, 13 November 1938, cited in Basudev Chatterji (ed), *Towards Freedom: Documents on the Movement for independence in India*, 1938, p.1963.

<sup>44</sup> *Ibid*, p.1962.

<sup>45</sup> Lumley to Linlithgow, Report No.28, 15 November 1938, OIOC, L/P&J/5/157.

<sup>46</sup> *Report of the Bombay disturbances Enquiry Committee on the disturbances caused by a strike on 7 November 1938*, NAI.

orders of the government to prevent the body from being used for propaganda. Instead, relatives and union members were kept shuttling between police stations, the hospital and the Coroner's court in search of the corpse because none of the authorities appeared to have any information. Meanwhile, behind their backs, Munshi tried to arrange a private funeral, which fell through. Eventually, when the Commissioner of Police heard that the other victim of the firing was about to die, he suggested that the corpse be returned to the man's family. This was subsequently done late at night, so that the deceased's friends and relatives could not make any further trouble.<sup>47</sup>

The official inquiry into the 7 November incidents placed all blame on workers and their leaders.<sup>48</sup> It stated that the police had been in real danger from the crowds that had gathered outside the mills, and had resorted to firing in self-defence. Vallabhbhai Patel afterwards justified the suppression of the strike on the grounds that the strike had not been non-violent. Further, he accused the labour leaders of having tried to provoke the police into firing.<sup>49</sup> On the other hand, the communist leaders depicted the day's events as an example of spontaneous working class protest against an oppressive system. The truth probably lies somewhere in between. While workers egged on by their so-called 'leaders' may have got carried away and turned violent, it is debatable whether the police firing was necessary and whether some other means of dispersing the crowd, such as high-pressure hoses, could not have been used to disperse the crowds. Certainly, it is remarkable that such methods were sanctioned and subsequently defended by a party that in the past had been at the receiving end of similar police actions.

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<sup>47</sup> Lumley to Linlithgow, 15 November 1938, Report No.28, OIOC, L/P&J/5/157.

<sup>48</sup> *Report of the Bombay disturbances Enquiry Committee on the disturbances caused by a strike on 7 November 1938*. The governor's report (Report No.28, 15 November 1938) also alleges the same.

<sup>49</sup> Rani D Shankardass, *Vallabhbhai Patel*, p.210.

Reactions to the episode, predictably, varied widely. On the British side, praise for the ministry's action was unreserved:

Few things in my judgment, [wrote the Viceroy] have been more significant than the fact that a Congress ministry should have had the courage to take up the attitude they have and disturbance of the peace, emanating to some extent from persons in sympathy with, if not its actual supporters. Feel indeed that we could have been well satisfied had a government under the old system dealt with a comparable situation so decisively, and the resolution which your government have shown seems to be a good omen for the future.<sup>50</sup>

On the other hand, the Indian public found it difficult to accept the idea of a Congress ministry adopting the repressive tactics they associated with colonialism. The Indian Civil Liberties Union made the obvious point that 'the use of fire arms to disperse unarmed mobs' was 'not consistent with the Congress ideals of non-violence'.<sup>51</sup> Workers' organisations such as the GIP Railway men's Union and the Sind Provincial Trade Union passed resolutions condemning the police action.<sup>52</sup> ILP leader B.R. Ambedkar thundered: 'what has come over the Congress ministry that it should not be able to manage a single day's strike without resorting to such disgraceful terror?'<sup>53</sup> And P C Joshi the editor of the communist newspaper *National Front*, lamented that a mood of total disillusionment and dark despair had taken root in the city's working class localities:

I went round among the knots of elderly workers. The holiday mood of the morning was no more there. They looked grim and thoughtful. Uppermost in their mind was, "A Black Bill...the

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<sup>50</sup> Linlithgow to Lumley, Secret Letter, 10 November 1938, cited in Basudev Chatterji (ed), *Towards Freedom: Documents on the Movement for independence in India*, 1938, p.1954.

<sup>51</sup> *Bombay Chronicle*, 9 November 1938.

<sup>52</sup> S.C. Joshi, General Secretary, GIP Railwaymen's Union to General Secretary, BPTUC, 26 November 1938, and N. Ghulamally, provincial Secretary, Sind Provincial trade Union Congress to General Secretary BPTUC, 17 November 1938, NMML, AITUC Papers, File No.61 (I), 1938.

<sup>53</sup> *Bombay Chronicle*, 9 November 1938.

same lathis...Bullets too...all this under a Congress ministry...what to make of the Congress now...!<sup>54</sup>

Last but not least, news of the incident deeply disturbed some members of the Congress high command. Although Patel loyally endorsed the ministry's stand,<sup>55</sup> Nehru censured the ministry savagely:

The fact is that large sections of labour opinion are intensely hostile to the measure (the Industrial Disputes Act) and the Congress government has become very unpopular with such sections. Whether this hostility is justified or not, the fact that it exists is in itself highly important. It is perfectly true that some of the hostile elements, like Ambedkar and Jamnadas Mehta and their group have probably just exploited the situation in an attempt to injure the Congress and to advance their own prospects in the Municipal elections and elsewhere. But it is equally true that many others are honestly of opinion that the bill is injurious to trade unionism and labour, and this opinion has spread to a large section of the working class.<sup>56</sup>

And Nehru was strongly supported in his criticisms by other Left-Wingers on the AICC. Bowing to Congress and public pressure, the ministry reluctantly agreed to an inquiry. But Brabourne persuaded the ministry that to limit the terms of the inquiry to the firing incident would be unfair to the police and would undermine the government's position; therefore, they instructed the inquiry committee to look into the strike in its entirety.<sup>57</sup> Given room to maneuver, the committee dutifully whitewashed the role of the police and absolved them of all blame.<sup>58</sup>

Despite official denials, it is clear is that the strike was largely successful in Bombay. This was because a great majority of workers belonged to the backward classes and owed allegiance to Ambedkar, who supported it. Its success in other towns

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<sup>54</sup> P.C. Joshi in the National Front, 13 November 1938, cited in Basudev Chatterji (ed), *Towards Freedom: Documents on the Movement for independence in India*, 1938, p.1962.

<sup>55</sup> Sardar Patel in the Hindustan Times, cited in *Ibid*, p.1953.

<sup>56</sup> Letter from J.Nehru to Gulzarilal Nanda, 22 November 1938, cited *Ibid*, p.1970.

<sup>57</sup> Lumley to Linlithgow, 15 November 1938, Report No.28, OIOC, L/P&J/5/157.

<sup>58</sup> *Report of the Bombay disturbances Enquiry Committee on the disturbances caused by a strike on 7 November 1938*, NAI.

of the presidency was more limited. The main exception was Sholapur, where it garnered fairly substantial support — despite official claims to the contrary.<sup>59</sup> The main historical significance of the strike, however, is what it says about the Congress in office. Its bloody aftermath shows that in dealing with protest, the Congress was happy to repeat colonial methods of repression. The firing of 7 November 1938 was a knee-jerk response to trouble, resorted to by a party with little understanding of the urban working class.

### PEASANT UNREST

The Congress period of office in Bombay also saw considerable peasant unrest, chiefly associated with the aforementioned Khoti system in the districts of Ratnagiri and Kolaba. Khots were initially 'village renters' who, in the course of time, had displaced the original landholders and acquired hereditary rights to collect revenue.<sup>60</sup> Their rights and position as landholders were defined under the Khot Act I of 1880 which stated that khots could either hold or give for tillage all waste or assessed or unassessed land and make from it whatever profit, over and above government assessment, local custom or special agreement allowed.<sup>61</sup> It was a system not all that removed from medieval European feudalism. The fact that most Khots were Brahmins, while tenants were either Marathas or backward caste Mahars and Kunbis, introduced a caste angle to this primarily economic issue. Tenants of the Khots, therefore, became deeply dependent on them. The Khots advanced grain for seed and food, in return for

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<sup>59</sup> *Report from G.D. Sane, President of the Lal Bawta Girni Union on the strike in Sholapur on 7 November, 8 November 1938, NMML, AITUC Papers, File No.60/1938.*

<sup>60</sup> *Gazetteer of the Bombay Presidency, Vol.X: Ratnagiri and Savantwadi, p.137.*

<sup>61</sup> *Ibid, p.204.*

which they took the tenant's crops. Many tenants as a result lived in the deepest poverty, unable to afford for themselves even the luxury of one full meal a day.<sup>62</sup>

Politicians were quick to recognise the potential of the Khoti system to stir up tensions and as early as in 1925, some members of the Bombay Legislative Council made representations in regard to the grievances of the Khoti tenants. This led the government of the day to order the Commissioner of the Southern Division to investigate. However, his report offered no solution to the problem. Subsequently, the Social Services League of Bombay took an interest in the issue and sent one of its members, P.G. Kanekar, to make further inquiries. Kanekar visited a number of villages and reported that

The Khots do everything in their power to discourage education among the Kunbis. Many of the Khots are Brahmins, and there are also Marathas, Mohamedans and men belonging to other castes. Barring an honourable exception here and there, all are equally bad, whether they are Brahmins, non-Brahmins or Mohamedans. But that the Khoti system leaves much scope for oppression, ill treatment and dishonesty cannot be denied.<sup>63</sup>

In the run-up to the elections of 1937, the Congress party signaled that it stood for the abolition of the Khoti system; but subsequently the issue was quietly put on the backburner, because of the opposition of local Congressmen. Many leading party figures were themselves Khots.<sup>64</sup> This left the way open for the champion of the low-castes, B.R. Ambedkar, to enter the fray. In 1938, Ambedkar introduced a Bill in the Assembly to abolish the Khoti system.<sup>65</sup> Ambedkar's bill would have provided

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<sup>62</sup> G.D.Patel and M.B.Nanavati, *Agrarian reforms of Bombay: the legal and economic consequences of the abolition of land tenures*, p.108.

