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INTERIM REPORT
OF THE
Riot Inquiry Committee

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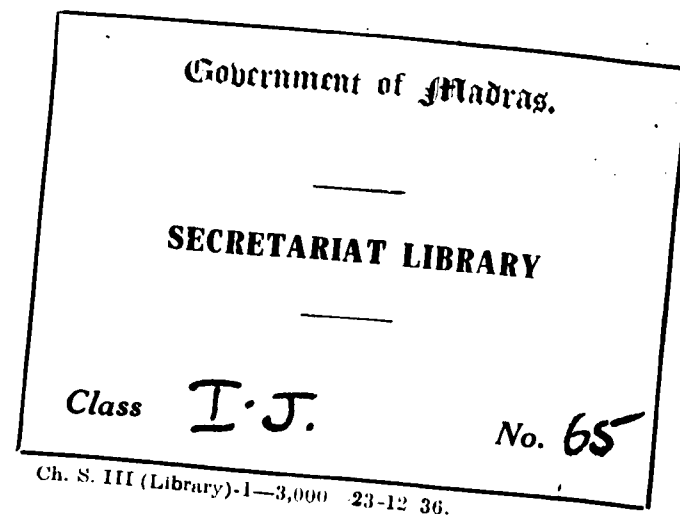
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Riot Inquiry Committee



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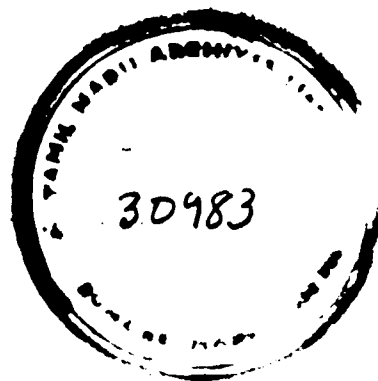
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THE RIOT INQUIRY COMMITTEE.

Interim Report relating to the underlying conditions and
 influences prior to the outbreak of the riots.

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INTERIM REPORT

OF THE

RIOT INQUIRY COMMITTEE

CHAPTER I.

Introductory.

The Riot Inquiry Committee was constituted by a Resolution of the Government of Burma in the Home Department recorded in the proceedings of the Government of Burma No. 442C38, Part XVI, dated the 22nd September 1938. The following gentlemen were appointed to compose the Committee :—

Constitution
and terms of
reference.

1. The Hon'ble Mr. Justice H. B. L. Braund, M.A., *Bar.-at-Law*,—
Chairman.
 2. U Po Han, B.A. (*Cal.*), *Bar.-at-Law*, Member of the Public Service Commission, Burma.
 3. Senator A. Rahim of Maymyo.
 4. U Khin Maung Dwe, Higher Grade Pleader, Mandalay.
 5. Dr. M. A. Rauf, B.A. (*Oxon.*), B.C.L., LL.D., *Bar.-at-Law*.
- Mr. F. S. V. Donnison, I.C.S., was appointed Secretary to the Committee.

The Committee by its terms of reference is charged with the duty—

- (1) to inquire into and report on
 - (a) the causes of the recent riots in Burma ;
 - (b) the measures and actions taken by the police and civil officers during the riots ; and
 - (c) the loss of life and property and the desecration and destruction of religious edifices and buildings during the riots.
- (2) to make recommendations for the prevention of similar communal or religious disturbances.

The Committee is by its terms of reference required to take evidence *in camera* but provision is made for the issue by the Secretary each day of a summary of its proceedings. As explained in the terms of reference, the procedure of hearing evidence *in camera* was adopted for the reason (*inter alia*) of encouraging witnesses to come forward to give evidence in the certainty that they would neither incriminate themselves nor expose themselves to reprisals. The Committee has found this procedure on the whole to have been amply justified, though in a few cases it has inevitably caused some disappointment in having

Recording
of evidence
in camera.

precluded the possibility of free cross-examination by opposing interests. There is no doubt, however, that the satisfactory response which the Committee has, so far, received to its invitation to witnesses to come forward has been due largely to the protection thus afforded to them. For the same reasons the Committee proposes in its report to omit all reference where possible to individual witnesses or, where it is necessary to refer to particular witnesses (other than official witnesses), to designate them by numbers referable to its own confidential record of the evidence and not by name. This, however, will not arise in the interim or introductory report which the Committee now proposes to issue. But it will arise in the larger and more detailed matter dealing with the actual events of the riots and the actions of the civil and police authorities which will be contained in the final report.

Riot Inquiry
Committee
Ordinance,
1938.

By the Riot Inquiry Committee Ordinance, 1938 (Burma Ordinance I, 1938) there are conferred upon the Committee the powers which are vested in a Court under the Code of Civil Procedure in respect of the following matters:—

- (a) Discovery and inspection.
- (b) Enforcing the attendance of witnesses.
- (c) Compelling the production of documents and impounding the same.
- (d) Examining witnesses on oath.
- (e) Granting adjournments.
- (f) Reception of evidence taken on affidavit.
- (g) Issuing commissions for the examination of witnesses.

Moreover, the Committee is invested with powers to summon witnesses *suo motu* and is to be deemed a Civil Court within Section 482 of the Code of Criminal Procedure. These powers have enabled the Committee to adopt a "quasi-judicial" procedure and to obtain evidence which might otherwise have been inaccessible to it. The Committee has, in fact, up to this point taken, and intends to continue to take, its evidence on oath. Throughout its sittings the Committee has endeavoured to regulate its proceedings with such absence of formality as has been consistent with the proper conduct of its business, lest a too strict adherence to judicial procedure and formulae might unduly protract the inquiry or discourage those from whom the Committee hoped to receive information. We have, moreover, as will be shown, had from time to time to improvise methods in order to make our work possible at all. We have, however, thought it right to preserve a record throughout of the evidence we have taken which will in due course be delivered with our final report to the Home Department of the Government of Burma, where it will, we trust, remain a confidential record.

Scope of
inquiry.

The Committee's terms of reference include the task of inquiring into the measures and actions of the police and civil officers during the riots. The word "police" *ex-hypothesi* includes the "military police" but does not include the Frontier Force. The Committee is, however, by His Excellency the Governor's personal direction, given in the exercise of his discretion, charged to include within the scope of its inquiry the measures and actions of the Frontier Force in relation to the riots as well.

In construing the terms "measures and actions" in relation to the objects of its inquiry the Committee takes the view that this expression is intended to include, as well any *failure* to take any proper or necessary measures or action, as the actual taking of any measures or action themselves and we have, accordingly, inquired into such cases of failure as have come within our range of vision.

The Committee has thought it necessary and proper to issue this short introductory report for the reasons which will be found in the second chapter. While taking this course, which we had not originally intended, we have thought it desirable to avail ourselves of the opportunity of including in the present introduction an outline of the whole course of the inquiry up to this point, of the procedure we have adopted in pursuing it, of such difficulties as we have so far met with and of our methods of overcoming them. The introduction to our final and larger report will, accordingly, be proportionately relieved and will, by way of introduction, contain only such additions to this introduction as may be necessary to bring it up to date or to complete it.

The first task of the Chairman and the Secretary, even before the formal orders constituting the Committee had actually issued, was to prepare a syllabus of the ground thought to be embraced within the Committee's terms of reference. This was, at that early stage, necessarily speculative and provisional. But it was felt to be necessary to have, from the outset, some frame-work upon which to build our inquiry. We include a copy of this syllabus as Appendix I⁽¹⁾. It has proved very useful, because it has served the purpose also of an official questionnaire which the Committee immediately upon its constitution was able to issue through the civil and police authorities. The answers to this questionnaire have been useful in enabling the Committee to obtain at the outset a wide vision of the facts of the disturbances as a whole and a diversity of official view which could later be tested by the Committee's own observation and by the unofficial and official evidence to be given before it. Preliminary steps.

The next step was to survey the various sources of information which could be made accessible to the Committee and the manner in which this information could best be obtained. As a result, the Hon'ble Minister in charge of the Home Department of the Government of Burma, and the Head of the Criminal Investigation Department, undertook to place at the disposal of the Committee all files in their possession which had any bearing upon the riots or their causes. This they have done without reserve. This entailed no little work of examination which occupied the attention of the Committee for some time.

By the 28th September all the members of the Committee had arrived in Rangoon. On the following day the Committee held its inaugural public sitting in the Council Chamber of the City Hall when the terms of reference to the Committee were read and a statement made inviting co-operation and appealing to all persons holding views, or having knowledge of relevant facts, to come forward to give evidence before the Committee. On the following day a short version of the Chairman's speech was broadcast first in English and then in Burmese.

The Committee was in this way confronted with a formidable mass of official reports and of documentary material from the Home and other Departments which had first to be assimilated. It was not easy to ascertain immediately what witnesses should be examined and it was impossible to procure their presence on the spur of the moment. Moreover, the Committee was impressed by the necessity itself of obtaining a "bird's-eye view" of the whole of the ground to be covered before embarking upon a settlement of its programme and a detailed examination of individual witnesses, issues and events. Experience has proved that the time thus spent has been amply repaid.

There arose at this point the possibility that a non-cooperative attitude might be adopted by certain sections of the public with regard to the inquiry. But, happily, that did not materialize and we desire at the outset to record our appreciation of the assistance we have so far received from the public and certain professional gentlemen. We shall in our final report render our thanks with more particularity to those to whom we are indebted for assistance in this, and in many other, respects.

Commence-
ment of
inquiry in
Rangoon.

The Committee was engaged for two and a half weeks in this preliminary work. It was time well spent, as it enabled the Committee to get some grasp of the main issues. We then began our examination of witnesses in Rangoon. During the period from the 17th October to the 18th November, the Committee examined a hundred and thirty-five witnesses in Rangoon, including a number of the important official witnesses such as the Commissioner of Police, the Head of the Criminal Investigation Department and other police and civil officials. The matters dealt with included both the general causes underlying the disturbances in Rangoon and elsewhere and also the detailed course of the disturbances in Rangoon, the actions of the police and civil officers, loss of life and property, and the desecration and destruction of religious buildings in Rangoon. The witnesses examined included official and unofficial witnesses concerned with the causes and the course of the actual disturbances and its incidents in Rangoon, witnesses regarding the history and the publication of Maung Shwe Hpi's book and the extracts from it which appeared in July, and a number of witnesses called to speak with regard to the views of a section of the Burmese public as to the causes of the riots.

Decision to
visit the
Districts.

At an early stage it became evident, from the materials which we had already assimilated in Rangoon, that our task, if we were to do justice to our terms of reference both in Rangoon and in the Districts, was enormous. The inquiry covered a territory equal in area to England and Wales and there were important controversial incidents and events at places widely apart. Moreover, the terms of reference were wide and that one of them alone which related to the measures and actions of the civil and police authorities over the whole country obviously admitted of an inquiry into detail which was liable to assume terrifying proportions. We desire to say that we have felt it necessary, in many cases, to discriminate between what was essential to our inquiry and what was not and to avoid the temptation of pursuing to an end trivial issues, lest in the result there might be such delay in the delivery of our report as to render it wholly out of date.

It very soon became evident, however, that the inquiry could not pretend to be complete unless the Committee undertook to visit at least those Districts in which important or debatable events had happened. Besides, in response to its public invitation the Committee had begun to receive from Burmans and Indians in various parts of the Districts a substantial number of applications to be heard. It was, therefore, found necessary to undertake a tour of those places in Burma which had been most affected by the recent disturbances. We say frankly that we have not found, and shall not find, it possible to visit every District in Burma, nor each individual town and village in those Districts which we have actually visited, at which each particular and isolated incident took place. In such Divisions as, for instance, the Tenasserim Division (except Toungoo) and the Arakan Division nothing occurred which would have justified such a visit. But we have endeavoured to visit most of those Divisions, Districts, and places in which serious disturbances took place or in which any particular incident gave rise to any substantial controversy.

In this respect, again, we have been conscious of the dilemma presented to us on the one hand by the time which must necessarily have been involved in conducting an exact judicial investigation on the lines of a civil law suit or a criminal trial into every incident and event at every place at which an incident or event occurred, and the need, on the other hand, for our report not to be unduly delayed if it were to serve a purpose useful to Burma. The Committee left Rangoon on the night of 20th November with this purpose in view. The Committee had not then completed the whole of its inquiries into the disturbances in Rangoon itself and, at the date of this interim report, it remains to complete them. But we had heard enough, when coupled with the evidence we have since taken in the Districts and when added to the further evidence of Rangoon witnesses which we have been able to arrange to hear in the course of our tour, to enable us to envisage the background of the riots which we have considered it proper to embody in this introductory report.

There will be found in Appendix II the programme of our tour⁽¹⁾. At the date of this interim report upwards of six hundred witnesses have already been examined in the course of our inquiry. This progress has only been rendered possible by three circumstances. The first is the placing at the disposal of the Committee of the steam launch "Lady Innes," which has enabled it to carry its secretariat with it during its tour of the river and to work continuously while it travelled. The second is the indefatigable energy of our Secretary, Mr. Donnison, in organizing our programmes place by place and in advance and the third is the system of hearing evidence, wherever possible, by "groups" instead of by individuals. This last is an invention born to us of necessity. At our first "port of call" at Wakema in the Myaungmya District, we were horrified to find that some one hundred and two witnesses awaited our examination, in addition to such official witnesses as it was necessary for us to examine. We had to invent urgently a technique to deal with this⁽²⁾. Obviously, within

⁽¹⁾ At the date of the issue of this interim report it has been carried out as far as Mandalay. The remainder is still to be completed.