<sup>63</sup> P.G.Kanekar cited in *Ibid*, pp.131-132.

<sup>64</sup> *Note on the Congress Agrarian Programme*, compiled by the Intelligence Bureau, 8 July 1937, NAI, File No.11/1/1937, Home-Political.

<sup>65</sup> *Indian Annual Register*, Vol.2, 1938, p.188.

compensation to the Khots for the loss of their rights and give them the status of landholders.<sup>66</sup> But it lapsed for want of support.

At this point the Khoti tenants (perhaps abetted by Ambedkar and the ILP) took matters into their own hands. In Ratnagiri on 22 May 1938 a violent confrontation occurred at Natu (in Khed taluka) between a group of Mahars and a party of Khots and policemen. It seems that the Mahars had taken wood from the local forest without the permission of the Khots. The magistrate issued a search warrant, but when the police went to the village to execute it they were ambushed and beaten. Subsequently eighteen Mahars were arrested and sent to trial. According to the District Magistrate, four of those charged had been observed, the day before, at a meeting of the ILP presided over by Ambedkar.<sup>67</sup> Similar incidents were also reported from other parts of the region. Alarmed, the government instructed officials in the affected regions to arrange for the full reporting of all speeches made by ILP members, to keep it informed of their activities, and to order recommendations for suitable action.<sup>68</sup> In Belari in Deorukh taluka, Mahars refused to pay their dues of Khoti rents because ILP party men had reportedly asked them not to do so.<sup>69</sup> Elsewhere, tenants assaulted rent collectors and their servants when they came to collect rents.<sup>70</sup> Even as the ministry prepared to prosecute ILP members who made threatening speeches against Khots, the party organised a protest march by peasants in Bombay city.<sup>71</sup> But the government refused to be intimidated.

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<sup>66</sup> G.D. Patel and M.B.Nanavati, *Agrarian reforms of Bombay*, p.132.

<sup>67</sup> Extract from the weekly confidential report of the DM, Ratnagiri, 3 June 1938, Maharashtra State Archives, File No.927-B/1938, Home (Spl).

<sup>68</sup> J.M. Sladen, Secretary, Home Department to H M Willis, DM, Kolaba, 7 June 1938, Maharashtra State Archives, File No.927-B/1938, Home (Spl).

<sup>69</sup> Extract from the weekly confidential report of the DM, Ratnagiri, 29 April 1939, Maharashtra State Archives, File No.918-B/1939, Home (Spl).

<sup>70</sup> *Ibid.*

<sup>71</sup> Lunley to Linlithgow, 15 March 1939, Report No.36, OIOC, L/P&J/5/158. Also, Eleanor Zelliot, *From Untouchable to Dalit*, p.107.

Another revealing incident occurred at Kuvale village in Deogad taluka. In June 1938 a peasants' organisation called the Shetkari Sangh was formed by S.V. Parulekar, the local MLC, to protest against the failure of the government to take up Ambedkar's bill to abolish the Khoti Act. The Sangh devised a novel technique of protest in which it took upon itself the onus of collecting the dues owed to the Khots — but then pocketed the money. The idea was to force the government to attach the village for non-payment of the land revenue.<sup>72</sup> But instead of playing into their hands, police started investigating, following which the president of the Sang, P.S. Masurekar, resigned. Later notices were served on Masurekar and his successor K.G. Dalal asking them to refrain from participating in 'peasant activities'.<sup>73</sup>

Thereafter, things got increasingly nasty. Masurekar and S.A. Kode, the secretary of the Sangh and Masurekar were both arrested and the *patil* (headman) of the village, who had been secretly collaborating with the Sangh, was suspended.<sup>74</sup> Despite protests from the villagers, Kode and Masurekar were convicted and sentenced to pay fines of Rs. 200 each. When they refused to pay, the two men were imprisoned for three years with hard labour. The Deorukh tenants continued to protest for several months. However the ministry refused to reduce the severity of the sentences. Encouraged by this, Khots, declined to make even token concessions to their tenants.<sup>75</sup> A local newspaper remarked sadly: 'It is not surprising if one feels that the rule by the British bureaucracy was a hundred times better than the Swaraj of these Congressmen'.<sup>76</sup>

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<sup>72</sup> Extract from the weekly confidential report of the District Magistrate, Ratnagiri, 29 April 1939, Maharashtra State Archives, File No.918-B/1939.

<sup>73</sup> *Bombay Sentinel*, 29 May 1939, Maharashtra State Archives, File No.18-B/1939.

<sup>74</sup> Extract from the weekly confidential report of the District Magistrate, Ratnagiri, 2 June 1939, Maharashtra State Archives, File No.918-B/1939.

<sup>75</sup> Extract from the weekly confidential report of the District Magistrate, Ratnagiri, 26 July 1939, Maharashtra State Archives, File No.918-B/1939.

<sup>76</sup> *Sanjivani Prakash*, 15 July 1939, Maharashtra State Archives, File No.918-B/1939.

## COMMUNAL DISTURBANCES

Even more consequential for the law and order situation in Bombay was the sharp deterioration that occurred during the late 1930s in the relations between the presidency's Hindus and Muslims. Of course, the 'communal problem' as the British described it, was not confined to Bombay — it was endemic to the subcontinent. And, as the extensive literature on Indian communalism attests, the phenomenon had multiple causes — religious, ideological and economic as well as political. Nonetheless an important factor in Bombay was the increasing stand off between the Congress and the Muslim League. Following the acrimonious election campaign of the winter of 1936-1937, the League found itself teetering on the edge of political oblivion as the nation waited and wondered if the Congress would form governments. Meanwhile, in the Muslim-dominated provinces of Sind, Punjab and Bengal, non-League Muslim parties such as the Krishak Praja Party (KPP) and the Unionist Party had taken office. The League, in short, was relegated to the role of a passive onlooker while other parties occupied the centre stage of provincial politics, and that position obviously could not be allowed to continue if the League wanted itself to be taken seriously.<sup>77</sup> The political existence of the League desperately depended on it being accorded the status of an organisation that fully represented Indian Muslims. The election results of 1937 failed to give it that status, nor was there much official acknowledgement of it either in the post-election period.<sup>78</sup> Party president Jinnah looked around for ways to revive the party's fortunes.

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<sup>77</sup> Jinnah had apparently envisaged a coalition with the Congress in states like the United Provinces and Bombay, but Congressmen like Nehru did not take that seriously. Anita Inder Singh, *The Origins of the Partition of India: 1936-1947*, Oxford University Press, New Delhi, 1987, p.30.

<sup>78</sup> Salil Misra, *A Narrative of Communal Politics: Uttar Pradesh 1937-39*, Sage publications, New Delhi, 2001 pp.130-131.

Throughout the latter part of 1937, Jinnah conducted extensive correspondence with the Congress leadership in an attempt to establish his contention that the League was the sole representative of Muslims. But the contention was rather curtly dismissed by Congress heavyweights such as Subhash Chandra Bose, Nehru and Gandhi.<sup>79</sup> Then, not content with refuting Jinnah's claims, the Congress started a 'Mass Contact Programme' in a bid to make itself more attractive to the Muslim masses that had largely remained outside its fold. In Bombay, the Provincial Congress Committee allotted a sum of Rs. 500 for this purpose soon after the elections of 1937, which was used to set up additional Congress branches and fund free dispensaries in Muslim-dominated localities.<sup>80</sup> And the party persuaded Khan Abdul Gaffar Khan, the popular Muslim leader from the Northwest Frontier province, to undertake a propaganda tour in the presidency.<sup>81</sup>

Not surprisingly, Jinnah viewed these activities with alarm for, if successful, the programme had the potential to destroy his support-base. In press statements he condemned what he called 'the deliberate attempts made by Congress leaders to misrepresent its policy', and explained that the object of the Congress scheme was to 'divide the Muslim community and break the League'. He also warned Muslims against 'taking a leap in the dark' by joining the Congress.<sup>82</sup> Subsequently, the Bombay Muslim League held a number of public meetings aimed at strengthening the party and denying the Congress Muslim support.<sup>83</sup>

A British report noted:

<sup>79</sup> Anita Inder Singh, *The Origins of the Partition of India: 1936-1947*, pp.31-32.

<sup>80</sup> Fortnightly report for the first half of April 1937 from the Bombay Home Dept (Special) dated 16<sup>th</sup>/21<sup>st</sup> April 1937, and second half of April 1937 from the Bombay Home Dept (Special) dated 1<sup>st</sup>/4<sup>th</sup> May 1937, OIOC, MSS EUR F 97/14.