⁽²⁾ Probably three-quarters of an hour is a modest estimate of the average time required to examine one witness properly.

any reasonable space of time, it was not possible for us to examine some hundreds of witnesses at each place individually. But we were determined, as far as humanly possible, that we would allow no matter of fact or opinion to remain unrepresented. It was obvious from the outset that a great many of these witnesses desired to present to us either the same view over and over again or the same fact or facts over and over again. And our experience since has confirmed this. We, therefore, invented the "group system" by which, in such cases as were appropriate, we have heard these witnesses together in small groups arranged so that those who desired to depose to the same fact or facts or to present the same opinion might do so together. One of their number was selected by them to be their spokesman and in the presence of the others has given evidence for all. In many cases none of the others has desired to add anything. But if any of them has so desired, we have heard him or her. These groups—Burmese or Indians, as the case may be—have generally been quite small, very often representing a particular village or quarter of a town and sometimes a particular political party or the spectators of a particular incident. To the best of our belief the system has given satisfaction to the witnesses themselves who have felt that they have had their "say." It is certain that in this way alone have we been able to get through the work in the time without giving serious disappointment to those who wanted to see us.

By these means we have been able to reach Mandalay by the date originally fixed by our programme. We must, however, record that neither our own invention nor the efforts of our Secretary could have accomplished this without the assistance of the Commissioners, Deputy Commissioners and Subdivisional Officers whose Divisions, Districts and Subdivisions we have so far passed through. They have in all cases done everything possible to make our work easier and without their help in marshalling our witnesses for us and in rendering us other services we should not be where we are.

We have already said that we desire as far as possible to avoid repeating in the introduction to our final report—which will be much longer than this short introductory report—any preliminary matter which we can at this date include here. In view of our decision to issue a short interim report, it will be convenient, therefore, if we indicate the arrangement which our report as a whole will take, so far as we can foresee it.

This interim report will contain the first six chapters of the whole report and will deal with certain general phenomena, applicable to Burma, or Lower Burma, as a whole, which we have observed and which, in our view, have indirectly contributed to the causes of the disturbances referred to us for inquiry. This report will carefully avoid any attempt to set out any narrative of the riots themselves either in Rangoon or elsewhere and it will contain no reference to the manner in which they were dealt with for we feel that the whole narrative of fact can more properly be dealt with together in our final report together with the results of our investigations into what the civil authorities and the police did or did not do, and all other matters of fact referred to in our terms of reference. This interim or introductory report will be a short report dealing with one or two general conclusions which, in our

Scheme of
the report as
a whole.

view, we need not delay in reporting upon. The great bulk of the results of our inquiry will be contained in the final report. We have taken the opportunity of including in this interim report one or two other matters relating to general influences which can be conveniently disposed of at the same time.

Our final report will contain the whole of the matters of fact, our conclusions and our recommendations and will, in addition to any general matters common to both Rangoon and the Districts, take the form of a report upon the disturbances in Rangoon separately and upon the disturbances where they occurred in the relevant Districts (excluding the Districts of the Arakan and Tenasserim Divisions, except Toungoo) district by district. Each of them—the report upon Rangoon and the reports upon each District—will fall into the following parts:—

Form of
final report.

A part dealing with the particular influence (if any) of the general causes we shall have referred to in this interim report together with any other special or local causes that may have emerged from our inquiry; a part dealing with the particular course of the actual riots or disturbances in that particular place together with our views of the action taken by the civil and police authorities and the results of our examination of them generally in relation to the matters referred to us under paragraphs (1) (b) and (1) (c) of our terms of reference; a part containing a summary of our conclusions as a whole under our terms of reference and a final part embodying such suggestions and recommendations as our Committee has to make under paragraph (2) of its terms of reference.

We feel it right to say that, having already completed a substantial part of our examination of the facts, we anticipate no undue delay in the presentation of our final report which, in the absence of unforeseen circumstances, should be ready for delivery by the end of February.

CHAPTER II.

Reasons for dealing with these influences separately and at once.

We have been influenced by more than one consideration in issuing an interim report.

It may, at first sight, be a little illogical to discuss, and report upon, the influences underlying the disturbances into which we are charged to inquire, before we have rendered a complete narrative of the events in Rangoon and in the Districts which constituted and preceded the disturbances themselves. We venture, however, to take this course for the reasons we are about to explain and also because we think it preferable, as we have said, to deal with all the facts of the riots comprehensively and together in our final report. We shall, therefore, content ourselves here with saying generally that the actual disturbance in Rangoon may be said to have started with the procession which emerged from the Shwe Dagon Pagoda at about four o'clock in the afternoon of the 26th July after the holding of the meeting to protest (among other things) against Maung Shwe Hpi's book.

Reasons for
issue of an
interim
report.

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Maung Shwe Hpi was a school-master of Myedu village in the Shwebo District. In 1931, he, at the instigation of one Hassain Shah, the *Moulvi* of the Mingala Mosque in Mandalay, caused a number of copies of a book called "Moulvi-Yogi Awada Sadan" to be printed at the National Press in Mandalay. It was in three parts consisting first of a tract written by one U Pan Nyo, called "Moulvi Yogi Sadan", secondly of another tract replying to the first, written by one Abdulla *alias* U Sin and, thirdly, of an original contribution by Maung Shwe Hpi himself. It is sufficient to say for the moment that the whole contained passages disparaging of Gautama Buddha which were calculated to be highly offensive to any serious Buddhist who might read it. This book attracted no attention at the time it was first published. It was, however, reprinted in 1936 by a printer named Maung Ba Ba *alias* Sultan Mahomed *alias* Mohideen of Taikkyi, in the Insein District, at the expense of a certain Mahomedan gentleman named H. M. Patail of Rangoon. Again, the book escaped attention until, in the circumstances which we shall explain in detail when we deal with the matter more fully in our final report, the more offensive extracts from it were discovered in July 1938 as an appendix to a trivial novel written by one Maung Htin Baw and published by the Aung Myin Gyi Press of 37th Street, Rangoon, as part of its series of "Once More Publications." That is not intended to be an exhaustive history of the book but it is sufficient for the moment to explain what Maung Shwe Hpi's book was.

Our terms of reference divide our inquiry into three parts consisting of causes; measures and actions taken; loss of life and property and desecration and destruction of religious buildings. Of these matters the two last involve pure questions of fact local to the places where the events in question took place. On the other hand, our reference to the "causes" of the disturbances involves not only questions of local fact and opinion but also considerations of a wider and more far-reaching character. Moreover, the expression "causes of the riots" is a wide term. And we have found it necessary, in order to do justice to our inquiry, to look further afield than the mere discovery of Maung Shwe Hpi's book, the publication of the extracts from it and the happenings in Rangoon on the afternoon of the 26th July. It would have been easy for us to point to the meeting on the platform of the Shwe Dagon Pagoda on that afternoon and to have said "there you have the cause of the riot in Rangoon which spread to the Districts." But, if we had done that, it would not have been even as much as a half truth because, as we hope to show in this and in our final report, the "causes" of the disturbances into which we are inquiring, in the sense of the feelings which made them possible on the scale they assumed, are to be found in passions a good deal deeper than those felt by the comparatively few people who knew or cared about Maung Shwe Hpi's book and in places far removed from the platform of the Shwe Dagon Pagoda on the afternoon of the 26th July.

Meaning of
"Causes."

"Causes" may mean either of two things. There are those "causes" which, though of importance, may be described as "local", "particular" or "immediate" causes, of which the disclosure of Maung Shwe Hpi's book is the most notorious example. There are, however, deeper, though less spectacular, "causes" in the sense of those influences which have operated, in a less spectacular way, but none the less surely, as "causes" of the disturbances into which we are charged to inquire.

We are satisfied from the inquiries we have made that, whatever may have been the effect in particular places and upon the minds of particular people of the resentment caused by Maung Shwe Hpi's book, the folly of its author and publishers and the artificial prominence given to it by certain sections of the Press and whatever may have been the effect in various places of other local or particular causes, there had been in operation in Burma for some time a number of underlying influences far older than the publication of the extracts from the book and wholly unconnected with it and the meeting in Rangoon on the 26th July 1938. To these influences, in our opinion, the real causes of the riots in the larger sense can be as surely traced as they can to any affront given to observant and devout Buddhists by Maung Shwe Hpi's book. We do not intend by any means to imply by this that we underestimate the offence calculated to be afforded by it to a sincere and pious Buddhist, whose attention had been drawn to the book. We have spoken to many devout Buddhists about Maung Shwe Hpi's book. Until the newspapers took it up in the middle of July 1938 they had not heard of it. And, even then, they, for the most part, treated it as the piece of unpardonable bad taste and stupidity that in fact it was. We shall deal faithfully with the book, its exact history and its effect in our final report when we come to write it. But we shall deal with it in what we believe to be its true perspective, which is that it is a shocking and stupid piece of intolerance and bad taste which afforded the immediate occasion of the disturbances in Rangoon and the Districts rather than that it was in itself a primary cause of these disturbances in the wider sense.

We have to bear in mind in this connection the actual course which the disturbances took. We do not intend in this short interim report to attempt to set out even the briefest history of them. That must come later. But we do notice that, having started in Rangoon on the 26th July, they spread with amazing rapidity through the Districts on the 28th, 29th and 30th July, on which last date they had reached Mandalay. They spread, in fact, almost in concentric circles radiating from Rangoon as fast as the news of what had happened there could travel by means of the Burmese newspapers, passengers and other carriers of information and rumour. The Muslims everywhere, almost without exception, did what they could by way of apology to ward off the onslaught upon them which had begun. For, in every town and village to which the disturbances spread, it took a uniform course of a vicious attack on the Muslim residents and particularly upon the shop-keepers and often upon other Indians as well. Though it is true that by the 17th August it was possible for His Excellency the Governor to say that the actual disturbances had been brought to an end throughout the country, there remained, and at the date of writing this report, we regret to think, there still remains, between Burmans and Indians in general an aftermath of tension, which is almost wholly foreign to the previous history of Burma. The speed with, and the area over, which the disturbances spread and the obstinacy with which the feelings that caused them remain, together with the crescendo of political propaganda which has intensified since our inquiry began, all contribute to our belief that the real "cause" of them was not merely Maung Shwe Hpi's book. Nor is that all. Many of the same influences which were, in our opinion, responsible for generating the passions which brought about the original outbreak are still at work, unchecked and unsatisfied.

We are influenced, therefore, in producing this interim report by the consideration that there have been at work in Burma for some time a number of dangerous influences or "causes" which, to some extent, lay at the root of the passions which Maung Shwe Hpi's book served to release. These influences, unlike the local or particular influences, have operated more or less generally throughout Burma and are not confined to any particular place. They are economic, political and social in character and have, in our view, served to produce that atmosphere in which it was possible that, in a country whose inhabitants are not naturally intolerant and in which communal trouble has hitherto been almost unknown in any serious form, these disturbances should have broken out and quickly and widely spread—and still remain, very little beneath the surface.

These influences we think have called for examination by us separately from those local, particular or immediate causes—whatever name one cares to call them by—which were in our opinion rather the "occasions" than the "causes" of the riots.

This Committee is not an economic committee.

In drawing attention to such of these underlying and general causes as are economic in character and, in our view, have formed part of the "make-up" of the disturbances, we desire to guard ourselves carefully from the charge of being thought to be posing as a Committee of economic or fiscal experts. We are neither. Our object is no more than to draw attention to these problems because they have impressed themselves on us as being urgent and as lying at the root of the troubles with which we are dealing. We have not had the materials, nor are we competent, to suggest the remedies, though many of the less informed of those who have given evidence before us have themselves been prepared to disclose them to us. We have resisted the temptation to divulge the many and various panaceas recommended to us. We have, therefore, confined ourselves to pointing to the influences themselves and have left it to others, more skilled in such matters than ourselves, to consider what remedies, if any, they require.

We think that these underlying causes are more intractable and more dangerous than the mere incident of Maung Shwe Hpi's book or the immediate causes which contributed to the outbreak of the riots in particular places. Indeed, in the case of more than one of the influences to which we shall draw attention in this short interim report as lying at the root of the disturbances, we think its treatment is a matter of no little urgency. That is why we have thought it right to deal with these matters separately and at once.

To put it shortly, the causes to which we shall refer are, we think, separate and distinct from the immediate incidents which provoked the outbreak of rioting in Rangoon on the 26th July, and in the Districts a day or so later, and it would be wise, in our opinion, to lose no time in removing such of them as can be removed by immediate legislation and in exploring remedies for others.

For these reasons, we have considered it necessary to present this brief interim report. Though our inquiry is not yet complete in that a quantity of evidence remains to be taken more especially in respect of events and incidents in Rangoon and the Districts, we have heard and seen enough in the course of our inquiry in the Capital and on tour to convince us of the extent of the influence, particularly in Lower Burma, of

the underlying causes with which this interim report is intended to deal. But we desire to reserve to ourselves the privilege, should occasion arise, of amplifying or explaining further in our final report, in the light of any further evidence that may be then available to us, the conclusions at which, in this interim report, we have arrived.

We have also taken this opportunity, in order that it may not be unduly long, of disembarassing our final report of one or two small further matters which we can conveniently deal with here.

CHAPTER III.

Unsatisfactory conditions of Land Tenure.

We think that, among others, economic influences lie at the root of the passions which made possible the outbreak of rioting in Rangoon on the 26th July, 1938, the spread of the rioting throughout a large part of Burma, its protraction into the month of September and the aftermath it has left behind. Nor is that all. Those causes still remain. And, so long as they remain, they are, we think, a potential and constant—if not an increasing—menace to the peace and orderly progress of the country and to the security, welfare and happiness of its people. We quote a passage from the report, dated the 5th May, 1938, of the Land and Agriculture Committee⁽¹⁾ :—

"The history of other countries has shown that the ownership of considerable land by the foreigner is followed sooner or later by political trouble arising from the natural demand of the nationals of the country for the ownership of the land. We think that conditions in Lower Burma are nearing the danger point and that the continued transfer of land from the agriculturalist to the non-agriculturalist is likely to result in violent agitation for the ousting of the foreign owner. For these reasons, we have no doubt that the time has come for land alienation legislation in Burma."