<sup>81</sup> Fortnightly report for the second half of June 1937 from the Bombay Home Dept (Special) dated 1<sup>st</sup>/4<sup>th</sup> July 1937, OIOC, MSS EUR F 97/14.

<sup>82</sup> *Ibid.*

<sup>83</sup> Fortnightly report for the second half of May 1937 from the Bombay Home Dept (Special) dated 1<sup>st</sup>/4<sup>th</sup> June 1937, OIOC, MSS EUR F 97/14.

At Ahmedabad, the League is busy in issuing pamphlets warning members of the Mass Contact Programme of the Congress. Daily meetings are being held in Muslim localities where the Congress is depicted as a satanic institution having as its objective, the extermination of all Muslims.<sup>84</sup>

Ironically the expanding Congress activities in Muslim localities forced the League to project itself more and more as a watchdog of Muslim interests. And this, in turn, made it necessary for the League to paint the Congress party as essentially a party of Hindus — a party that by definition could not be sensitive to Muslim sentiments was inherently insensitive to Muslim sentiments and concerns. The formation of Congress ministries gave the League the opening that it was looking for.

One can well understand the eagerness of the newly-formed Congress ministries, in the first flush of their power to promote a sense of nationalism by, for example, encouraging the singing of *Vande Mataram* at public meetings and the flying of the Congress flag from public buildings. After all, the British government had banned the Congress flag and the singing of *Vande Mataram*. The party can be excused for thinking that its election gave it a mandate to replace imperial symbols with national ones. Consequently, when the Congress ministries took office, party president Jawaharlal Nehru instructed them to fly the Congress flag from all public buildings.<sup>85</sup> The ministries were also instructed to advise their officials not to object 'if party slogans are raised or symbols are exhibited' in gatherings, if *Vande Mataram* was sung, or if the audience stood up when it was sung.<sup>86</sup> Nevertheless, the imposition, through the machinery of government, of these Congressite — and for some Muslims — transparently Hindu — insignia on the public was a poorly thought-

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<sup>84</sup> Extract from the Bombay province Weekly letter No.28, 16 July 1938, Maharashtra State Archives, File No.869-IV/1938, Home (Spl).

<sup>85</sup> Jawaharlal Nehru's press statement, 7 August 1937 in S. Gopal, *Selected Works of Jawaharlal Nehru*, Vol.8, p.291.

<sup>86</sup> Brabourne to Linlithgow, Report No.12, 5 August 1937, OIOC, MSS EUR F 97/11.

out strategy, and it predictably backfired. When the League denounced the 'forcing [of] *Vande Mataram* upon impressive boys in schools', and the salutation of a party flag in the guise of a 'national' one, many Muslims listened and took heed.<sup>87</sup>

The Congress, of course, was very sensitive to the League's accusation that it was acting like a Hindu party and a long-winded circular drafted by Gandhi explained the need for the party to enunciate a firm policy on communal issues:

Although Shri Jinnah's letter leaves little hope of mutual understanding being established between the Muslim League and the Congress, it is necessary for the sake of Congressmen whether Hindus, Muslims or from any other community and also for the millions of non-Congressmen who are allied to no political party, who are politically dumb, but whom nevertheless it is the Congress boast, made good on many occasions, that it seeks to represent, that without waiting for a mutual understanding the Congress should state its communal policy in unequivocal terms.<sup>88</sup>

He went on:

The Congress does believe in Muslim mass contact but not in any spirit of hostility towards any Muslim organisation. The contact that the Congress seeks, however, is not necessarily through making Muslim members of the Congress but by serving them in ways open to the Congress and acceptable to the Muslims.<sup>89</sup>

This hair-splitting did not, however, inspire many in the party to change their attitudes. As mentioned earlier, one of the main issues that divided the League and the Congress was the Congress flag. As the League pointed out, the Congress flag was only a party emblem. Surely the flags of all political parties should be hoisted on public buildings — or none at all? Accordingly, the secretary of the League issued a circular to branches calling upon members to hoist the green flag of the party if flags

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<sup>87</sup> *Report of the Inquiry Committee appointed by the Council of the All India Muslim League to inquire into Muslim Grievances in Congress Provinces*, (Pirpur report), 15 November 1938, NAI, Home Public File 31/30/39 of 1939.

<sup>88</sup> *Draft of the Congress Communal Policy*, NMML, File 11, Kher Papers.

<sup>89</sup> *Ibid.*

of other political parties were hoisted.<sup>90</sup> The result was mayhem. Fights broke out between Congress and League supporters at many sites in major cities. In UP, the issue was carried to a farcical extreme with the flags of several political parties reported simultaneously flying over the same public building.<sup>91</sup>

The Congress high command was not amused. President Rajendra Prasad wrote to Sardar Patel:

I think we must definitely state that the National Flag should not be hoisted on any building the proprietor or the manager of which does not permit it. Apart from clashes, which its hoisting on unauthorized places causes, this action also brings the flag into disrespect....I do not understand what useful purpose is served by this kind of action.<sup>92</sup>

In deference to Prasad's views the BPCC decided that, 'in the present scheme of things' singing *Vande Mataram* in local board and assembly meetings should be discontinued and that no further attempts should be made to fly the 'national flag' on public buildings, municipal offices or schools where there was any opposition to the practice.<sup>93</sup> Following this directive, the ministry passed orders that the singing of *Vande Mataram* would be permitted in schools only if there was an unanimous desire for it to be sung, while municipal corporations were informed that the Congress flag would not be allowed to be flown on public buildings unless an unanimous resolution to that effect was passed by all the members of the public body concerned.<sup>94</sup>

Another popular target of League invective was the sole Muslim member of the ministry, Mahomed Yasin Nurie. As explained in an earlier chapter, Nurie had successfully contested the elections of 1937 as an independent, but had been offered a

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<sup>90</sup> *The Leader*, 24 July 1938.

<sup>91</sup> *Ibid*, 29 August 1938.

<sup>92</sup> P.N.Chopra, *Towards Freedom, 1937-47, Vol.1, Experiments with Provincial Autonomy, 1 January 1937-31 December 1937*, p. 984.

<sup>93</sup> *Draft of the Congress Communal Policy*, NMML, File 11, Kher Papers.

<sup>94</sup> Lumley to Linlithgow, 1 July 1939, Report No.43, OIOC, MSS EUR F125/52.

place in the ministry in order to give it a broader complexion. But he was not allowed to continue his independent status. As a condition of his nomination, Nurie was required to sign the Congress pledge. In the eyes of the League hierarchy this made him a traitor to his community.<sup>95</sup> The party passed resolutions condemning Nurie for accepting office, Kher for selecting him as a minister and the governor for appointing him to that position.<sup>96</sup> At a public meeting organised in Ahmedabad, Nurie's home town, League speakers called upon Muslims to 'dishonour' Nurie and not even permit his body to be buried in the Muslim cemetery.<sup>97</sup> Elsewhere, the hapless minister was heckled and greeted with black flags; and when he toured the Nadiad taluka to inspect damage caused by floods, local youths shouted, '*Be-iman Nurie, Muslim League ki Jai*' ('Nurie is a cheat, long live the Muslim League').<sup>98</sup> An angry crowd also attacked the district magistrate's car in which Nurie was travelling.<sup>99</sup> In Surat, which he visited in October 1937, he was met with demonstrators armed with black flags who foiled the guard of honour provided by the municipality and forced him to retreat to his car, which in turn was attacked.<sup>100</sup>

As well as underlining the extent of the League's opposition to Nurie, the Surat incident also caused the Congress to question the attitudes of the still largely British local bureaucracy. Upon his return to Poona, Nurie wrote to Munshi describing

<sup>95</sup> Lumley to Linlithgow, Report No.9, 1 February 1938, OIOC, L/P&J/5/157.

<sup>96</sup> Brabourne to Linlithgow, Report No.13, 20 August 1937, OIOC, L/P&J/5/155.

<sup>97</sup> Extract from the weekly confidential report of the district magistrate, Ahmedabad, 29 June 1939, Maharashtra State Archives, File 869-III, 1938, Home (Spl).

<sup>98</sup> The treatment of Nurie is similar to that meted out to Hafiz Ibrahim in U.P. Hafiz Ibrahim had been a Muslim League candidate in the 1937 elections and had been elected unopposed in Bijnor-Garhwal. Subsequently, he joined the Congress and was made a minister. That made him the target of the League's ire. Finally, due to the fierce opposition from the League, Ibrahim had to resign his seat and seek re-election from the same constituency on a Congress ticket. Salil Misra, *A Narrative of Communal Politics: Uttar Pradesh 1937-39*, p.133.

<sup>99</sup> Extract from the weekly confidential report of the District Magistrate, Kaira, 16 September 1937, Maharashtra State Archives, File No.869-A/1938, Home (Spl).

<sup>100</sup> *Times of India*, 16 October 1937. Also, a handwritten letter from Nurie to Munshi, 22 October 1937, Maharashtra State Archives, File No.869-A/1938, Home (Spl).

what he called 'inadequate police arrangements' during his visit.<sup>101</sup> Munshi went into action. Expressing surprise that neither the District magistrate nor the District Superintendent of Police had taken precautions against trouble or had bothered to submit a report on it, Munshi ordered independent and urgent inquiries to be made.<sup>102</sup> However, the district magistrate and the Commissioner of the Northern Division (ND), both of whom were British, cavalierly dismissed the incident. J.M. Sladen, the district magistrate, initially described the fracas as a 'small disturbance created by the Muslim Leaguers'.<sup>103</sup> He then went on to suggest that there was insufficient evidence to prove conclusively that the League had been responsible. Indeed, he even managed, by slight of logic, to attribute some of the blame to the Congress:

Moreover the demonstrators made use of methods, which they had learnt from Congress agitators during the non-cooperation movement and while this does not excuse the methods used, it makes one less inclined to sympathise with the indignation now aroused.<sup>104</sup>

And Sladen's superior, the Commissioner of the Northern Division, J.H. Garrett, accepted this explanation without question, explaining that the DM and the DSP had 'failed to use their powers owing to the feeling that at all costs no use of force or preventive action under the laws in force'.<sup>105</sup> Munshi was clearly dissatisfied with these explanations and issued a circular to all officials commanding them to take 'suitable but unobtrusive steps to ensure that official proceedings at public receptions of ministers are orderly and that potential demonstrators are kept under control'.<sup>106</sup>

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<sup>101</sup> *Ibid.*

<sup>102</sup> Undated handwritten letter by Munshi to the DM, Surat, Maharashtra State Archives, File No.869-A/1938, Home (Spl).

<sup>103</sup> The weekly confidential report of the DM, Surat, 21 October 1937, *Ibid.*

<sup>104</sup> Letter from J.M. Sladen, DM Surat to the Commissioner, Northern Division, 16 November 1937, Maharashtra State Archives, File No.869-A/1938, Home (Spl).

<sup>105</sup> Confidential letter from J.H. Garrett to J.B. Irwin, Secretary to HD, Bombay, 13 November 1937, Maharashtra State Archives, File No.869-A/1938, Home (Spl).

<sup>106</sup> Home Department Circular dated 23 December 1937, *Ibid.*

C.W. Condon, the DSP of Surat, was later transferred to Thane at Munshi's insistence.<sup>107</sup>

Another area that the Muslim League sought to exploit was education. As discussed in an earlier chapter, the League took a strong dislike to Gandhi's 'Basic Education', with its emphasis on non-violence and the teaching of Hindustani.<sup>108</sup> They also objected to the new textbooks prepared by the Bombay Education Ministry, declaring that reading such books could result in 'Muslim children imbibing Hindu culture and the mentality of infidels'.<sup>109</sup>

But the League in Bombay did not limit itself to raising specific issues or grievances. In an attempt to better mobilise its communal constituency, the party established a number of new local units.<sup>110</sup> It convened a number of mass meetings at which League speakers berated Congress as an organisation that wanted to 'undermine the Muslim religion and make them slaves' of the Hindu majority.<sup>111</sup> By aggravating the Muslims' sense of insecurity and alienation from the new regime, the League bolstered its popularity, but at the expense of inflaming Hindu-Muslim relations in the presidency.

But the real communal fireworks began after the government introduced a property tax to finance prohibition in the presidency. As mentioned earlier, the Muslims of the presidency, particularly those living in the city of Bombay, had invested in property in a big way, and they feared that the property tax would hit them

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<sup>107</sup> Note regarding the transfer of C.W. Condon dated 4 May 1938, *Ibid.*

<sup>108</sup> K.K. Aziz, *Muslims under Congress Rule, 1937-39*, Vol. I, p.181.

<sup>109</sup> Extract from the report of the Commissioner of Police, Bombay for the week ending 24 June 1939, Maharashtra State Archives, File 869-V, Home (Spl).

<sup>110</sup> The weekly reports from various parts of the presidency contain details of the opening of a number of branches of the party as well as 'enrolment drives' conducted by it. They can be seen in Maharashtra State Archives, File No.869-III/1938.

<sup>111</sup> Extract from the Weekly Confidential report of the District magistrate, Dharwar, No.30, 28 July 1938, Maharashtra State Archives, File No.869-IV/1938, Home (Spl). Also, Bombay province weekly letter No.37, 17 September 1938, *Ibid.* See also, Extract from the Weekly Confidential Report of the District Magistrate, Surat, 7 April 1938, Maharashtra State Archives, File No.869-III/1938.

hard.<sup>112</sup> Another objection was that the tax would affect Muslim charitable trusts, most of which held vast properties.<sup>113</sup> Determined to exploit this issue for all it was worth, the League orchestrated a running campaign of street protests, which culminated on 1 August 1939 — the day that prohibition came into effect — with a mammoth procession in Bombay led by Sir Ibrahim Currimbhoy, a local Muslim magnate. As the procession moved through the city slogans were raised against the Congress, the government and the Hindus. Despite a heavy police presence, stones were thrown and trams attacked. By the end of the day, 25 Muslim processioners and 8 Hindu bystanders along with 25 police officers, had been injured, some seriously.<sup>114</sup>

Last but not least, the League tried to use the Bombay Local Boards Bill to embarrass the Congress. Introduced into the Legislative Assembly on 18 January 1938, the Bill sought to abolish the practice whereby some places on local boards were filled by nomination and to reserve seats in joint electorates for members of backward classes, minorities and women. More provocatively, it gave an option to Muslim voters in the Muslim constituencies of a district to have their separate constituency status abolished and replaced by reserved seats in joint electorates.<sup>115</sup> Although the Congress was quick to reassure the Muslims that the optional clause did not take away their right to have separate electorates, and that it only provided the machinery by which they could of their own accord choose to have the type of

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<sup>112</sup> Consumption of alcohol was forbidden in Islam and therefore theoretically prohibition would not have been an infringement on their religious rights. But since Islam forbade them from investing in anything in which they could charge interest, they had invested in a large way in property in cities like Bombay and these properties would attract a tax of ten percent. Also see Lumley to Linlithgow, Report No.35, 1 March 1939, OIOC, L/P&J/5/158.

<sup>113</sup> Extract from the report of the Commissioner of Police, Bombay for the week ending 24 June 1939, Maharashtra State Archives, File No.869-V/1939, Home (Spl).

<sup>114</sup> *Report on rioting in Bombay city in connection with Muslims protest against Urban Immoveable Property Tax*, N.P.A. Smith, Commissioner of Police to the Home Secretary, Government of Bombay, 2 August 1939, NAI, File No. 5/8/39, Home (Political).

<sup>115</sup> *The Indian Annual Register*, Vol.II, July-December 1938, p.162.

electorate that they wanted, the Muslim League took umbrage.<sup>116</sup> Jinnah claimed that there was 'united opposition and general resentment' amongst Muslims towards the joint electorates provision, and castigated the government for not having first consulted the Muslim community.<sup>117</sup> When the Bill was introduced into the Assembly, the Muslim League members of both houses of the legislature walked-out in protest and later the party sent a deputation to the governor to request him to refuse assent to it.<sup>118</sup> In fact the Bill was passed without much delay. Nevertheless, its passage served to further exacerbate the ill feeling between the League and the Congress.<sup>119</sup>

Nevertheless, the deterioration in the communal situation in the presidency was not solely due to the interplay between Congress and League. The Hindu Mahasabha was also extraordinarily active during the period. Anxious to project itself as an alternative to the Congress, the interim ministry borrowed heavily from Congress election propaganda and in May 1937 removed the restrictions on the movement and speech of some political leaders — including the former revolutionary V.D. Savarkar.<sup>120</sup> After the bans had been lifted, Savarkar became actively involved in reviving the Hindu Mahasabha, which had done poorly in the 1937 polls, and one way he tried to do this was by delivering inflammatory public speeches. A common theme was that the Mahasabha had been established to protect the Hindu community from Muslim harassment and that it was essential to establish a Hindu Raj in the country. He declared from pulpits across the country that the Hindus were worse off under Congress governments and accused the Congress governments of being 'friendly' to

<sup>116</sup> *The Bombay Government and its Work: Review of the Second Half Year*, OIOC, MSS EUR F 253/28.

<sup>117</sup> *Bombay Chronicle*, 26 January 1938.

<sup>118</sup> Lumley to Linlithgow, 29 January 1938, cited in Basudev Chatterji (ed), *Towards Freedom: Documents on the Movement for independence in India*, 1938, pp.2054-2055.

<sup>119</sup> Jinnah opined that the Bill was the result of the Congress becoming 'elated with what little power it had got' and declared that it would do 'more harm' if it captured more power. *Bombay Chronicle*, 26 January 1938.

<sup>120</sup> Savarkar subsequently joined the Democratic Swaraj Party.