We shall, therefore, first point to present dissatisfaction in matters relating to the ownership, distribution, tenure and utilization of land as one of the contributory causes of the dissatisfaction which formed the background of these riots. In dealing with this, as with the other underlying causes with which we shall in time have to concern ourselves, we have to be careful to make it clear that we do not mean that the riots were in any way agrarian in character. They were not. But the materials upon which the immediate and the more direct causes worked were, we think, provided in part by a general and deep-seated disturbance of mind for which dissatisfaction at the present position of land holding and land tenure in the country is in part responsible. The riots were anti-Government and, to some extent at least, "anti-Government" meant, in the context, discontent by the agriculturalist with his conditions. A contented population will abuse the Government

Ownership, distribution, tenure and utilization of land.

(1) Part II. Land Alienation, pages 57 and 58.

and play the political game in a light-hearted way. But it does not riot about it. The riots and the political propaganda which preceded them were even more "anti-foreigner" and to a large extent at least, "anti-foreigner" meant "anti-Indian landowner, land worker and land financier."

Agrarian
discontent.

Distribution
of Agricul-
tural Land.

We share with the Land and Agriculture Committee, with great respect, the view that agrarian reform is long overdue in Burma. What, perhaps, is more our concern, however, than theirs is that we take the view that the lack of it has produced a profound uneasiness—perhaps even discontent—among the great mass of the agricultural Burman population especially in Lower Burma, and that this discontent has afforded part both of the political oxygen without which the fires of extended disorder could not have spread, and of the fuel which the ministers of disorder have found ready to their hands to kindle them. That the position is one to cause uneasiness will be obvious to anyone who reads the first and second parts of the reports of the Land and Agriculture Committee and we take the liberty of reproducing as Appendix III to our own Report the table⁽¹⁾ of the classification of occupiers of agricultural land which they have compiled or possibly themselves borrowed from some other source. This shows that in 1937, out of a total occupied area of agricultural land in Lower Burma of 11,201,766 acres, only 5,895,749 acres, or just over fifty per cent, were occupied by actual agriculturalists, while 989,419 acres were in the hands of resident, and 4,316,598 acres in the hands of non-resident non-agriculturalists. In other words, only half of the occupied agricultural land of Lower Burma was occupied by peasant proprietors while the other half was in the hands of non-agricultural proprietors the great bulk of whom are landlords. And the almost constant decline in the occupation of land by agriculturalists will be observed in contrast to the equally constant increase in occupation by non-agriculturalists. In the thirteen principal rice-growing districts⁽²⁾ of Lower Burma the Indian Chettyars in 1930 occupied six per cent of the total occupied area, while in 1937 they were in occupation of twenty-five per cent. That, of course, leaves out of account the further area of which they are mortgagees but not in occupation. Moreover, when parts of the Insein District were settled by Mr. H. C. Baker, I.C.S. in 1933 to 1935, it was found that Burmans and other indigenous races held fifty-six per cent of the occupied area, Chettyars thirty-one per cent and other races (including Chinese and Indians, other than Chettyars) thirteen per cent. The Pegu Settlement of 1932—34 disclosed a similar state of affairs, except that Chettyars held over thirty-six per cent of the total land⁽³⁾.

These figures suffice to show to what extent the policy of the Government of India of the encouragement of peasant proprietorship in Burma had miscarried before separation arrived. It is fair, of course, to say that there is no doubt that the great increase in the non-agricultural occupation of land from 1929 onwards was due to a large

(1) Report of the Land and Agriculture Committee, Part II:—Land Alienation, pages 37 and 38.

(2) Pegu, Tharrawaddy, Hanthawaddy, Insein, Prome, Bassein, Henzada, Myaungmya, Maubin, Pyapön, Thatön, Amherst and Toungoo.

(3) An Introduction to the Political Economy of Burma, by J. S. Furnivall, I.C.S. (Rtd.) Second revised edition, page 74.

extent to the depression which started in that year. Nor was it a change sought for or welcomed by the Chettyars. But that does not alter the fact that, so far from there having been any increase in the acquisition of land by peasants, it had steadily declined.

A further significant phenomenon of the occupation by tenants of their land is the amazingly high proportion of those who work their land for a year and then move, or are moved, on. In the recent Pegu Settlement it was found that fifty per cent of the rented area was held by tenants who had worked the land for one year only, seventeen per cent by tenants of two years' standing, eight per cent by tenants of three years' standing and twenty-five per cent by tenants of four or five years' standing. Much the same proportions prevailed in the Insein District. This ambulating tenant population can in the main mean but one thing, that the conditions do not yet exist in Burma to create a stable, contented and prosperous, nor even a self-supporting, peasantry. But it has to be borne in mind that the character of the agriculture in Lower Burma has, for the reasons we shall explain in the next chapter, for more than fifty years developed on industrial, rather than domestic, lines which in itself has to a great extent militated against a policy of peasant proprietorship.

We are not concerned with the economics of these phenomena as such. But we are concerned to observe that their existence does not make for social stability in a country in which the major part of the population is agricultural. There is restlessness and discontent. As is obvious from the evidence of the Burmese Press, from the activities of the *Thakins* in the spread of anti-capitalist propaganda and from the pronounced increase in anti-foreign feeling in the country, the uneasiness and discontent, and, indeed, the hardship which the economic conditions of agriculture in Burma have created has afforded first class material for the propaganda which, we believe, has contributed to the disturbances of this year. For these disturbances were, we believe, "organized" — "organized" not in the sense that they were at any time in their origin either tactically or strategically prepared for; but "organized" in the sense that they are at bottom the outcome of propaganda of a political and economic character operating upon the passions of distressed, uneasy and credulous people.

Need for
Legislation.

The report of the Land and Agriculture Committee points out that until separation it was, and always had been, the declared policy of the Government of India to discourage the growth of a landlord class and to encourage the peasant proprietary form of tenure in Burma as well as in India⁽¹⁾. And since 1891 when Mr. Smeaton, the then Financial Commissioner of British Burma, first made the attempt, there have been efforts, the latest of which are the Tenancy Bill and the Land Alienation Bill of 1938—neither of them yet on the Statute Book—to check the progressive rate of passage of land in Lower Burma from the agriculturalist to the non-agriculturalist. This is an unhappy record of prolonged but uncompleted endeavour over forty-five years by the Government to make up its mind to do something and what to do, while the evil which was recognized as ripe for remedy grew progressively more intractable. At the date⁽²⁾ we write this report the legislation

(1) Report of the Land and Agriculture Committee, Part I:—Tenancy, pages 3—7.

(2) We understand that there is an intention that these bills should again be brought before the House of Representatives at the next Budget Session.

necessary to apply the remedies suggested by the Land and Agriculture Committee has not yet been accomplished. But Burma now has it in the hands of her own statesmen to try to apply the remedies which for nearly fifty years their predecessors have only talked about. This should not be a matter of party politics. That there are conflicting interests we recognize. But, in the long run, it must be to the interest of all to remove causes of distress, discontent and ultimately disorder. And, if this is accomplished by wise legislation, no harm, but on the contrary much good, must accrue to all honest interests no matter how much for the moment they may appear to conflict. We must not be taken to have considered nor to give our blessing (for what it might be worth) to the actual terms of any particular bill or bills at present in contemplation. That we do not conceive to be our duty, for these legislative accomplishments are, we do not doubt, the outcome of the labours of those who are far better qualified and instructed to propose them than we are. All we do is to point to the breakdown of the policy of the creation of a contented peasant population in Burma as one of the underlying causes which made possible the disturbances we are reporting upon and will, we fear, if they remain, continue to be a source of danger to the State. We have not, for example, yet seen the full effect of the disturbances of this year upon the agricultural conditions of the country and we emphasize the danger of their remaining any longer without an attempt at treatment. The treatment may not at first be of the right kind and the disease may not yield to it. If not, then something else must be tried. But if legislation is wise and if it seeks to do justice between conflicting interests, then the sooner a start is made in applying it the better. We hope that the start will not be long delayed. And every honest man in Burma with his own and the country's interest at heart will be wise to assist, and not to obstruct, that start.

CHAPTER IV.

The influence of the Indian Question.

We have dealt in Chapter III with the effect of an uneasy indigenous peasantry as part of the background of the unrest of this year which may perhaps contribute to making disturbance possible again if not attended to. The next of those underlying influences which we feel played a part in creating the passions which Maung Shwe Hpi's book released is the disturbing influence upon the minds of Burmans of what we have described in the heading to this Chapter as "the Indian Question." This question involves the consideration of the position in Burma both of the domiciled Indian who has made Burma his permanent home and of the Indian who comes to Burma, either for temporary labour employment or, sometimes, as a business man, with no intention of settling here. This latter class we refer to as the "immigrant." When we speak of Indian "immigration" we mean only the coming to

Burma of that class of Indian who comes here with no intention of settling here. We do not refer to those who came to Burma in the past and have made Burma their permanent homes. In dealing with the question of the Indian in Burma as a whole this distinction has to be borne clearly in mind. At any given moment the Indian population of Burma is made up partly of Indians who have been born and bred in Burma and partly of Indians who have immigrated into Burma in the sense in which we use that term⁽¹⁾. Very different considerations must in practice be applied to the Indian who is born in Burma and has adopted Burma as his home from those which apply to the Indians who come to Burma year by year as immigrants for labour purposes. When, therefore, we speak of "immigrants" we do not intend to include that class of domiciled Indians living in Burma who have made Burma their homes unless we expressly so include them.

We propose first to try to outline briefly the history of the growth of the Indian population of Burma. Burma only became part of the responsibility of the Governor-General of India by accident and as a matter of administrative convenience. In race and in language the Burmese are as distinct from the Indians as they are from the British. Burma is geographically distinct from India. The Indian Statutory Commission has observed in its report⁽²⁾ that "it is not unnatural that the Burman with his pride of race should regard with dismay any prospect of his country being over-run by Indian immigrants." But it goes on to suggest that those fears may easily be exaggerated. We are not, of course, concerned as a Committee with the difficult question of the economic aspect of Indian immigration as such but only with the problem so far as it may by its presence have formed part of the background of the disturbances which Burma has lately experienced. We conceive, as we have already said, that it is our duty to try to discover all the causes in the wide sense in which we have construed that term whether they are direct or indirect. And, if what the Indian Statutory Commission has described as "dismay" at the prospect of the country being over-run is one of them, then we feel that we should explore it.

History of the growth of the Indian population of Burma.

The Indian has been known to Burma from the earliest times. But Indians were not present in Burma in really large numbers until after the British connection with Burma began, for previously they had been in contact only with the coasts and ports of Burma. With the opening of the Suez Canal in 1869, the intensive economic development of the East began and a profitable market for the potential wealth of Burma as a rice producing country became available. Before that, agriculture in Burma had been "domestic" agriculture or "subsistence farming" to supply in a primitive way the household needs of the cultivator and his family upon land of which there was an almost inexhaustible abundance. With the opening of the Suez Canal came "industrial agriculture" that is, the growing of crops for the foreign market. And, to keep pace with the course of intensive industrial agriculture upon which Burma was embarked, an abundant supply of cheap labour was essential.

⁽¹⁾ Neither of these classes includes the Indo-Burmese classes in Burma, such as the Zerbadis who were in the first place the issue of a Burmese parent on one side. This chapter does not in any way refer to them.

⁽²⁾ Report of the Indian Statutory Commission, Vol. II, Part VI, page 188.

The following figures⁽¹⁾ show the march of the "industrialization" of agriculture in Lower Burma :—

Year.	Area sown in paddy in acres.
1852-53	600,000
1872-73	1,871,542
1882-83	3,446,439
1892-93	5,086,853
1902-03	6,712,799
1912-13	8,081,677
1922-23	8,870,342
1932-33	9,711,396
1936-37	9,855,258

It was, as we have already had occasion to point out, the policy of the Government of India to endeavour to create peasant proprietorship and as one of the reasons why that policy has failed in Burma it has perhaps not always been sufficiently realized to what an extent the very speed with which the commercial development of the country was undertaken contributed. For the two things—peasant proprietorship on the one hand and production on a commercial scale on the other hand—were antagonistic to each other. It has to be remembered that Lower Burma, before the British occupation, was sparsely populated in proportion to Upper Burma and was not on the whole typically agricultural. Indeed, it was not until the vast areas of the Delta of the Irrawaddy had been reclaimed from swamps and cleared of jungle that agriculture on an appreciable commercial scale became possible there at all. The first object of the Government was, therefore, to reclaim swamps and jungles. When the western demand for rice arose after 1869, it became the object of Government, and of the enterprise which Government encouraged, to bring the country under intensive cultivation as quickly as possible. For this the sparse population of Lower Burma did not suffice. At first immigration from Upper Burma into Lower Burma was relied upon. But this was not successful. From 1874 onwards attempts were, therefore, made to attract immigrants from India, at first as agriculturists by large grants to zemindars of India, and then by the importation of labour. In 1876 a Labour Act was passed under which a recruiting agent for Madras labour was appointed in India. Steam mills were established in Burma and land was rapidly brought under cultivation. Paddy had risen in price from about Rs. 50 per hundred baskets in 1870 to Rs. 85 in 1880 and then to Rs. 100. The demand not only for cooly labour, but also for cultivators, therefore increased. Communications with India, moreover, improved and by 1880 the number of immigrants had increased to 40,000, of whom only 18,000⁽²⁾ returned. A subsidy was then offered to shipping companies for the carrying of Indian immigrants into Burma. In 1883-1884, 83,000 assisted immigrants came to Burma of whom only 43,000⁽²⁾ remained.

⁽¹⁾ Taken from "An Introduction to the Political Economy of Burma" by J. S. Furnivall, I.C.S. (Rtd.), page 56.

⁽²⁾ These figures take no account of the natural wastage by death in the country which is put by the Census of India reports as high as two-thirds of the difference between the immigration and emigration figures.