Muslims at 'the cost of Hindus'.<sup>121</sup> But it was not only Savarkar who spread this chauvinistic message, 'If Swaraj was won, it would mean the subjugation of India by the Muslims', declared N.D. Savarkar, a brother of V.D. Savarkar at a public meeting at Ahmedabad.<sup>122</sup>

A police report of a Mahasabha meeting in Poona in May 1939 attended by some 200 party supporters and onlookers noted that:

G.S. Gore, who presided, spoke in uncontrolled terms against Muslims, who, he said, should be given to understand that they should restrict their prayers both in mosques and their homes if they wanted to remain in India. If the Muslims interfered with the music and processions of Hindus they would be uprooted. The Hindus had decided to have Hindu Raj in India and if the Muslims came in their way they would be cast aside.<sup>123</sup>

In late 1938, though, the Mahasabha temporarily put aside its campaign to convince the majority community that its future could only be assured if power was transferred to an avowedly Hindu Raj, to attack a current Muslim one — the princely state of Hyderabad, which shared a border with the presidency. For years the Arya Samaj had been fulminating against the 'oppression' of the Hindus in Hyderabad and in 1938 the Mahasabha joined this campaign. For several months from late 1938 to mid 1939, the Samaj and the Mahasabha sent a stream of volunteers across the border into Hyderabad, with instructions to defy the Hyderabad Durbar's ban on political meetings, hold public readings of proscribed literature and newspapers, and perform religious ceremonies. The aim was to force the Nizam to treat his Hindu subjects with

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<sup>121</sup> V.D.Savarkar's presidential address at the Bengal Hindu Mahasabha Conference, Khulna, 17 Feb 1939 cited in Sobhang Mathur, *Hindu Revivalism and the Indian National Movement: A Documentary Study of the Ideals and Policies of the Hindu Mahasabha, 1939-1945*, Kusumanjali Prakashan, Jodhpur, 1996, pp.55-56.

<sup>122</sup> Extract from the Bombay Secret Abstract for the week ending 15 January 1938, Maharashtra State Archives, File No.844 pt. II/1938-39.

<sup>123</sup> Extract from the Bombay Province weekly Letter No.22, 3 June 1939, Maharashtra State Archives, File No. 1009/1939, Home (Spl).

more consideration.<sup>124</sup> On the way to Hyderabad, most of the volunteers passed through Sholapur in Bombay, which consequently became a very active centre of Hindu communal mobilisation and propaganda. Public meetings took place daily, great quantities of leaflets and tracts were published and the town hosted a huge All-Indian Aryan Conference in December 1938.<sup>125</sup> Although most volunteers were turned back by Hyderabad police at the border, and very few of them actually managed to get to Hyderabad city, their presence — *enmasse* — fanned communal feelings throughout the region. For instance, numerous instances of stabbing and stone throwing occurred during the period of the *satyagraha* in Sholapur. In one case, four *satyagrahis* in shouting anti-Muslim slogans outside a mosque in the town, triggered a riot which left one Hindu and three Muslims dead.<sup>126</sup> Shortly after this, Section 46 of the Bombay District Police Act was invoked in a bid to compel the volunteers to leave Sholapur, and orders were served under Section 144 of the Criminal Procedure Code on newspapers and presses in Sholapur forbidding them from publishing any material not officially sanctioned. These measures proving inadequate, a curfew was promulgated and troops requisitioned from Poona to enforce it.<sup>127</sup> Shortly after this, the movement was called off in response to the Nizam agreeing to initiate reforms and release all those who had been imprisoned for taking part in the agitation.<sup>128</sup>

<sup>124</sup> Home Department Memorandum, 15 October 1938, Maharashtra State Archives, File. No. 987-C/1938, Home (Spl). Ian Copland in his article, *Communalism in Princely India: The Case of Hyderabad, 1930-1940*, MAS 22, 4, 1988, pp.783-814 argues that the Hindus of Hyderabad were not particularly disadvantaged or discriminated against by the Nizam's government and that the Satyagraha enjoyed very little local support.

<sup>125</sup> Extract from the *Weekly Confidential Report of the DM, Sholapur*, 12 December 1938, Maharashtra State Archives, File. No. 987-A/1938, Home (Spl).

<sup>126</sup> Bombay Special to Home Department, Simla, Telegrams dated 22 May, 23 May and 24 May 1939, NAI, File No.5/5/1939, Home (Pol).

<sup>127</sup> *Ibid.* Also, Bombay Special to Home Department, Simla, Express Telegram, 25 May 1939, NAI, File No.5/5/1939, Home (Pol).

<sup>128</sup> The agitation had its impact even in far-off UP, which supplied a portion of the volunteers. There, demonstrations of Hindus and counter-demonstrations of Muslims were frequently held, which led to communal confrontations all over the state. Salil Misra, *A Narrative of Communal Politics: Uttar Pradesh 1937-39*, p.305.

Still, the incident draws attention to the relative absence of preventive governmental measures. The *satyagrahis* were active in the area for over six months and frequent reports of their activities were dispatched to the Home Ministry. Why then did the Ministry allow them to operate for so long without restraint? Clearly there were reasons specific to Sholapur and to the sheer size of the militant Hindu population gathered there during the summer of 1939, but it also has to be acknowledged that the extraordinary restraint showed by the government in this case was of a piece with the ministry's record in managing communal issues generally. For the most part, the ministry turned a deaf ear to the communal venom being spat out by the Mahasabha and League from their respective platforms. And when it did act, it mainly contented itself with conveying 'hints through unofficial sources' to the parties concerned. Moreover, although the government maintained that it was merely holding back until sufficient material had been gathered to prosecute a 'cast-iron case' against the purveyors of communal hatred, no action appears to have been taken against *any* political leader in Bombay for making communal speeches, (although a few newspapers were punished for publishing communally sensitive articles).<sup>129</sup> While tolerance of free speech is in many ways commendable, it has to be weighed against the fact that relationships between the communities in the Bombay presidency were being slowly but irreparably damaged. In his report on a Hindu-Muslim riot at Jalgaon in August 1939, the District Superintendent of Police for East Khandesh wrote to the DM:

There were no ill feelings between Hindus and Mohammedans till about the end of August 1938...On 14/5/1939 one Ramchandra Sharma of Jaipur, a member of the Hindu

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<sup>129</sup> Undated note by K.M.Munshi regarding V.D. Savarkar, NMML, K.M.Munshi Papers,(Microform), Reel No.25. Orders were served against the editors of the Urdu newspapers *Khilafat*, *Al Hilal* and *Insaaf* and on the printers and publishers of the newspapers *Prabhat* and *Chitrapat* prohibiting them from publishing news or comments relating to riots that had occurred in Bombay in April 1938 because these papers were found to have published provocative articles.

Mahasabha delivered a lecture at Jalgaon and incited the feelings of the Hindus against Mohammedans to such an extent that the latter attacked the meeting with stones and the consequences would have been very serious, but for the timely arrival of DSP and subordinate police officers at the scene.<sup>130</sup>

Similarly, investigations made after a local 'social worker' Gangaram Khanna was stabbed in cold blood by a Muslim League volunteer at Ahmedabad revealed that his assailant had become 'incensed at the intemperate speeches made during the Hindu Mahasabha Congress' held a few months prior to the incident. Khanna had been the Secretary of the Hindu Mahasabha Congress at the time and therefore he was targeted for the assault.<sup>131</sup> Nevertheless, Khanna was soon back on the platform pumping out his signature brand of vitriol:

The tension between the Hindu and Muslim communities at Mehmedabad, district Kaira, took a communal turn mainly through the intervention of K.S. Ismail Gandhi and both the communities started a social boycott of each other during the week. Gangaram Khanna of the Hindu Mission Ahmedabad recorded statements of the Hindus who were injured on January 14<sup>th</sup> and enlisted one hundred members for the Hindu Mahasabha. K.S. Ismail Gandhi and Pirsabmia Kadri on the other hand enlisted one hundred and fifty members for the Muslim League on January 21<sup>st</sup> and asked the Muslims not to be afraid of the social boycott.<sup>132</sup>

Again, the communal riot which broke out at village Viramgam, also in Ahmedabad district in August 1939, is directly attributable to the activities of the Muslim League and the Hindu Mahasabha.<sup>133</sup> Despite all this, the government's primary response to the deteriorating law and order situation appears to have been to

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<sup>130</sup> DSP East Khandesh to DM, 8 August 1939, , Maharashtra State Archives, File. No. 355 (59) A-X, Pt.VIII/ 1939, Home (Spl).

<sup>131</sup> *Extract from the Bombay Province Weekly Letter*, 30 July 1938, Maharashtra State Archives, File No. 844 Pt.II/1938-39.

<sup>132</sup> *Extract from the Bombay secret abstract for the week ending 28 January 1939*, Maharashtra State Archives, File No. 844 Pt.II/1938-39.

<sup>133</sup> *Extract from the Weekly Confidential report of the DM, Ahmedabad*, 24 August 1939, Maharashtra State Archives, File. No. 844 Pt.IV/1939 Home (Spl). One of those accused in the incident was a Veni Madhav, the Secretary of the local unit of the Hindu Mahasabha. Note from the Superintendent of Police, Northern Division, 27 October 1939, Maharashtra State Archives, File. No. 844 Pt.IV/1939 Home (Spl).

'beef' up the police force and reintroducing the provisions of the old Bombay (Special) Emergency Act in a classic example of packaging old wine in new bottles. The Bombay City Police (Amendment) Bill introduced by Munshi enabled the Commissioner of Police to direct anyone to be removed from the city of Bombay if, in the opinion of the Commissioner, his presence, movements or activities were causing or were likely to cause 'danger or alarm', or if a 'reasonable suspicion' existed that the person concerned entertained 'unlawful designs'.<sup>134</sup> But a Bill as vaguely worded as this obviously had vast potential for being misused and not surprisingly there was widespread opposition to it. The Bombay Civil Liberties Union for instance protested against it, declaring that it interfered with the fundamental rights of citizens.<sup>135</sup> And there was criticism too, which Munshi tried to deflect by assuring the members of the house, that only 'hooligans' would be deported and that the Act would never be used against political workers.<sup>136</sup> In the event, nearly sixty amendments to the Bill were tabled, but only one — Ambedkar's amendment calling for the measure would be used only in case of extreme situations such as communal riots — was accepted by the government, an outcome that pleased Lumley:

In the last few days of the session the Home Minister succeeded in putting through his Bill to amend the Bombay City Police Act. It came in for a good deal of discussion and criticism but, though it was considerably amended, it emerged with its main point intact - that is to say, the power to deport undesirables from the city. Munshi deserves considerable credit for sticking to his guns in spite of criticism, and for the astuteness with which he stuck to his main point. I think a considerable number of his critics did not realise, until the Bill was passed, that he had got away with his point.<sup>137</sup>

<sup>134</sup> Acts passed by the Bombay Legislature in 1937-38, *The Indian Annual Register*, Vol. II, July -December 1938, p.162.

<sup>135</sup> *Bombay Chronicle*, 26 April 1938.

<sup>136</sup> *Ibid*, 28 April 1938.

<sup>137</sup> Lumley to Linlithgow, 17 May 1938, Report No.16, OIOC, L/P&J/5/156.

It is clear that the Congress ministry in Bombay was remarkably successful in containing disorder. But the methods employed by them to achieve this end were chillingly similar to those that they, as Congressmen, had experienced previously under the British. They neither improvised, nor did they introduce anything new that would make their rule stand out from the previous one. When things went wrong, they followed the tried and tested colonial technique of using excessive force to quell the problem. And when faced with criticism, they again turned to traditional methods — invariably appointing tribunals consisting of government servants who could be relied upon to whitewash the role of the government and its law-enforcing agency, the police. True, they did release political prisoners. Yet they were much less generous in dealing with left-wing militants, especially communists, who were treated much more harshly than Congress dissenters. On the other hand, they displayed an extraordinary tolerance towards members of communal organisations who were allowed to poison the civil society of the presidency with speeches and demonstrations. In hindsight, this restraint in the communally difficult years of provincial autonomy appears to have been a shortsighted approach, for it opened the door to passions that later governments would find impossible to contain. Certainly it proved immensely beneficial to the Muslim League, which experienced a dramatic upsurge in popularity during the 1930s as evidenced by its triumphs in a series of by-elections in several constituencies in the presidency and elsewhere.

## 8. Conclusion

In September 1939, to all intents and purposes, the constitutional machinery as envisaged in the Government of India Act of 1935 was working smoothly. The Bombay ministry had by and large developed a good working relationship with the governor and the chiefly British bureaucracy. They had learnt to take decisions, stand firm on issues that they considered important and in the process had acquired a great deal of valuable legislative experience. The Bombay ministry was also regarded as one of the more stable ministries. It had been much less affected by threats of resignation than those in Bihar, Orissa and the United Provinces. Kher and his ministers had no reason to believe that this happy state of affairs would not last. They were wrong. The spanner in the works was the outbreak of the Second World War in Europe and more specifically, the issue of India's participation in it.

### THE END OF THE MINISTRY

The Congress party had been decidedly against 'the involvement of India in any war that did not have the agreement of the Indian people'.<sup>1</sup> The architect of that opposition was Jawaharlal Nehru who had held very definite views on the issue for over a decade.<sup>2</sup> But surprisingly, when war was declared in Europe on 3 September 1939, viceroy Linlithgow declared—without consulting any Indian political party or organisation—that India was also at war. Linlithgow had met Gandhi a day earlier and had been heartened by the Mahatma's view that India should support Britain 'unconditionally'. But unfortunately

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<sup>1</sup> AICC Resolution, 1 May 1939 cited in P. Sitaramayya, *The History of the Indian National Congress*, Vol.II, Padma Publications, Bombay, 1947, p.126.

<sup>2</sup> See the Resolution moved by Nehru and his speech at the Madras Congress as early as in 1927 in S. Gopal, *Selected Works*, Vol.3, pp.25-30.

for the viceroy, that did not turn out to be the considered opinion of the Congress Working Committee. At its meeting on 14 September, the CWC resolved that India could not associate itself with a war fought purportedly for democratic freedom, when she was herself not free.<sup>3</sup> Therefore, in return for India's support, the Congress demanded a clear declaration from the British that India was an independent nation.<sup>4</sup> This, the Viceroy was not disposed to consider. All he was prepared to offer was a vaguely worded promise that at the end of the war, government would be 'very willing to enter into consultation with representatives of the several communities, parties, and interests in India, and with the Indian Princes, with a view to securing their aid and cooperation in the framing of such modifications as may seem desirable'.<sup>5</sup> This was obviously not what the Congress party had in mind. When the CWC met again at Wardha a few days later, it denounced the offer as 'wholly unsatisfactory and calculated to rouse resentment among all those who are anxious to gain, and are intent upon gaining India's independence' and also called upon all Congress ministries to resign in protest.<sup>6</sup> Meanwhile, the political stalemate following Lord Linlithgow's declaration of war on behalf of India was having repercussions in Bombay. There, as in other Congress ruled provinces, ministers were exceedingly anxious about their continued tenure of office. Lumley reported that:

This 'war of nerves' has had its effect on some of my ministers, and particularly on Munshi. He has found some excuse for seeing me almost every day in order to try and gauge how the wind is blowing, but, as I have not been in a position to tell him anything, I have not been able to provide him with much comfort.<sup>7</sup>

<sup>3</sup> Working Committee's Manifesto, 14 September 1939 in Appendix X, *Collected Works of Mahatma Gandhi*, Vol.70, pp.409-413.

<sup>4</sup> AICC Resolution, Appendix XI, *Ibid*, pp.413-414.

<sup>5</sup> Viceroy's Declaration, 18 October 1939, Appendix XII, *Ibid*, pp.414-419.

<sup>6</sup> Gandhi said of Linlithgow's speech that it was 'too vague to admit of clarification; they left everything beautifully indefinite', *Times of India*, 21 October 1939. Congress Working Committee Resolution, 22 October 1939, Appendix XIII, *Ibid*, pp.419-420.

<sup>7</sup> Lumley to Linlithgow, Report No.50, OIOC, LP&J/5/159.

On the other hand, Lumley was confident that, as had been the case a number of times before, matters would be smoothed out and a crisis averted:

Undoubtedly my ministers—represented by Kher and Munshi, were considerably taken aback by the Working Committee's statement as they had hoped that the influence of Gandhi would have eliminated any bargaining. They have, however gone round to the view that the statement represents Congress opinion as a whole and they have also been trying to persuade themselves that it was fully justified, and, but with less success, that it does not represent a bargaining attitude.<sup>8</sup>

Certainly the Bombay ministers were loath to resign.<sup>9</sup> Nevertheless, this should not be taken to mean that the ministers merely wanted to cling on to power after having enjoyed tasting its sweet fruits. While this may have been true for political non-entities like Nurie the Public Works Minister, it was not the case with the ministry at large.<sup>10</sup> Most of them had worked hard during their time in office and wanted to see their developmental programmes reach fruition. They were reluctant to resign with their work unfinished. Further, some of them, such as the premier, B.G. Kher, genuinely felt that co-operating with the British war effort would be beneficial for India.<sup>11</sup> Also, among ministers such as K.M. Munshi who cherished a morbid fear of communism, there was the added worry that a resignation by the Congress would create a power vacuum that could end up being filled by leftists. In the words of Lumley:

One point upon which Munshi has been harping in his recent talks with me is of some interest. He believes that, if things go wrong and most of the Congress leaders spend the next two years in jail, at the end of that time the conservative elements, like himself, will be of no account at all, and Congress will

<sup>8</sup> Lumley to Linlithgow, Report No.49, 2 October 1939, NMML, MSS EUR F 125/53.

<sup>9</sup> 'My ministers appear to have received an optimistic first impression from Gandhi's entourage of your conversation with Gandhi. The immense relief, which they displayed to me, before I received your telegram about the interview, was puzzling, but was a measure of their very keen desire to remain in office'. *Ibid.*

<sup>10</sup> Brabourne noted that Nurie had 'not shown any sign of intelligence', Private Letter from Brabourne to Roger Lumley, 14 August 1937, OIOC, MSS EUR F 253/10.

<sup>11</sup> Lumley to Linlithgow, Report No.49, 2 October 1939, NMML, MSS EUR F 125/53.

emerge from its fight with us as a left wing party dominated by the Communists.<sup>12</sup>

However, despite the ministers' misgivings and unhappiness, they were duty bound to obey the high command's dictates. And so, reluctantly, they resigned.