It was in this way that what, for want of a better term, we will call the "habit" of Indian seasonal immigration into Burma began. It has been maintained from 1870 until 1932 by the constant development of the agricultural resources of Burma and particularly of its wealth in paddy. Side by side with the immigration into Burma of the vast numbers of agricultural labourers which came and went during these years, it is not unnatural that Burma should also have attracted the Indian capitalists and the Indian worker in the industrial sphere as well. As for Rangoon itself, it was the centre of the trade in immigrants and emigrants passing into and out of the country. Fifty years ago the city of Rangoon may well have been fairly described as a city of Burmans inhabited by some Indian traders and labourers. But it has developed into a city now populated by more Indians than Burmans. The overseas trade, not only of Rangoon, but of the country fell very largely into the hands of Indians and other foreigners. Indeed, this was inevitable for, not only has the trade of Burma been built up largely with capital from India, but Burmans themselves had had no such contacts with the world outside as were calculated to teach them the organization and methods of trade and business. This led, not only to trade with foreign countries falling into the hands of Indians and of other foreigners, but to the introduction into Burma by the Indians, with their acute trading ability, of all those retail establishments for the supply of the necessities and small luxuries of life which go to make up a big city like Rangoon. And this, as time went on, spread to the Districts also. In this again the Indian, by nature and experience, had an advantage over the Burman.

One has only to examine the records of the Rangoon Corporation to appreciate the extent to which the city of Rangoon itself and its business passed into Indian hands. Over fifty-five per cent of the total Corporation taxes are paid by Indian owners and landlords. The total taxes paid in respect of the city amount to rather over Rs. 60,00,000 per annum of which 55.49 per cent are paid by Indians, 15.34 per cent by Europeans, 11.27 per cent by Burmese and 17.89 per cent by others. All the big private bazaars are owned by Indians and, according to the 1931 census, out of a total population of 400,415 in the city of Rangoon, 212,929 were Indians, 121,998 were Burmans, 30,626 were Chinese and the balance was made up of other small communities. These developments were not confined to the city of Rangoon. The Indian by dint of his industry found his way into the larger towns of the Districts and there established himself in industry and in business.

The process, therefore, began with the need of immigration to match the speed with which the paddy lands in Lower Burma were brought under cultivation between the years 1870 and 1932. In 1872, 1,871,542 acres were sown in paddy in Lower Burma. This figure had jumped to 9,855,258 in 1936-37, an increase of eight million acres. In other words the paddy lands of Burma had multiplied themselves by five. While this process was going on, with its subsidiary effect of introducing Indians to Burma in other walks of life as well as that of supplying seasonal labour for the paddy fields, not merely was there plenty of room for Indian immigration and Indian settlement in Burma without interference with the indigenous population, but it was essential to keep pace with the rapidity with which the country was being developed in every way. The remarkable figures of the annual import

into Burma of Indian labour throughout this period constitute rather the measure of the rapidity of the development of Burma's economic resources than of any real Indian penetration of Burma. That we venture to think was the view of the Indian Statutory Commission which wrote before the depression of 1929 had set in and before Burma had been subjected to the strain of those political and nationalist influences which arose before, and have continued after, separation of the country from India. And the whole process was assisted not only by the mere fact that the rapidity of the process outran the internal supply of labour, but by the fact that the Burman labourer was not attracted by the conditions of labour in Lower Burma which, so far as paddy is concerned, was seasonal in character. He was unable to adjust himself to the exacting conditions required of an agricultural labourer supplying the needs of a commercial market, to which conditions the Indian cooly was by nature and practice more fitted⁽¹⁾.

Immigration
figures over
the period
1901—1938.

1901—1911.

The actual distribution of Indian immigrant labour in Burma can be traced in the Census reports and we have tried, as far as possible, to ascertain to what extent the phenomena to which we have drawn attention are reflected in the occupational tables of those reports. They are there for every one to see and we do not, therefore, propose to repeat them here in great detail. In 1911 the total population of Burma was 12,115,217. Included in that total were 778,841⁽²⁾ Indians. Of these Indians, 389,679 were Hindus and 357,561 were Muslims. The remaining 31,601 were accounted for by small groups of other Indians. The Census recorded 59,729 Zerbadis. It was estimated, on the basis of shipping statistics for the Port of Rangoon, that the excess of Indian immigrants over Indian emigrants during the period 1901—1911 had been 300,000. But, owing to the extremely high death rate applicable to these immigrants and to the disproportionately small number of Indian women in Burma, it was computed that some two-thirds of this number had gone merely to make good the natural decrease by death in the numbers of the immigrant community and that the actual increase in the Indian population in the years 1901 to 1911 on account of immigration during the ten years was probably more like 100,000. And from this figure there had still to be deducted a loss of some 30,000 from Akyab on account of emigration due to local causes.

1911—1921.

By 1921 the population of Burma had risen to 13,212,192, an increase of 9 per cent. During the same period the Indian population in Burma had risen by about 14 per cent to 887,097⁽³⁾. The Hindus had increased by 23 per cent to 477,531 and the Muslims by 25 per cent to 366,271. Other Indians numbered 43,295 and Zerbadis had increased to 94,316. An estimate⁽⁴⁾ was made that immigrants of all races had exceeded emigrants by 580,000, but it appears that this

⁽¹⁾ It is not, we think, clearly established that the standard of living of the Indian labourer is necessarily lower than that of the Burman labourer. That needs further exploration, as also does the question whether the Indian labourer, in various walks of life, is content to work for smaller wages than the Burman.

⁽²⁾ These and the following figures are to be found at page 245 of the Census of India (1911), Vol. IX, Burma, Part I—Report.

⁽³⁾ These and the following figures are to be found at page 218 of Census of India (1921), Vol. X, Burma, Part I—Report.

⁽⁴⁾ These and the following figures are to be found at page 31 of Census of India (1921), Vol. X, Burma, Part I—Report.

figure was incorrect⁽¹⁾. No estimate was made of the addition to the Indian population to be ascribed to immigration alone. It is clear, however, that the better opinion is that the greater number of immigrants went to replace losses by death and that only a part of the new arrivals served to increase the total Indian population in Burma.

In 1931 the population of Burma had increased by 11 per cent to 14,667,146. The Indian population had increased by nearly 15 per cent to 1,017,825⁽²⁾. The Hindus numbered 565,609 showing an increase of over 18 per cent. Muslims numbered 396,594 showing an increase of just over 8 per cent. Other Indians accounted for 55,622. Zerbadis had increased by some 30 per cent since 1921 and had doubled since 1911 now numbering 122,705⁽³⁾. It was estimated that the excess of Indian immigrants over emigrants was between 250,000 and 300,000. It is probable again that something not far short of two-thirds of these new arrivals were required to make good wastage in the Indian community in Burma and that not much more than one-third represented the increase in the Indian population on account of immigration.

Since 1931 no Census figures are available. But we have seen the figures supplied by the Labour Commissioner for the nine years 1929 to 1938 inclusive, which show an average yearly excess of immigrants from India over emigrants to India of only 6,666. The equivalent figures, as supplied by the Port Health Officer of Rangoon, give a yearly average of 5,919. In either case, the figures are accompanied by a warning that they are not strictly accurate. But they are, no doubt, sufficient to show that the rate of addition to the Indian population of Burma by immigration has not been as rapid during the last ten years as formerly or as might have been supposed. Indeed, since 1927 there has been an almost continuous decline in gross figures of immigrants, of whom there were in 1937 only about half of the number in 1927.

So far, therefore, as it is possible to make even a rough estimate it seems that the actual increase in the Indian population resulting from immigration, after making allowance for wastage by death in the Indian community in Burma, has, on the average of the last twenty years, been less than 10,000 per annum. Immigration into Burma reached its peak in the year 1927 with a total 428,343, since which date there has been a considerable decline. We give, for convenience, as Appendix IV to this report a table showing the increase both of the total population and of the Indian population in Burma as disclosed by the 1911, 1921 and 1931 Census reports respectively and also the figures of the Zerbadi⁽⁴⁾ population of Burma in the same years.

⁽¹⁾ Page 20 of Census of India (1931), Vol. XI, Burma, Part I—Report.

⁽²⁾ Page 227 of Census of India (1931), Vol. XI, Burma, Part I—Report. Of this total 387,735 were born in Burma, 629,170 were born in India and Nepal and 920 elsewhere.

⁽³⁾ These and the following figures are to be found at page 231 of Census of India (1931), Vol. XI, Burma, Part I—Report. But it is probable that more satisfactory classification in the latter Census Reports account for part of this increase in Zerbadis. See page 18, *post*.

⁽⁴⁾ These figures must be read with caution as "In 1891, 1901 and 1911 the tribal designations were recorded in the enumeration schedules for Muslims and not the race as at the 1921 and 1931 censuses. The figures for Zerbadis for the 1911 and previous censuses are therefore not reliable." Page 231, *ibid*.

We have traced these figures in order to obtain a view, not only of the extent to which the residue of Indian immigrants, who do not emigrate again, actually go to increase the permanent Indian population of Burma, but also to trace the fluctuation in the immigration figures themselves. The figures are declining and we gather from them that, on the average of the last ten years, the addition to the permanent Indian population of Burma by immigration has been comparatively slight, and, moreover, that since 1927 there has been an almost continuous decline in the gross figures of immigrants.

The occupational distribution of the Indian population of Burma.

It remains to see what share in the life of the country the Indian, whether immigrant or born in Burma, takes. As regards trade with foreign countries, we have already said that it is very largely in the hands of non-Burmans. This is literally true as regards the import trades. Burmans have no share in them in any of their several stages, except to some extent in the retailing of imports. But, as regards export business in agricultural produce which forms the bulk of the export of Burma, it is not quite true to say that the Burman has no share. For more often than not the middleman between the producer and the exporter has been a Burman and this applies not only to the paddy and other trades in agricultural produce but also to the timber trade. Nevertheless, we are given to understand that, in the brokerage businesses in which hitherto Burmans have had the major share, they have in the past twenty years yielded to some extent to a system of direct purchase by the exporters from the cultivators.

As regards the occupations to which Indians, both those born in Burma and those not born in Burma, resort, we find that they are widely spread. We take as examples those occupations which offer the greatest volume of employment. As regards the production of raw materials, which includes cultivation and agricultural work, out of each thousand of "all workers" ⁽¹⁾ forty-four are Indians. Of that forty-four, seven are engaged in work other than agriculture and thirty-seven are engaged in cultivation. As regards the transport industry, Indians supply four hundred and fifty-seven out of each thousand "all workers" in that class of work in Burma. In "industry" Indians supply one hundred and fifty-eight out of each thousand "all workers" under that head in Burma. In "trade" Indians supply one hundred and seventy-two out of each thousand "all workers" occupied in trade in Burma. These figures are taken from the Census report of 1931. But it has been suggested to us that they may have varied since in favour of the Burman. This may be true because, though no figures are actually available for later years, the tendency may have been in the past seven years for employers to employ Burman labour more freely. It is probable that the political and nationalist influences at work during the past seven years will be found on the whole to have affected the Burman favourably to some extent.

We have given these figures in order to prove the point that the Indian in Burma, whether an immigrant or born in the country, takes, from an occupational point of view, a prominent share in the life of the country. The occupations we have mentioned are not itemized but are the principal comprehensive ones. The proportion of the whole Indian

⁽¹⁾ "All workers" means all persons employed in that occupation of whatever race.

population to the whole population in 1931 was about seven and a half per cent. It will be seen, therefore, that so far as transport, industry and trade are concerned the Indian occupational share is in excess of the proportion of the Indian to the total population of the country while in the sphere of cultivation, which is the major industry of the country, his occupational share is less than his proportion to the total population ⁽¹⁾.

We have endeavoured to set out in a short and simple form the circumstances which gave rise to the place which Indians now occupy in Burma and what that place is. So far as our enquiry is concerned, we are not interested in the question as an economic one. If we were, it would have been necessary for us to examine it far more minutely than the time and the materials at our disposal and our own qualifications have made possible. But it is of interest to us to ascertain to what extent the problem, if it be a problem, of Indian participation in the economic life of Burma has contributed to the general uneasiness which formed the background of the disturbances into which we are inquiring. For that purpose we have thought it proper to consider, however shortly, what the facts are.

Indian question as background to the riots.

Our own impressions of the contribution made by the "Indian Question" to the background of these disturbances are based upon what we have heard in evidence in Rangoon and in the course of our tour of the Districts. It was apparent even before we left Rangoon that there existed in the minds of responsible and intelligent Burmans, particularly in Lower Burma, a real uneasiness as to the future course of Indian immigration and of its effect upon the future of the Burmese nation and the economic and social life of Burma. We do not think it would be by any means fair to the gentlemen who have given evidence before us in Rangoon to dismiss what they have said as mere prejudice. Their fears may, or may not, be well founded. That is not for us to say. But, whether they are well founded or not, we are convinced that the views they hold, and the apprehensions they feel, are genuine views and genuine apprehensions. It may well be that their fears proceed either from an imperfect understanding, or even from a complete misunderstanding, of the facts and phenomena involved. We do not suppose for a moment that they have had the opportunity, in most cases, to study the figures which show what the extent of Indian immigration and emigration has been over a course of years. And, even if they had, the figures available would not have been sufficient to show whether or not there has been any real interference by the Indian with the economic, industrial and occupational opportunities of Burmans. For such figures as these, while they show the extent to which Indians are actually employed in Burma, do not show to what degree, if any, the Indian replaces, or competes with, the Burman. We shall deal with this later. What we think is far more likely is that the views which have been expressed to us are based upon the more obvious features of the presence of the Indian population in Burma, as for instance their predominance in numbers in Rangoon itself and the actual extent to which they, in

⁽¹⁾ This does not take any account of (a) the fact that the proportion of Indian women to Indian men in Burma is small, which would have the effect of inflating the Indian proportion or (b) that Burmese women are employed freely in occupational pursuits which would have the effect of inflating the Burmese proportion.

fact, are employed in the labour markets of the country. But this does not alter the fact—which, from our point of view, is the important fact—that there does exist, especially in Lower Burma, a feeling, whether right or wrong, that the continued immigration of Indians into Burma constitutes a danger to the prospects of the Burman himself. That was the impression we had when we left Rangoon.

In the course of our tour in the Districts, however, and in the course of our discussions with many Burmans throughout the country who have given evidence before us, we have become even more impressed with the extent to which the same apprehensions have become planted and fixed in the minds of Burmans of all classes, almost without exception. There has been scarcely a place in Lower Burma which we have visited from which we have not received a deputation of Burmans to express their own fears, and the fears of those they represent, upon these matters. We have had to discount a great deal of evidence on the ground that it proceeds either from sheer prejudice or gross ignorance. We have had to suffer listening to much undigested matter the source of which it has been easy to recognize as the propaganda of certain sections of the Burmese Press. But allowing for all this, the fact does remain that, from whatever source derived, this question of Indian immigration into Burma has been made a burning question in the eyes of the Burmese people. And we think that it is really important that it should be realized to what an extent the supposed "peril" of Indian penetration of Burma, and of the possibility of its advance unchecked, has taken hold of the imagination of the people up and down the country. It has surprised us. Apart altogether from the merits of the question itself, with which, whatever our own views, we have not the courage to deal, it has unquestionably captured the imagination of the Burmese population and until something is done either to remove the uneasiness it has created, or to satisfy it, it will remain a standing source of danger. It is no answer to say that this question of Indian immigration is a mere "bokey" raised and maintained by the Burmese Press, by *Thakins* and by politicians for their own purposes. Whether that is true or not—and, in our opinion, there is some truth in it—the plain fact remains that it now is an established and a disturbing influence in the minds of the people. And we are concerned here to record our view that this influence really does exist and that it is dangerous. We think it would be altogether misleading for us to suggest that the jealousy or suspicion or fear (whatever is the right expression) of the Burman towards the Indian in Burma as it exists today is a mere passing phase. If only from the point of view that the uneasiness which Burmans feel about this matter provides, as it stands, first class material to which constant propaganda is susceptible of being, and is being, directed, it is, in our view, urgent that an examination of the whole question should be undertaken without loss of time to ascertain to what extent the apprehensions of the Burmese community are real or not. For we do not think that it will be allowed to cure itself. There will always be found people who will exploit it for their own purpose.

Development
of Anti-
Indian feel-
ing in
Burma.

It would be wrong of us to leave the impression that this is the first time that there has appeared in Burma any manifestation on the part of the Burman of uneasiness on this subject. It, too, has a history. And, though we believe that the question has never before assumed in Burma

the acute and dangerous form in which it now exists, we think it is the product of a number of causes which have been operating for a long time.

The idea of the separation of Burma from India came to the forefront in 1916 and it brought into prominence with it the questions, not only of the external relations of Burma with India, but also of the relations between Burmans and Indians within Burma. It was but a step for the Burmese nationalism, which gave rise to and sustained the idea of separation, to direct its attention to the share which Indians take in the economic life of their country. In 1922 the question was made a political issue and from then onwards, until the actual separation controversy of 1932 and 1933 arose, the presence of Indians in Burma and its economic effect were the subject of intermittent political propaganda. When the separation controversy itself became acute it followed logically that the whole position of Indians in Burma was thrown into the political arena⁽¹⁾, attention became focused upon it and the whole question of the Indians in Burma received a prominence and a reality which it never before assumed and possibly does not deserve. One has only to read, as we have done, the reports of the debates of those years in the Legislative Council on the separation question to realize that there had been deeply implanted in the minds of members of the House and of the people they represented the fear of the ultimate effect of uncontrolled Indian immigration. It was continuously represented as a menace to Burma's national life and even to the Buddhist religion. The differences of opinion which led to an apparent disagreement on the question of separation were not really differences of opinion as to whether separation was desirable or not, but as to whether Burma for her future emancipation would or would not, in the event of separation, be at a disadvantage as compared with India. The divergence of view in reality indicated no qualification of the prevailing anxiety as to the Indian penetration of Burma in which all articulate Burmans shared to a greater or less degree.

In the meantime, the Coringhee Riots of 1930, though they were not themselves in any way racial in origin, served, at least, to accentuate the difficulties of the Indian position in Burma. Whatever was the actual cause of them, they did develop into riots in which Burmese were on one side and Indians were on the other side. And, in that sense, they emphasized in a physical form the difference between the two communities which had for a considerable time been developing in a political form. Nor were these the only reasons which have brought about the present highly charged and dangerous position. We have already noticed the decline in the course of Indian immigration from the years 1932 to 1937 and, indeed, throughout the period from 1912 to 1932. That was due to the slowing down in the rate of the industrialization of the agricultural wealth of Lower Burma. The initial impetus which had started in 1870 had become exhausted, land became scarce,

(1) In connection with the separation controversy it is significant that in 1932 and 1933, U Saw, M.H.R. the Editor-in-chief of the "Sun" delivered most intemperate speeches attacking Indians in Burma, one at Ye-U on the 29th August 1932 and another on the 5th September 1933, representing Indian immigration as a menace to Burma and recommending that by taxation they should be compelled to leave the country. And there were at the same time a number of speeches by U Ba Pe, M.H.R., on the same lines.

the markets of the West saturated and other sources of supply had arisen. To this was added in 1929 the depression which began that year. That depression was reflected in the price of paddy and has more or less continued ever since. It has brought with it a strain on the resources of the poorer Burman which has in its turn contributed to create the present position. The Burman, who we believe by inclination would prefer not to engage in many of the trivial, uncongenial or monotonous tasks in which the Indian labourer and petty trader excels, has found himself by force of circumstances compelled to do work which it had not hitherto been necessary for him to engage in and to that extent he has been brought into conflict with the Indian labourer, both immigrant and born in Burma, whom he finds established in the industries into which he now wishes to penetrate. Added to all this there is the psychological fact of the intense wave of nationalism to which separation has given rise. And, last but no means least, the whole of this material has, we believe, been assiduously worked upon by a number of politicians and by part of the Press in Burma. Any form of uneasiness, anxiety or distress affords dangerous material in the hands of those who care to use it for improper purposes and we regret to say that we think that there have been at hand in Burma those who have not hesitated to make use of the conditions which we have endeavoured to describe in order deliberately to create an anti-Indian feeling in Burma. It is this aspect of the matter that we regard as really dangerous. It is idle to shut one's eyes to the fact that there is in Burma a large Indian population and that every year there is a large influx into Burma of Indians by immigration. We think that a negligible portion of those who immigrate remain but these phenomena do exist and are obvious. And since separation these facts have been thrown into a distorted relief. While we should not care to assert that the phenomena presented by Indian immigration do not give rise to questions of policy which ought, in fairness to the Burman, at any rate to be explored, we do think that they also constitute materials which are susceptible of gross misuse. And, in our view, the misuse of them has made a substantial contribution to the background of the riots into which we are enquiring. Without it, we do not think that these riots would have assumed the widespread and vicious form in which they have actually appeared.

The Indian question a potential source of danger.

We have stated above that this question is not a new one. It is we think new only in that the time has come when it has reached the danger point. As long ago as the time of the Burma Sub-Committee of the Indian Round Table Conference it was recommended by that Sub-Committee "that adequate attention should be paid to the question of immigration of Indian labour into Burma" The question of Indian immigration into Burma was also a subject of inquiry by the Royal Commission on Labour in India. In 1931, when that Commission reported, the constitutional relations between India and Burma had not yet been settled and, accordingly, the Commission hesitated to put forward considerations which would require attention when the question of separation had been concluded. The Commission noted, however, even then the emergence of a desire that Burmans should take a larger share in the supply of industrial labour. We venture to refer to a passage ⁽¹⁾ from their report :—

(1) Report of the Royal Commission on Labour in India, page 440.

"We must limit ourselves to putting forward certain broad considerations which will require attention in this connection. We have noted the emergence of a desire that Burmans should take a larger share in the supply of industrial labour. This desire is based partly on a natural apprehension regarding the effect on the standard of living of the continued employment of Indian unskilled labour. It is reinforced by the present economic conditions, which are compelling Burmans to find employment in fields which in better times they would not enter, and it has the backing of Burmese rational sentiment. If Burma is separated from India, control over immigration must ultimately rest with Burma herself. At the same time, it is by no means inconceivable that, in such circumstances, there may be a demand in India for some restriction on emigration. There is the possibility, therefore, of a demand on both sides for the regulation of Indian emigration. So far as assisted emigration is concerned, we see no objection to suitable restrictions. There is a strong case for control over this kind of emigration with a view to ensuring that men are not assisted to emigrate without a guarantee of maintenance for a period of reasonable length or of repatriation. If such control led to a reduction in assisted emigration there would be little reason for regret; for the existing amount of work for Indians in Burma could be discharged by a smaller labour force, with benefit to all concerned. But it would be unfortunate, from the point of view both of India and of Burma, if artificial obstacles were placed in the way of the unassisted emigration of the able-bodied or their dependents. The need of Indian labour in Burma, which has been great in the past, may be reduced, but is not likely to disappear in any future that we are considering. Reference has already been made to the benefit which India receives in return, and this benefit could be enhanced by suitable measures in Burma. We agree with the Burma Sub-Committee of the Indian Round Table Conference 'that adequate attention should be paid to the question of immigration of Indian labour and that provision should be made for the regulation of the conditions of both the work and life of the immigrants'. They added to this : 'The Sub-Committee also especially stress the importance of there being no discrimination as regards Indians entering Burma', and we believe that it would be unwise at present to impose restrictions which are not designed to benefit labour itself. We recommend that, as soon as a decision has been taken regarding the constitutional position of Burma, the question be examined by the Governments of Burma and India in consultation with all the interests concerned."

In 1931, therefore, when the Royal Commission reported, the question was there and also the recommendation that it should be examined. Since then it has, we think, been forced to the forefront by a combination of causes, partly political, partly economic and partly, we confess, artificial, until it has assumed a prominence which makes it a potential source of danger to the peace of the country as a whole and to

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the safety of the Indians in it. We cannot do better, we think, than to repeat, with the respect they deserve, the words of the Royal Commission in which they recommended that "the question be examined by the Governments of Burma and India in consultation with all the interests concerned." We think that this recommendation has become more urgent of fulfilment than it was in 1931 both in the interests of Burmans and of Indians themselves in Burma, whose safety is involved. We think that even the beginning of such an examination will go far to allaying the anxieties which Burmans entertain and which may, in our view, so long as they remain at their present pitch, hinder the continuation of friendly relations and co-operation between the two races in Burma.

Need for
early exami-
nation of
Indian
Question.

We are aware that there are provisions ⁽¹⁾ in the Government of Burma Act, 1935, with its relevant ⁽²⁾ Order in Council, which prevent restrictions being placed upon Indian immigration into Burma before 1940. But it is a misconception, we think, to suppose that the Act or the Order in Council affords any obstacle either to any variations that may become necessary or to an immediate attempt to explore the conditions of labour in Burma for the purpose of ascertaining at what point or points, if at all, Indian labour immigration is in conflict with the interests of Burmese labour and to discuss what measures, if any, such a conflict, if it exists, may require to be taken in the interests of both countries and communities.

But we venture to doubt whether, so far as Burma is concerned, there yet exist the materials upon which any reliable conclusions could be safely based as to what the exact effect of Indian immigrant labour is upon the Burmese labour market. The statistics which are given in the Census reports and other figures available do not, so far as we are aware, cover all the ground necessary to arrive at a true conclusion whether, and, if so, in what respects, Indian immigrant labour creates unemployment of indigenous labour in Burma. We understand that there are no unemployment figures available in Burma and it may be that, in view of the peculiar conditions in which labour works, it would be difficult or impossible to obtain any figures of unemployment in any form which could be in any way reliable. The figures of the Census reports go no further than to classify upon occupational lines, the racial proportions in particular trades, industries and other occupations in which Burmans, Indians and other races are employed. It is possible to ascertain that in any particular walk of life so many Indians and so many Burmans are employed. But that covers only half the problem; and not the more difficult half. It is not sufficient to know, for instance, that out of one thousand workers in any particular trade or industry so many are Burmans and so many are immigrant Indians. What is the real question is the problem whether to any, and, if so, to what, extent in that particular trade or industry more Burmans would be employed, if there were fewer Indians in possession of it. And that again would not be sufficient, for it would have still to be ascertained whether a transition from immigrant Indian to Burman labour was practicable and, if practicable, whether it could be effected without such detriment to

⁽¹⁾ Section 138 of the Government of Burma Act, 1935.

⁽²⁾ The Government of Burma (Immigration) Order in Council, 1937.

the trade or industry itself as ultimately to be of disadvantage to Burma and Burmans as a whole. Until some such examination as this is undertaken, it will be impossible, in our view, to ascertain with any exactness whether there should be control or restriction of Indian immigration and, if so, to what extent. The absence of any real statistical information or account in Burma is commented upon by the Report of the Royal Commission on Labour in India. The report says ⁽¹⁾ :—

"In the meantime, further statistical information regarding immigrant labour is urgently required. The main need here is to secure reasonably accurate figures bearing on the extent of employment available at different seasons and the movements of immigrant labour in search of work. This cannot be obtained by enquiries limited to Rangoon, or even to industry. It will be necessary to examine the position in respect of the demand for agricultural labour; and we do not suggest that the material can be obtained without skill and patience. But, until it is possible to say how many immigrants Burma requires and can maintain on a reasonable standard throughout the year, and not merely during months or days of employment, the basis for a sound immigration policy is lacking."

We believe that it will be impossible to do justice to this question unless further statistical information is obtained. But we do not think, having regard to what we have seen, that that should be an obstacle to setting up without delay some form of preliminary contact between Burma and India for the purpose of satisfying the anxieties on the part of the vast majority of Burmans in Burma which, as we have already stated, in our view, are operating as a disturbing influence in the country. We regard this as urgent in the interests of both countries.