In the end, the resignation was carried out in a graceful fashion. Lumley reached an understanding with Kher that the latter would keep him informed of the Congress party's position and would consult with him so that if the resignation went ahead it would be managed smoothly and amicably.<sup>13</sup> Accordingly, once the decision to resign had been taken, Kher set about completing all the Ministry's outstanding financial business and arranging for the passage of Bills pending before the legislature. To see the latter through, the legislature met until 31 October 1939. Finally, on 4 November, the ministers arrived at Government House to bid farewell. Kher made a short speech assuring that they left office 'with no unhappy feelings' and that they carried away 'personal esteem' as well as 'affection' for Lumley.<sup>14</sup> In this way, the period when the Congress first held office in pre-independence India came to an abrupt end.

After accepting Kher's resignation, Lumley approached Sir Ali Mohanimad Khan Dehlavi, the leader of the Muslim League, who was effectively the Leader of the Opposition in Bombay. Dehlavi was asked to consult with other party leaders to ascertain whether they would accord him their support. Interestingly, when Dehlavi sounded out his fellow Leaguers on the issue, nearly all of them expressed an eagerness to 'secure office by hook or crook, in order to have a hit at the Congress and to do something for the

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<sup>12</sup> Lumley to Linlithgow, Report No.50, 17 October 1939, L/P&J/5/159, OIOC.

<sup>13</sup> Lumley to Linlithgow, Report No.51, 6 November 1939, L/P&J/5/159, OIOC.

<sup>14</sup> *Ibid.* The personal rapport that the ministers shared with their governors was by no means peculiar to Bombay alone. Low cites the case of Pant and Haig in UP and Erskine and Rajagopalachari in Madras. He calls this personal cordiality that existed between these men at a time when the political relations between the Congress and the British were at its lowest, 'a striking testimony yet again to the quite extraordinary ambidextrousness that lurked within this whole immense encounter'. Low, *Britain and Indian Nationalism*, p. 302.

Mussalmans'.<sup>15</sup> But when Dehlavi met with other opposition leaders, he got a chilly reception. Instead, leaders like B.R. Ambedkar and Jamnadas Mehta angled to form a minority ministry such as had existed before the Congress assumed office:

Ambedkar was the most interesting. He was definitely keen to form a minority ministry. His plan was that if they could have six months of office- and he meant it quite plain that by that he meant six months of patronage- he was hopeful that they would be able to win round a sufficient hopeful number of disgruntled Congress members to give them a majority.<sup>16</sup>

But the governor was now not predisposed to retry the interim experiment. He wanted someone who could command a majority in the legislature. So Section 93 of the Government of India Act was invoked, allowing the governor to assume executive power. To help him in this, Lumley appointed three advisers—Gilbert Wiles, J.A. Madan and H.F. Knight.<sup>17</sup> For the next few years, Bombay reverted to being an autocracy. However, at the end of the War, the incoming Labour government in Britain ordered fresh elections to be held. In Bombay the election resulted, once again, in a triumph for the Congress. Accordingly, in 1946, the party returned to government with many of the same individuals — including Kher, Morarji Desai and Munshi — taking up their old portfolios. These same men would take charge in Bombay after the country had achieved independence in 1947.

#### PROVINCIAL AUTONOMY AND THE TRANSFER OF POWER IN 1947

The assumption of power by the Congress party in 1937 made history, because it was the first time in India that a popular government had been put into place, to devise policies and programmes for development. Congress rule generated great expectations in the country and it was generally felt that Congress governments would usher in sweeping

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<sup>15</sup> Lumley to Linlithgow, Report No.51, 6 November 1939, OIOC, L/P&J/5/159.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

reforms in every field. It was also hoped that the new rule would bring about an 'Indianisation' of the administration and the creation of a 'people's government', which would be more caring and considerate of public opinion than the British regime had been.

But the real significance of this episode would only become apparent with the passage of time. Unbeknownst to any of the protagonists of 1937 — the Congress and the other political parties, the British, and the princes, it marked a point of 'no return'. Never again would British rule seem irreplaceable and infallible. By winning elections and forming ministries, the Congress sent out strong signals to everyone whose careers and lives depended upon government salaries and patronage that it would be unwise to openly stand in its way. Across a whole spectrum of public opinion, such residual belief as still remained in the permanence of the British rule in India was irrevocably destroyed. On the other hand, Congress acquired the status of a legitimate heir apparent. A report from Lumley to the viceroy after the Congress had ruled the province for a year, noted that some junior officials, such as mamlatdars, had become distinctly nervous,

and, in those districts where the local Congress leaders are of the bad type, have the feeling that any slip will be seized upon to try and bring them into trouble. The result is that these junior revenue officials (and the same applies to junior police officials) are losing a great deal of initiative....the result, however, of this apprehensive feeling amongst junior revenue officials is that, if there were to be another civil disobedience movement, we cannot expect that that type of official will back us up with the same heart and drive as he displayed in the past. To that extent, therefore, Congress is being successful in undermining the Services.<sup>18</sup>

It is clear that after fourteen months of Congress rule, the mighty edifice of the British Raj had begun to show signs of wear and tear. As the morale of the civil services became

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<sup>18</sup> Lumley to Linlithgow, Report No.24, 16 Sept 1938, L/P&J/5/157, OIOC.

shaky, the British were unable to deal as ruthlessly with the Congress as they had done in the past. This, too, sapped the allegiance of many Indian functionaries.<sup>19</sup>

Yet, at the time, the Congress party was deeply divided on the issue of collaboration with the British. There was a genuine fear among Congressmen, not least the party president Jawaharlal Nehru, that collaboration would divert the party from its nationalist agenda and blunt the edge of their agitational machine. Nehru's fear was proved amply justified. 'Ignoring this aspect of the Congress resolutions and slogans ['wrecking' the Government of India Act of 1935] was implicit in our acceptance of office' declared K.M. Munshi.<sup>20</sup> Congress premiers generally developed cosy working relationships with the governors of their provinces and Bombay was no exception. And the Congress ministries adjusted easily to the demands of governance. When the Congress assumed office, the British government had wondered how the party would handle issues such as law and order. They were quickly reassured. On the whole they found the Congress ministries ready and even eager to uphold the law, and almost reactionary on issues such as communism.<sup>21</sup> In Bombay, despite public declarations during the election campaign, the Congress ministries freely utilised the might of the police to suppress political dissent, defended the police against critics who accused them of abuses, and generally maintained the British policy of keeping the police unaccountable.<sup>22</sup> Linlithgow remarked: 'the longer the Congress government remains in office, the more do the ordinary reactions of political forces come into play... the essential thing is to play for time, and to let Congress settle into the business of administration'.<sup>23</sup> It did.

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<sup>19</sup> Simon Epstein, 'District Officers in Decline: The Erosion of British Authority in the Bombay Countryside, 1919 to 1947', *Modern Asian Studies*, 1982, 16 (3), pp.493-518.

<sup>20</sup> Cited in Marguerite Dove, *Forfeited Future*, p.345.

<sup>21</sup> *Ibid.*

<sup>22</sup> David Arnold, *Police Power and Colonial Rule*, p.233.

<sup>23</sup> Cited in D.A. Low, *Britain and Indian Nationalism*, p.295.

Yet the Congress ministries were not simply stooges of the British — nor did they entirely abandon their election promises or their 'nation-building' agenda. The Congress party, utilised the opportunity at their command for attempting to translate their nation-building rhetoric into reality. In Bombay, increased funding for educational programmes and ambitious schemes for spreading mass education were put into place. Programmes for spreading adult education and increasing the number of government-aided schools were chalked out. The Bombay ministry introduced prohibition in order to prevent the evils of alcoholism in the community and passed laws to allow 'untouchables' access to Hindu temples and use of public facilities. Further, the Bombay ministry enacted laws regulating the hours of work for labour in shops and commercial establishments and placed restrictions on employment of children below the age of twelve. They also passed laws to protect small landholders from creditors and unscrupulous moneylenders. Although these were hardly revolutionary reforms, and although some were corrupted by being rushed through without appropriate planning and others undone due to the ministry bowing out of office much before its scheduled time was up, they testify to the government's good intentions, and add up to a fair return for a party in office for only twenty-seven months.

The contention that the Bombay ministry was one of the most stable ones of the period, though, is highly debatable. Although the Bombay ministry never had to resign prematurely, as did the Bihar and UP ministries and was never rocked by any scandal of the proportions of that which occurred in C.P. & Berar, it was not unaffected by these upheavals.<sup>24</sup> In fact it tethered on the verge of resignation a number of times, initially over

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<sup>24</sup> In February 1938, G.B. Pant, Prime Minister of UP and S.K. Sinha, Prime Minister of Bihar recommended the release of political prisoners who were lodged in the jails of the two provinces. Their respective governors opposed this. The issue also became complicated as most of these prisoners belonged not to U. P or Bihar but to Bengal and Punjab. The Viceroy therefore held that it was more than a provincial question and subsequently instructed the governors not to concur with the Prime Ministers' suggestion. Then both the ministries resigned in protest. In C.P. & Berar, a scandal erupted in March 1938 when Yusuf Shareef, the minister of Law and Order ordered the release of someone serving a four-year sentence for rape. This

the question of removing bans on communists in October 1937.<sup>25</sup> Besides, the propensity of Gandhi to resort to fasts to press his claims also had an unsettling effect on the ministry. For example, when Gandhi went on an indefinite fast in a bid to secure responsible government in the small Kathiawar state of Rajkot, Lumley reported:

It would be difficult to convey to you the wave of hysteria, which has risen ever since the fast began. I do not know whether it is as bad elsewhere as in Bombay: probably not, as Gandhi being Gujarati has greatest influence here. The fact is that most of the population here is at present seized with a sense of terrible impending calamity, nobody can do any business and my Ministers are affected by it as much as anyone else.<sup>26</sup>

Therefore, the 'stability' that scholars like Rani Shankardass have identified was more one of appearance than reality.<sup>27</sup> In fact the ministry stumbled from crisis to crisis. Thus the Bombay ministers operated in a constant state of anxiety, a situation hardly likely to bring out the best of their abilities.

Moreover, in this, and in other respects, the Bombay ministers increasingly resented having to answer to the 'whims' of the party high command. Having the high command constantly looking over their shoulders was not only very humiliating, but it also cost time and reduced efficiency. Often the hapless B. G. Kher found himself being summoned at short notice to Wardha to confer with the Mahatma. Likewise, he and other ministers were compelled to attend endless party conferences and send regular, copious

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snowballed into an intra-ministry struggle between Hindi and Marathi speaking ministers and finally resulted in Prime Minister Khare being forced to resign by the Congress high command.

<sup>25</sup> For example, when the U.P and Bihar ministries resigned, there was considerable speculation that the high command would call upon all Congress ministries to resign in protest.

<sup>26</sup> Lumley to Lieut.Col. A. J. Muirhead, Personal Letter, 6 March 1939, MSS EUR F 253/13, Lumley Papers, OIOC.

<sup>27</sup> 'Of all the ministries in the Congress provinces, the Bombay Ministry was probably the most balanced and stable', asserted Rani D Shankardass in *The First Congress Raj: Provincial Autonomy in Bombay*, p.240. She has based this assertion on the relations between the ministers, between them and the governor, their performance in the Bombay Legislature and the absence of any crisis in the ministry leading to resignation. I would argue that stability would also include a confidence within the ministers themselves regarding the longevity of their ministry and a freedom from anxiety that they would be called upon to resign at the whims of the High command. This was lacking in the Bombay ministry, as was the case with all other Congress ministries of the period.

went out to the premier's 'inviting' them to attend a conference at Wardha in April 1938, Rajagopalachari wrote to Kher:

I should myself prefer to be left alone. I do not see much advantage in the conference proposed. I would prefer to have the time for some work here, which is urgent. *If called however to Wardha, I fear, I must go and cannot decline the invitation.*<sup>28</sup>

Kher could not have agreed more. It is, therefore edifying that, in spite of these distractions and the instability posed by the constant threats of the high command to pull the Congress party out of government, and notwithstanding the fact that its first tenure of power lasted less than three years, the Bombay Congress ministry managed to achieve a considerable amount in terms of useful legislation. To be sure, none of their reforms proved particularly enduring or innovative. But they made a difference. If a British-only government had been in power in Bombay in this period, the legislative outcome would certainly have been thinner. Moreover, running Bombay and other provinces from 1937 to 1939 gave the Congress valuable experience in the art of governance. This would prove invaluable in the years to come. Ultimately then, the real significance of the provincial autonomy period was that it readied the Congress for the moment, not very long after, when they would be required to assume full responsibility for their country's destiny.

Clearly its period of apprenticeship to power in the late 1930s left its mark on the character of the Congress. If it had ever been a revolutionary organisation, Congress ceased to be one after its experience of running the country in the late 1930s. It learned to enjoy holding power. What is more, it discovered that the exercise of power — governance — carries with it budgetary and other constraints and the necessity of conciliating powerful interest groups who — amongst other things — pay taxes. In earlier chapters we have seen

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<sup>28</sup> Emphasis is added. Rajagopalachari to B.G. Kher, NMML, 21 April 1938, Kher Papers File. No.4.

interest groups who — amongst other things — pay taxes. In earlier chapters we have seen how time and again the Bombay ministry had to back away from its election promises due to the pressures of interest groups such as Khots, moneylenders and mill owners. The art of political accommodation that the Congress mastered during its period in office between 1937-39 was continued in the three decades when it enjoyed uninterrupted power as the main ruling party in the Centre and the states after independence and that prevented it from implementing its promises of radical social and economic reform. The Twenty Point Economic Programme of Mrs. Indira Gandhi in the 1970s promised to improve the conditions of labour, liquidate rural debt, increase agricultural wages — promises that recall those made during the election campaign of 1936-37. Doubtless, there has been social and economic change in India since independence, but under Congress rule, it has been a 'gradual revolution'.<sup>29</sup>

Finally it is interesting to reflect on what — if any — legacy was bequeathed to the party and the country by provincial autonomy. If the Second World war had not intervened, would the ministry have carried on, gaining more and more from the experience and achieving independence as a matter of course, and maybe in a gentler way, avoiding the terrible bloodbath of partition? Perhaps — but then, by the period in question the Congress ministries were starting to come under intense pressure from all quarters. While the public attacked them for allegedly reneging on electoral promises, for violating civil liberties and neglecting peasant and labour concerns, party luminaries like Nehru criticised the Congress ministers for toeing the British line too closely and having established too intimate an association with the country's colonial masters.<sup>30</sup> It was feared

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<sup>29</sup> See Francine R. Frankel, *India's Political Economy, 1947-1977: The Gradual Revolution*, Oxford University Press, Delhi, 1978.

<sup>30</sup> Despite Nehru's criticism of the closeness between Congress premiers and their governors, Nehru also established a similar relationship with Lord Mountbatten in 1947. Low, *Britain and Indian Nationalism*, p.295.

that if this association was allowed to flourish, it would blunt the thrust of the party's position as the chief opponent of the British rule in India. Gandhi confessed later that resignation 'covered the fact that we were crumbling to pieces'.<sup>31</sup> On the other hand, it is clear that the process of devolution would have continued even if there had been no war. The British had travelled too far down the road to devolution by the 1930s to stop. Having given the Indian people — via the India Act of 1935 — a taste of self-rule, there was no way they could pull back without inciting a massive Congressite revolt. And by 1939 they were no longer sure they had the capacity to hold India by force. But here again, it is debatable whether the ultimate handing over of power would have come about *as early* as it did if it had not been for the exigencies caused by the 1939-45 War.

Yet, Hindu-Muslim relations definitely deteriorated during the period of Congress rule. This was due to a combination of factors such as Congress insensitivity to minority concerns, the Muslim League's attempts to rake up instances of alleged Congress atrocities in its desire to establish itself as the guardian of Muslim interests, and the increased activities of the Hindu Mahasabha.<sup>32</sup> If the Congress had not resigned when it did, there is every reason to suppose that communal passions would have continued to escalate. Even if Congress had stayed in office for the duration of the War, it is hard to imagine the League taking a different course than the one it embarked on at Lahore in March 1940.

A study of the period between 1937 and 1939 is important not only because it throws light on a much-neglected period in Indian history, but also because it helps to unravel the complicated processes involved in decolonisation, the complex interaction between the rulers and the ruled and between the various contending groups among the ruled. The laying down of power and the transfer of authority are never an easy task,

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<sup>31</sup> Quoted in Johannes Voight, 'Cooperation or Confrontation? War and Congress Politics, 1939-42' in D.A. Low (ed) *Congress and the Raj*, p.354.

<sup>32</sup> After the Congress governments resigned, Jinnah declared that a Day of Deliverance would be observed on 22 December.

especially when there has been a long history of involvement and investment in the colony, as was the case of the British in India. And this exercise is as much a problem for the ruled, used as they are to centuries of subservience and subjugation. As the Congress realised, it was easier to be a party leading the opposition to colonialism than to actually sit in positions of power and take up the responsibility for making difficult and portentous decisions.

Therefore, this is a study of good intentions and failure and of the failures that all governments experience now and then. Clearly it is quite difficult for parties and peoples interacting in deeply entrenched colonial situations — even with the best will in the world — to outgrow their inherited colonial prejudices about one another. But at least in Bombay, the period of provincial autonomy helped the two sides find common ground. This rapprochement made the transition from colonial servility to freedom and independence much easier. For all that it failed to achieve everything that it set out to do, or that the voters of 1937 expected it to, the Congress party in Bombay came through its apprenticeship to power with flying colours. In the process, it won the respect of British officialdom, and helped change the mindset of Whitehall with regard to India's fitness for self-rule.<sup>33</sup> Together, these two developments would stand the party and the country in good stead in the decades to come.

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<sup>33</sup> David Arnold argues that the British actually welcomed the transfer of power into Congress hands after independence because the Congress 'had proved itself to be safe' during the period 1937-39. David Arnold, *The Congress in Tamil Nad*, p.189.

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