We have now only to refer to one small matter more in this connection. More than one Burman witness before us has commented upon the absence, since separation, of any effective and simple means of preventing the entry into Burma of undesirable persons from India. The Foreigners Act, 1864, does not apply to Indians because they are natural born British subjects. The Expulsion of Offenders Act (Burma Act I of 1926) applies, it is true, to all non-Burmans. But it only applies to those who have been convicted. Both the Commissioner of Police and the Head of the Criminal Investigation Department in Rangoon have commented upon this fact before us and have stated that the present position is anomalous. They say that it is impossible to keep any effective check upon persons arriving in Rangoon merely by a scrutiny on the quay. This point has again been thrown into relief by the separation of Burma from British India and it has been mentioned to us more than once as one of the offshoots of the Indian question that is agitating the minds of thinking Burmans. We do not suggest for one moment that bad characters from India were responsible for starting these riots. It would obviously not be true. But we do think that this small point is one which might profitably be examined and, if found feasible and necessary, remedied.

Restriction
upon
undesirable
Immigrants.

CHAPTER V.

The Marriage Question.

It became evident to us, even before we left Rangoon, that one of the major sources of anxiety in the minds of a great number of Burmans was the question of the marriage of their womenfolk with foreigners in general and with Indians in particular. In the course of our tour of the Districts, there is scarcely a place we have visited which has not produced a considerable number of Burmese witnesses of all classes who, whatever their views may be upon other questions, have expressed to us their own anxiety upon this matter and the anxiety of the people for whom they have spoken. We have not been free from the necessity of listening to many witnesses whose views are coloured by mere prejudice. They have contributed little or nothing to our search for the true underlying causes of the riots. And we have had to distinguish as best we may between what is prejudice or propaganda inspired by political aims, or worse, and what is indicative of an intrinsic sense of real grievance. We have, of course, in many cases met with misunderstanding both of facts and of their effect. But the unanimous expressions of opinion we have met with upon this question of marriage have convinced us that there does exist in Burma among a great number of Burmese men and women of all classes a genuine sense of apprehension. That this, as in the case of other genuine anxieties, has been distorted and exaggerated by unscrupulous politicians, newspapers and agitators for their own purposes, we shall be the first to admit. But, discounting all those subversive and exciting influences, we still think that there remains in the minds of the average Burman a deep-seated uneasiness upon this question. To this anxiety, too, impetus has been given by the separation of Burma from India and the wave of nationalism in the former country which has succeeded it.

Marriages
between
Burmese
women and
Muslim Men.

The question arises in its most acute form in the case of marriages between Burmese women and Muslim men. The result of these unions, which have actually been known in Burma for two or three centuries, has been to create the community known as the "Zerbadis" (1). Though "Zerbadis" have, as we have said, been long known in Burma, it is only since the rise of Burma as an important commercial and trading country that the community has become a large one. The number of Zerbadis recorded as such in the 1911 Census report was 59,729. This had risen to 94,316 in the 1921, and to 122,705 in the 1931 Census report. Though it is, no doubt, true that the Zerbadi population has increased in Burma, it is also probable that some of that increase is due to the more perfect classification of the later Census reports. The increase between 1921 and 1931 was accordingly 30 per cent, which compares with an increase in the total population of Burma over the same period of 10.9 per cent, allowing for the population of

(1) The derivation of the word "Zerbadi" is obscure. But the better view is that the Muslim traders who visited Burma, Malaya, Sumatra, Java and other such places called these countries, "Zerbadi", that is, "lying under the wind." From this, Muslims living in these places came to be known as "Zerbadis." The Zerbadis in Burma now prefer to be known as "Burma-Muslims."

the area added in 1931 over which the census was taken for the first time. The Zerbadis in Burma are, from an occupational point of view, widely distributed throughout all classes of occupation.

The Burmese Press has for some years given prominence to this question and it will be seen when we come to deal with it that one of the resolutions passed at the meeting on the Shwe Dagon Pagoda platform on the 26th of July, 1938, related to this matter. Nearly all the other meetings held up and down the country to protest against Maung Shwe Hpi's book have also included in their agenda a resolution or resolutions dealing with mixed marriages. In most cases where an organized protest has been found against Maung Shwe Hpi's book, we find that advantage has been taken of the occasion to add to it a number of other Burman-Indian questions such as this which have no relation in themselves to Maung Shwe Hpi's book.

As far as we have been able to gather, there are three principal complaints generally made in respect of these mixed marriages, though in most cases it is vaguely and inaccurately put. First, it is said that a Burmese Buddhist woman who has contracted an alliance with an Indian and has cohabited with him openly in the belief that she is married to him, often discovers, when the question of her status arises, that, by reason of the operation of the personal law of the man, she is not his wife. Secondly, in order to contract a valid marriage, she is bound to renounce her own Buddhist religion and to adopt that of her Muslim husband. And, thirdly, it is said that, even if she is recognized as the wife of the man, she does not obtain the benefit of the status of a married woman under Burmese Buddhist Law. Burmese Buddhist Law allots to a wife an equal share in the properties acquired by her and her husband or, in certain circumstances, either of them during the marriage and gives her the whole estate as a survivor on the death of the husband (1).

There is another aspect of mixed marriages apart from the personal effect on the individual wife. It is said that mixed marriages create, and have operated to create in the past, a community differing in religion and national ideals from the indigenous community and that the Burmese Buddhist community is calculated to be thereby weakened and its social system interfered with. We have, in the course of our explorations, met widely with this point of view. It is not easy to define. It has been put to us by a large number of witnesses in some such vague form as that the Zerbadis or the Indians in general "do not identify themselves with the people of the country." It has also been suggested that the Zerbadis have recently tended to identify themselves rather with the Indian communities than with the Burmese Buddhist nationals. This, as is the case with a great deal of other evidence put before us by persons who have no remarkable powers of expression, has taken the form of rather vague and meaningless generalizations such as the one we have quoted above. It has also developed in other cases into an attack on the provisions of the constitution designed to protect minorities. But, whether these many witnesses have been able to express what they mean or not in precise terms, we feel that there does exist among the Burmese in general a

(1) This, as a general statement, is true but it admits of some variation, which need not be gone into here, in the event of there being children.

consciousness that the Zerbalis and other Indian communities are of a different race and a different religion from their own and a resentment of those facts. This becomes accentuated where the interests of the two communities clash, as in this question of the supposed consequences of the marriages which have produced them.

History of
mixed marriages.

Before analysing the present position of the law as to mixed marriages and their consequences, it may be of advantage to consider the history of such marriages. Even before the intervention of Europe in Burma, traders from the coasts of India, and even further afield, visited Burmese ports. The Burmese as such were not averse to relationships with foreigners, particularly if they were on a small scale. However, when, with the British occupation of Lower Burma, a closer contact between India and Burma was established such marriages naturally increased in number. One reason for this large growth was that Burma was still looked upon as a land of adventure and, therefore, Indian and other foreign immigrants did not bring their womenfolk with them. The thrift and industry exhibited by the early pioneers enabled them to set up households, and the prospect of a comfortable domestic life attracted the poorer Burmese women to settle down with foreigners. Such marriages became more and more common, until they were not looked upon as anything out of the ordinary. In this way the new community to which such marriages gave rise came to be recognized. While the offspring of the marriage of Burmese women with Muslims came to be known as "Zerb-dis", those of the marriages of Burmese women with Hindus came to be known as "Kalais."

law
governing
mixed
marriages.

We do not propose to deal exhaustively with the law relating to marriage. But it is useful to indicate the position which obtains at present with regard to the marriage of a Burmese woman to an Indian husband. While doing so, it is as well to bear in mind the nature of the Burmese marriage itself, because this is the only form of marriage with which the ordinary Burmese woman is familiar. Under the customary law of Burma marriage is a contract whereby two persons agree to live together in open and notorious cohabitation. The husband and the wife work together for their mutual benefit and share the proceeds between them of their joint labours. There is no ceremony or formality requisite to complete a marriage amongst Burman Buddhists. All that is required is an intention to contract a permanent union with a view to becoming husband and wife. Nor is there anything in Burmese Buddhist law which requires the other spouse to be a Buddhist.

under
Hindu Law.

The three main systems of law under which most of the immigrants from India live are the Hindu law, the Mahomedan law and the law which has been made applicable to Christians in India and Burma and reduced to a statutory form⁽¹⁾. Marriage in Hindu law is a sacrament and has a very important religious significance. A Hindu can only contract a marriage with a woman of the same caste as himself and, *a fortiori*, only with a Hindu. The law further requires certain ceremonies to be performed by Brahmins, wherein appropriate incantations must be recited and other things done to complete the marriage. As a result, a Hindu cannot marry a non-Hindu, the reason for this being that a non-Hindu cannot take part in Hindu ceremonies at all.

Further Hinduism, except for one or two modern sects, does not admit any new adherents or converts. Therefore, a person to be a Hindu, must necessarily have been born a Hindu. Thus, it is obvious that relations between a Hindu and a Burman Buddhist can never be a marriage at all⁽²⁾. Therefore, the woman does not acquire the status of a wife and the children must necessarily be illegitimate. There is, however, an exception to this in the case of "Sudras" and "Parias" or "Panchamas", the so-called fifth-caste. But these persons, although professing one of the many forms of Hinduism, do not belong to orthodox Hindu society. It has been held that they can contract valid marriages with non-Hindus purely on a contractual basis⁽³⁾. It must be added that a large number of Tamilians and Telugus who have migrated to Burma are within the above exception. The Hindu law of succession would apply to the estate of the man if he was born a Hindu. But the Privy Council has held that the succession to the estate of a "Kalai" is governed by the Indian Succession Act.

Marriage under Mahomedan law is purely a contract. The only essential ingredient of this contract in Mahomedan law is an offer and an acceptance known as "Ijabkabul" in the presence of at least two witnesses. Normally, the presumption of marriage arises from long cohabitation. No ceremony is requisite, although a gathering of friends and relatives is a usual feature of the Muslim marriage. It is, however, necessary that the woman should be a "Kitabi", which means that she must be an adherent of one of the three religions of the "Book", namely, Islam, Judaism or Christianity⁽⁴⁾. But a Muslim woman can only marry a Muslim. Therefore, the marriage of a Muslim woman to a Burman Buddhist will have no validity in Muslim Law. This legal position has resulted in the practice of Muslim men converting Burman Buddhist women to Islam before marriage. We venture to refer to a passage from the judgment of Lord MacNaghten in the case of *Abdul Razak v. Mahomed Jaffar Bindanim*⁽⁵⁾ which quotes part of the judgment of the Judicial Commissioner of Lower Burma in 1881 and throws much light on the marriage of Burmese women with Muslims:—

Under
Mahomedan
Law.

"In a country like this, where a large number of Mahomedans from other countries have taken up their residence, and in very many cases their permanent abode, and when the natives have no race prejudices against alliances with foreigners, and whose religion offers no impediment to such, we find these mixed marriages everywhere existing among them, which have been duly celebrated according to Mahomedan rites; the wife having previously renounced her own religion and embraced that of her husband. Such an alliance is not regarded by either party as one of a temporary character, or in any way partaking of concubinage such as the *liaisons* which at one time prevailed here between Europeans and the women of the country, but as a formal and a binding marriage. It only requires a short

⁽¹⁾ *Maung Man v. Dora Mo*, 3 L.B.R., p. 244.

⁽²⁾ *S. Anamalai Pillay v. Po Lan*, 3 L.B.R., p. 228.

⁽³⁾ *Q.E. v. Nga Pale*, P.J.L.B. 607.

Ma Le, v. Maung Kye, (1897-01) 2 U.B.R. 497.

⁽⁴⁾ I.L.R. 21 Calcutta, 666.

⁽¹⁾ The Indian Christian Marriage Act and the Indian Divorce Act.

experience of this country to know that these marriages are regarded amongst the Mahomedan community as being of as binding a character, and as conferring on the wife as honourable a position in the family as if she had been of Mahomedan descent, for she holds the same position as the husband's other wife does, if he happens to have another. The offspring likewise of these marriages are brought up in the Mahomedan faith, and are acknowledged by their father as his legitimate children, and at his death share his property as such. The Burmese wife also takes the wife's share, if she is the only one, or divides it with the other or others as the case may be; and these rights, both as regards the children and wife, are recognized by our Courts."

Their Lordships agreed with the proposition that no Court can test or gauge the sincerity of religious belief and went on to say:—

"In all cases where, according to Mahomedan Law, unbelief or difference of creed is a bar to marriage with a true believer, it is enough if the alien in religion embraces the Mahomedan faith. Profession with or without conversion is necessary and sufficient to remove the disability."

Under Mahomedan law the wife gets no interest in the estate of the man as long as he is alive but upon his death she is entitled to a specified share—one-fourth if there are no offspring and one-eighth if there are issue. Thus, a Burman Buddhist woman, provided she professes Islam at the time of her marriage, acquires the status of a wife and a share of the inheritance if she survives her husband. But this share is less than that which she would acquire if she had married a Burman Buddhist.

In the case of a marriage with a Christian the marriage must be celebrated under the Indian Christian Marriage Act. But it is not necessary that the woman should be a Christian. The estate of an Indian Christian is governed by the Succession Act.

Marriage
with a
Christian

Divorce.

A word should be said about divorce. In each of these cases a difficulty sometimes arises where the parties desire to dissolve the marriage. Hindu law, of course, knows of no divorce. But Sudras may arrange a divorce by mutual consent, although in practice it is usually the man who divorces the woman by a document called "Farghati" or in the presence of a panchayat. The Mahomedan law of divorce leaves the initiative to the husband. But there are quite well known forms of divorce whereby a woman may free herself from an uncongenial marriage. Apostasy from Islam also dissolves the marriage. The Christian marriage may be terminated under the Indian Divorce Act. But one feature has caused some difficulty, which is that the petitioner under the Indian Divorce Act must be a Christian. Therefore a Burman Buddhist woman married to a Christian cannot apply for divorce at all.

From what we have said, it is clear that in the case of a union in Burma between a Burmese woman and an Indian, whether a Muslim or a Hindu, their continued cohabitation alone will fulfil the requirements of a valid marriage according to Burmese Buddhist law (i.e. the intention of matrimony) and yet will not actually constitute a valid marriage because the personal law of the husband (i.e. Mahomedan or

Hindu law, as the case may be) has not been complied with. In other words, there may be, and often is, the appearance of—and on the part of the woman a *bona fide* belief in—a marriage and yet in law no marriage at all. This has given rise to one of the complaints we find in respect of the present position. It is that a Burmese Buddhist woman may be deceived into believing herself to be the wife of a Muslim or a Hindu and yet actually not be his wife. It is also true that, as the law stands, no Burmese Buddhist woman can become the lawful wife of a Muslim man without first having embraced his faith. This too has given rise to dissatisfaction, for it is felt to be wrong that a woman should in such circumstances have to abandon her own religion. Thirdly, there remains the material effect of such a marriage upon the woman's share in her husband's estate which, as we have pointed out, is less under Mahomedan law where she has married a Muslim or under the Succession Act where she has married a Christian. Under Hindu law she becomes entitled merely to maintenance and not to a share of inheritance at all.

The rising wave of nationalism in Burma, has, to a certain extent, seized upon these phenomena as grievances against Indians and they have certainly been exploited by those who, for reasons of their own, have wanted to cause uneasiness among the Burmese. But we feel that there is more than this in this question. The objections to the present position have been based sometimes on the ground of the race purity of the Burmese nation, sometimes on the fear that mixed marriage may tend to remove a portion of the population from Burmese nationality and from the national religion and sometimes on the ground that it results in material hardship. We think that the pressure of public opinion itself will probably in time cause these marriages to become less frequent. But we feel, nevertheless, that some consideration might be given to these matters which are at present, as we have pointed out, causing uneasiness in the minds of Burmans. We do not intend to enter into a discussion of the respective merits of the three bills recently proposed in the House of Representatives on this question. But we feel that there is something to be said for the view that greater protection should be afforded to the Burman woman who enters upon marital relations with a foreigner. For we are convinced that this is an irritant which is liable to be still further exploited the more so as in itself, we think, it contains some grounds for genuine complaint.

Need for
Legislation.

CHAPTER VI.

The Press and other political influences.

We have tried to show in the preceding chapters that there were in July 1938, and are still in existence certain economic and social phenomena disturbing to the peace of mind of Burmans, which were, and are, susceptible of misuse. And we have endeavoured to trace shortly how they arose and what place they took in making up the background of the disturbances into the causes of which we are

inquiring. Without appreciating their force we do not think that a complete picture can be obtained. But, as we have more than once been at pains to point out, we do not think that they were "causes" of the riots in the sense that, in themselves, they provoked rioting. We have presented them as "causes" of the riots only in the wider, but nevertheless true, sense in which, as we have explained, we have used that word. These "causes" would not, we think, themselves have led to actual disturbances—at any rate, as yet—had it not been for the immediate occasion which released the wave of lawlessness which started in Rangoon in July and spread to the Districts. The immediate occasion in Rangoon was, of course, the discovery of Maung Shwe Hpi's book. And in the Districts the immediate occasions in each place were partly the discovery of Maung Shwe Hpi's book and partly the flood of rumour which radiated from Rangoon as to what was happening there. With these immediate causes we shall deal in the second and more detailed part of our report when we come to set out and analyse in relation to our terms of reference what happened in the various places where disturbances took place. Moreover, we think that the problems to which we have drawn attention would not themselves have become the disturbing factors, that, in our opinion, they are, had it not been for the strain which had for some time been put upon them by the Burmese Press and by other political influences. And we think, therefore, that the introductory matter which this part of our report is intended to contain would be incomplete if we did not set out what, from our examination of the question, we think the influence, to which we have more than once referred, of the Press and of these political factors has been.

(1) THE PRESS.

We have endeavoured to trace the political contributions of the three Burmese newspapers the "Sun", the "New Light of Burma" and "New Burma" over a period of five years in order to find out to what extent, if at all, they have played upon the emotions of their Burmese readers in the matters to which we have referred. And we have made a detailed examination of the attitude in relation to the disturbances adopted by the Burmese Press as a whole both immediately before and immediately after the riots began. So far as the two last parts of these researches are concerned, they fall more properly to be dealt with in our final report when examining the immediate causes and occasions of the riots in Rangoon and elsewhere as well as the events and facts within our terms of reference.

Each of these three newspapers—the "Sun", the "New Light of Burma" and "New Burma"—is, in fact, intensely nationalist in policy and, in nothing that we say, do we want to be misunderstood as criticizing them on that account. It may, indeed, be that they have done service to the country in this respect. But our object here, is to discover what has been their influence, if any, in stimulating national uneasiness in the matters we have already mentioned and what contribution, if any, they have made to the "causes" of the riots in the wide sense we have, in this report, adopted. In 1933 we find the "New Light of Burma" (1) engaged in attributing the separation controversy

(1) "New Light of Burma." 17th June 1933.

among Burmans to the Indians in the country and complaining of their interference in Burma's internal affairs. The same newspaper in the same year (1) says that, whether Burma is separated or federated, the "Indian peril" in the country is increasing day by day, as is evidenced from the ratio of the population of Burmese to Indians being thirteen to one. "New Burma" (2) at the same time attributed the financing of the anti-separation movement to Indians and charged them with trying to hoodwink both the British public and the British Government into rejection of the separation proposals. This newspaper warned Indians that, if they continued to meddle in the affairs of the Burmese people, it would be impossible to promote friendly relations between the two countries. The "Sun" (3) also charged Indians with misleading the Burmese politicians in the matter of the separation controversy. In 1934 propaganda became more pronounced in the Burmese Press. The "New Light of Burma" (4) attacked Indians for making communal claims to safeguarding and for placing obstacles in the way of separation. It advocated the restriction of immigration to "protect" the Burmese people. "New Burma" (5) also blamed Indians for demanding measures to safeguard their interests. It observed that Indians in Burma had done more than enough "mischief" to the people and that persistence in such a policy on their part would leave in the minds of the Burmese people an indelible memory of an insult to their national pride. The "Sun" (6) too joined in and warned Indians to cease agitating for safeguards. In June 1935, the "New Light of Burma" (7) published an attack upon Chettyars in general. The same paper (8) also conducted an agitation for the "Burmization" of the Posts and Telegraphs Department, suggesting that Indian postal employees should be sent back to India. In August 1935, "New Burma" (9) delivered an attack upon the marriage of Muslims with Burmese women. "Is it any wonder" the newspaper said, "that the Zerbadis are increasing so fast?" In April 1936, the "New Light of Burma" (10) attributed poverty and unemployment among the Burmese to the influx of Indians into Burma and this paper again urged the Government to reserve the Posts and Telegraphs Department for Burmans. In March 1937, the "Sun" (11) pressed for the "Burmization" of the services, especially the Posts and Telegraphs Department. In July 1937, the "New Light of Burma" (12) suggested that legislation should be undertaken to restrict immigration of all foreigners, although it conceded that it was not permissible to enforce restrictions against Indians until three years after the introduction of

(1) "New Light of Burma." 30th June 1933, under heading "Guests insulting hosts."

(2) "New Burma." 2nd June 1933. Leader "Anti-Burman Plot."

(3) The "Sun." 9th February 1933. "A word to all Burmans."

(4) "New Light of Burma." 14th May 1934. "Burmans and Indians."

(5) "New Burma." 18th and 22nd April 1934. "Indians in Burma."

(6) The "Sun." 25th December 1934. "Indians and Change of Heart."

(7) "New Light of Burma." 2nd June 1935. "A country which is free from Chettyars."

(8) —ibid— 6th May 1935.

(9) "New Burma." 2nd August 1935.

(10) "New Light of Burma." 4th April 1936.

(11) The "Sun." 20th March 1937.

(12) "New Light of Burma." 31st July 1937.

the constitution. In June 1937, "Saithan" ⁽¹⁾ published a strong attack upon Indians which included such passages as "It would be best if they were not here. I do not want to see them in this country," and "since the dawn of history, Indians have been the leaders of attack against the Burmans on behalf of the white faces". The Government demanded security from the paper to the amount of Rs. 500 for issuing this article. In the same month, the "Sun" ⁽²⁾ published another objectionable article on account of which the Government demanded security to the amount of Rs. 500. It was alleged that, in a quarrel in Rangoon between an Indian and a Burman coolie, the Indian enlisted the support of other Indians who launched a general attack on the Burman. It was pointed out that, although Indians were in a majority in Rangoon, they were in a hopeless minority "up country." There was an implied threat that things would be made very uncomfortable for the "up country" minority, if Indians did not behave in a proper manner. In January 1938, the same paper ⁽³⁾ suggested that an immigration tax should be imposed on foreigners in order to check the influx of Indian labourers. In June 1938, the "Thiha" ⁽⁴⁾, a Burmese owned weekly paper, warned Indians that by monopolizing all kinds of commercial enterprise they would incur the displeasure of the Burmese. The example of the Jews in Germany was mentioned and it was suggested that such a state of affairs might occur in Burma. In July 1938, the "Sun" ⁽⁵⁾ published an article by Ashin Sandawuntha of the Thayettaw Kyaungdrik advocating the introduction of legislation to prohibit the marriage of Burmese women with Indians in order to limit the propagation of the Muslim faith in this way. Propaganda was occasionally evident in agrarian disputes, in which the Chettyars were the object of attack. In June 1936, "Saithan" ⁽⁶⁾ warned the Government to prevent the Chettyars oppressing Burmese landowners. It also published an article attacking the Chettyars and urged all landowners whose lands had been taken from them by Chettyars to form farmers, and landowners, associations. In June 1938, the same paper ⁽⁷⁾ complained of the activities of the Chettyars and suggested that legislation should be introduced to prevent Chettyars from owning land in Burma.

We do not doubt that examples such as these of propaganda in the Burmese Press could without difficulty be multiplied. These instances are taken from Rangoon. But they are enough, we think, to show that the Burmese Press has for a long time been by no means averse to propaganda unfavourable to Indians. While we should be the last to suggest that it was improper for Burmese newspapers to discuss current economic and social questions, even though they involve the interests of Indians and relations with India, there has, we think, been even over this period a good deal that was intemperate. With this history in mind it is perhaps easier to understand the attitude of the Burmese Press when the opportunity of Maung Shwe Hpi's book presented itself in Rangoon. With that we are not at the moment

(1) "Saithan," 6th June 1937.
 (2) The "Sun," 22nd June 1937.
 (3) —*ibid*— 5th January 1938.
 (4) "Thiha," 5th June 1938.
 (5) The "Sun," 16th July 1938.
 (6) "Saithan," 19th June 1936.
 (7) —*ibid*— 15th June 1938.

concerned, except possibly to say that, but for the activities of the Burmese Press in Rangoon in exploiting the disclosure of Maung Shwe Hpi's book, we do not think that the riots would ever have occurred. But with that we shall deal fully in our final report.

There were, in fact, three periods by reference to which the Burmese Press exercised its influence on the riots. The first of them was the period before Maung Shwe Hpi's book was ever heard of; the second of them, the period of seven days before the 26th July 1938 and the third of them, subsequent to the outbreak of the riots. So far as the underlying influences with which we are dealing in this interim report are concerned, we are really only interested in the first of these periods. The attitude of the Burmese Press during the days from the 19th July to the 26th July, when the riots actually broke out, was, we think, mainly, if not entirely, responsible for the introduction of Maung Shwe Hpi's book to the attention of the Burmese public. We think that it was done deliberately and with the intention of creating ill feeling on the part of the Burmans towards Muslims. And, in turn, as we shall show when we come to deal with the immediate causes of the riots in the Districts, it was the inflammatory and misleading news from Rangoon distributed in the "Sun" and the "New Light of Burma" that was, in almost every instance, the occasion for the outbreak of rioting. But we shall deal with that in the second part of our report. For the moment we are considering the part the Burmese Press played in creating the national uneasiness upon the "Indian question" which formed part of the background of the riots.

We think that the Burmese Press—or at any rate the "Sun", the "New Light of Burma", "Saithan" and "New Burma"—cannot be altogether acquitted of the charge of having contributed in the years from 1933 onwards towards the fears now entertained by uneducated Burmans of the consequences of Indian immigration into the country. But we think it easy to exaggerate the particular part played by the Burmese Press over this actual period. The problems which created these fears were the products of social and economic phenomena which had nothing to do with the Burmese Press. And the constitutional changes and economic forces which gave them prominence had, again, nothing to do with the Burmese Press. The problems themselves were real problems, whatever may be their true proportions and their ultimate solutions. It would be unfair to suggest, therefore, that the Burmese Press has created them. But from the extracts we have given over the period of 1933 to 1938, it is, we think, fair to say that the newspapers to which we have referred continuously, if intermittently, sought to use them for the political purpose of driving a wedge of prejudice and ill feeling between the Burmese and Indian population of Burma. There was very little attempt to discuss the problems raised seriously and sanely, to which course there would have been no possible objection. But they were used to create, if possible, on the pretext of Burmese nationalism, an antipathy to the Indian and the Indian immigrant. In this sense we think that the Burmese Press did, even before the riots began, contribute in a considerable measure to creating uneasiness in the minds of the Burmese people to serve their own political purposes. And we think that, when the extracts from Maung Shwe Hpi's book did appear, the only true explanation of the appetite with which the "Sun", the "New Light of Burma", "Saithan" and other papers welcomed them, is that

Influence of
the Press on
the Indian
Question.

they were only too glad to have a peg upon which to hang still further anti-Muslim propaganda. Had these newspapers been influenced by any real respect for the great religion of Burma, they would not have pretended that it was in danger from the scribbings of a stupid school-master of Myedu and they would either have ignored them or, at the most, pointed out their folly in a dignified way.

While, therefore, we shall have a good deal more to say as to the part the Burmese Press played from the moment that Maung Shwe Hpi's book was discovered and of its responsibility for the loss of life and property that has occurred, we are content to say for the present that for a long time the "Sun", the "New Light of Burma", "Saithan" and "New Burma" cannot be acquitted of having, in company with other influences, contributed by their propaganda over a long period to the prejudice against its Indian population which, in our view, is to be found up and down Burma.

We have had, perforce, to mention Maung Shwe Hpi's book more than once in this introductory matter, though it will find its proper place in the history of what actually happened which will come in our final report. The main facts of the appearance of Maung Shwe Hpi's book, first in 1931 from the press in Mandalay and later in 1936 from the press at Taikkyi, are very simple and we have given them briefly in Chapter II. But before parting with this portion of our report so far as concerns the Press, we desire to say that, in our view, neither in respect of newspapers nor in respect of books are the provisions of the Press and Registration of Books Act (1867) in themselves very satisfactory nor are they, such as they are, in the case of books satisfactorily observed in Burma. We think that our terms of reference will cover this comment, as in the case of Maung Shwe Hpi's book there is a possibility—we put it no higher than that—that it might have been detected and proscribed years ago and, should such a book ever appear again, it is desirable that it should be detected and stopped before it works mischief. We deal with this matter here, because we do not wish to overload our final report. But it will still remain to deal in our final report with the very general charge that the Government did not take sufficiently energetic steps to proscribe the book when it was actually discovered in July.

The book was first published in 1931 at the National Press in Mandalay. The proprietor of that press appears to have complied with the law as provided by Section 9⁽¹⁾ of the Press and Registration of

⁽¹⁾ Section 9 of the Press and Registration of Books Act (1867) reads as follows :—

"9. Printed or lithographed copies of the whole of every book which shall be printed or lithographed in British India after this Act shall come into force, together with all maps, prints or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same, shall, notwithstanding any agreement (if the book be published) between the printer and publisher thereof, be delivered by the printer at such place and to such officer as the Local Government shall, by notification in the official Gazette, from time to time direct, and free of expense to the Government, as follows, that is to say :—

"(a) in any case, within one calendar month after the day on which any such book shall first be delivered out of the press, one such copy, and

"(b) if within one calendar year from such day the Local Government shall require the printer to deliver other such copies not exceeding two in number, then within one calendar month after the day on which any such requisition shall be made by the Local Government on the printer, another such copy or two other such copies as the Local Government may direct"

Defects in the machinery and administration of the Press and Registration of Books Act, 1867.

Books Act (1867), and to have supplied a copy of the book to the Deputy Commissioner of Mandalay. That has been confirmed by the Criminal Investigation Department which has made enquiries upon the point. But it has been impossible to trace that anything was done after that.

Section 9 of the Press and Registration of Books Act (1867) requires, in effect, a copy of every book printed in Burma to be furnished to the Deputy Commissioner within a month of its first publication. By a General Department Notification dated the 27th January, 1892, issued in supersession of an earlier one of 1889, the printers of any "book"⁽¹⁾ were required in pursuance of section 9 of the Act, to deliver a copy of it to the Deputy Commissioner of the District within whose jurisdiction the printing press producing the "book" is situated and by a further General Department Notification No. 27, dated the 23rd February, 1898, every officer receiving a copy of a book under the Act—that is, every Deputy Commissioner—was ordered to transmit it to the Secretary of the Judicial Department of the Government of Burma through the Director of Public Instruction at Rangoon. Those instructions have been subsequently renewed by a Government of Burma Miscellaneous Department letter No. 234V27, dated the 16th September 1927, by which all Deputy Commissioners are enjoined to see that section 9 of the Act and the instructions issued under it are duly carried out. The Director of Public Instruction is charged with the duty of obtaining a review of the book and of forwarding it, together with the review, to the Secretary of the Judicial Department.

The obvious, and we think the principal, intention of the Act and of the machinery provided under it is that the Government may be kept informed of what is being published in the country so as to enable it to take timely steps to prevent the distribution of dangerous or objectionable books. That may not be the only object of the section which may be designed to create a public repository of the output of the nation's literature as is done in England. But we cannot help feeling that it is the primary object of this provision of the Act. This is a wise and necessary precaution and it is certainly not less necessary now than it was forty years ago or then it has been at any time since 1867. It is equally obvious that, unless the obligations of the presses under section 9 of the Press and Registration of Books Act (1867) are strictly enforced and unless Deputy Commissioners strictly comply with the instructions given them, the whole machinery of the Act becomes an empty formality.

There are really two questions involved in this. The first is whether there is at present evasion of the Act by the proprietors of printing presses, and the second is whether, in any case, the provisions of the Act, and the machinery under it are adequate to accomplish what, as we have said, we conceive to be one of the main purposes of the Act, the interception of dangerous literature. The Director of Public Instruction has been good enough to give evidence before us and he has produced his registers which embrace the years 1931 and 1936. Neither the 1931 nor the 1936 editions of the book appear in his registers. Nor do they appear in the quarterly lists of books published

⁽¹⁾ A "book" is defined by this Act as including every volume, part or division of a volume and pamphlet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed. But what a "volume" is it does not say.

in the *Burma Gazette* as having been received by the Judicial Secretary. It seems to us necessarily to follow that there was some breakdown of the machinery of this Act and that Maung Shwe Hpi's book was not sent, as, in the case of the 1931 edition at any rate, it should have been, for review to the Director of Public Instruction. In consequence, it never came within range of the scrutiny of the Director of Public Instruction nor of the Judicial Department of the Government of Burma. As regards the second edition of the book which was published by the "Tha Tun Aung Press" at Taikkyi in 1936 with the assistance of Mr. M. H. Patail, we are informed a copy of this book has in fact been traced into the library of the Deputy Commissioner of Insein, whence, nevertheless, it has since somewhat mysteriously disappeared. But this edition again, as is shown by his register, was never received by the Director of Public Instruction. We have confirmed these facts from the registers kept by the Director of Public Instruction and from the "Burma Gazette" in which the quarterly lists of publications received by the Judicial Department are published.

We cannot, of course, say whether, if Maung Shwe Hpi's or any other particular book had passed through the proper channels in 1931, it would have been proscribed. We are, however, concerned as much with the future as we are with the past. And it occurs to us to draw attention to the possibility of there having been for some time laxity in the enforcement of section 9 of the Press and Registration of Books Act (1867) and of the instructions given by the Government in reference to it. The Director of Public Instruction has, from his own observation, formed the opinion that there are a great many "books" appearing in Burma which never come to his office, as they must do if the Act and the instructions given under it are properly carried out. He has also told us that a number of those publications, other than Maung Shwe Hpi's book, which have been proscribed since the riots have never been received in his office and do not appear in his registers. This, too, points to an evasion of the Act. The District Magistrate of Rangoon, who stands in the shoes of a Deputy Commissioner so far as Rangoon is concerned in the matter of receiving books tells us, also, that he is satisfied that the provisions of the Act are honoured as much in the breach as in the observance.

The attention of the Government was drawn to evasion of the Act in 1927, and on a number of occasions since, by successive Directors of Public Instruction, including Mr. A. Campbell. The fault may proceed from either of two causes. Either it may be that Deputy Commissioners do not carry out their instructions to forward copies of books received by them to the Director of Public Instruction or it may be that the provisions of section 9 of the Press and Registration of Books Act (1867) are ignored by the owners of the printing presses. Though the omission in 1931 seems, as far as we can tell, to have lain with the Deputy Commissioner of Mandalay, we think that, generally speaking, the latter of these two alternatives is by far the more probable and that there is undoubtedly a good deal of evasion of the provisions of the Act on the part of owners of the presses. We have made enquiries as to how many prosecutions there have been in Burma under the Act to enforce its penalty clauses. As regards Rangoon, the District Magistrate can tell us of none. Out of all Districts we have been able to trace only one and that was in Mandalay in October 1936. This state of affairs is not

easy to reconcile with the evidence of Mr. Campbell that there are undoubtedly many "books" published which never reach his office. It seems to us that it is probable that section 9 of the Press and Registration of Books Act (1867) is, to a large extent, ignored and that sufficient steps may in the past have been taken to enforce obedience to it. At any rate Maung Shwe Hpi's book escaped.

The second question to consider is whether in any case the existing machinery under the Act is the most suitable that can be devised. As we have pointed out it is the Director of Public Instruction who is the reviewing authority. Whatever other objects the Act has, we cannot help feeling that the interception of dangerous literature must be its principal object. For every book of an objectionable type there are, of course, hundreds of a perfectly innocent character. From the point of view of determining whether, as literature, a particular book is of sufficient value to preserve, the Director of Public Instruction is, no doubt, better qualified than the Head of the Criminal Investigation Department to decide the question. From the point of view of detecting a dangerous or subversive tendency in a book, however, we are disposed to prefer the Head of the Criminal Investigation Department to the Director of Public Instruction. Mr. Campbell is inclined—without, we think, any bias—to the view that, having regard to the predominance of innocent books and, in particular, of scholastic books, the existing arrangements should be maintained. Mr. Hardie on the other hand takes the view, as we understand, that it would be preferable to transfer the responsibility for reviewing all books to his department under suitable arrangements for ensuring the adequate performance of the work. We perceive that much material, far removed from crime, will be included in the "books" to be reviewed. We appreciate the force of this. But we think that it is of great importance that nothing which is liable to produce consequences comparable with these riots should find its way into extended circulation. And we, therefore, consider that some means should be devised, if possible without altogether removing this work from the Department of the Director of Public Instruction, whereby the Criminal Investigation Department is able to keep in closer touch with it.

We notice that it is a general opinion that the Press and Registration of Books Act (1867) does not apply to the publication of a second edition of a book, notwithstanding that the second edition of the book may be printed at a different press from the one which printed the first edition. Strictly speaking, therefore, if this view is the right one, it was not necessary for the proprietor of the "Tha Tun Aung Press" at Taikkyi to have sent a copy to the Deputy Commissioner of Insein. But one having, as we know, been sent, we cannot help feeling that it ought to have been forwarded to the Office of the Director of Public Instruction and passed on to the Government in the usual way. In any case, it is not easy to see why a second or subsequent edition of a book—at any rate when the second or subsequent edition is produced from a press other than that which produced the preceding one—should in principle escape the provisions of the Act, whether the second edition contains new matter or not. A printer producing a second edition is producing a "book", notwithstanding that it is a second edition, though it is true that in that case the book has been first (1) "delivered out of the press"

(1) See Press and Registration of Books Act, section 9 (a).

in an earlier edition and that the second or subsequent edition does not constitute its "first delivery". But that, of course, only invites the comment that the earlier "delivery" was not of the same "book". However that may be, we are informed that it is to be taken as the law that a second or subsequent edition of a "book" is not itself a "book" within the meaning of section 9 of the Act.

It has been suggested to us that the Press and Registration of Books Act (1867) contains an obvious defect in that the presentation of a copy to the Deputy Commissioner is not required by law until a month after the first publication of the book. It is said that this is a case of "shutting the stable door after the horse has gone". It is true that this period may permit part, or in the case of a small edition the whole, of a series of books to be put into circulation before it can be stopped. We appreciate that. But we ourselves see both theoretical and practical difficulties in preventing any publication until after the approval of Government has been received. It is possible but, we think, scarcely practicable. What, however, we do suggest is that the period of one month after "first delivery" from the press is unnecessarily long. One alternative would be to require in the case of "books", as in the case of newspapers under section 11A of the Act, two copies to be delivered, one as at present to the Deputy Commissioner and the other direct to the Criminal Investigation Department. However, even if that is not done, we think that the other alternative should be adopted of shortening the period within which the copy of the "book" is to be delivered to the Deputy Commissioner or (in Rangoon) to the District Magistrate to a period of one week instead of one month. We see nothing impracticable or oppressive in this; indeed, the period might be shorter still. In 1867 there may have been a good reason for so extended a period. But we do not think it exists to-day. We think, too, that a useful amendment of section 9 of the Press and Registration of Books Act (1867) might be made by which it should be made to apply—or that it should be made clear that it does apply—to every second and subsequent edition, equally with a first edition, whether the second or subsequent edition issues from the same press as its predecessor or not and whether or not it contains alterations of, or additions to, the text of the last edition. We think, too, that it would be a useful provision that all presses should be required to furnish to the appropriate local authority—probably the Deputy Commissioner—a quarterly or half-yearly statement, certified by the proprietor, of all "books" printed by the press during the preceding period. It is true that this, too, might be evaded. But it would, at least, require either a direct mis-statement or omission to accomplish the evasion. And it would afford a useful check upon what has been received in the offices of the Deputy Commissioners, the Director of Public Instruction or other reviewing authority and the Secretary to the Judicial Department of the Government of Burma, and it might well strengthen the hands of the authorities charged with the duty of enforcing the Act.

As regards "newspapers", they are governed by section 11A (1) of the Press and Registration of Books Act (1867) as amended in 1922.

(1) Section 11A of the Act reads :—

"The printer of every newspaper in (British India) shall deliver at such place and to such officer as the Local Government may, by notification in the local official Gazette, direct, and free of expense to the Government, two copies of each issue of such newspaper as soon as it is published."

Under present arrangements (1) the two copies are both to be delivered to the District Magistrate of the district in which the newspaper is printed. In due course a copy is transmitted to the Criminal Investigation Department. But this takes some time. The Deputy Inspector-General for Railways and Criminal Investigation has told us that this involves delay in information reaching him, and he suggests—with which suggestion we agree—that one at least of the two copies ought to be sent direct to him by the newspaper concerned.

We shall, among the ultimate conclusions and recommendations of our final report, deal with this question.

(2) OTHER POLITICAL INFLUENCES.

We have found it impossible to exclude from the complete picture of the background of these riots the influence of the *Thakin* organization in Burma. It is to be traced in the volume of disturbing, and often subversive, propaganda with which it has for some years flooded the country. Its influence is to be very clearly seen in the rising tide of industrial unrest, both large and petty, which has marked the last year. And, in our tour of the Districts, it has been forcibly borne in upon us that in many places the readiest of the rioters—and, unhappily, more often than not the youngest of them—have been members of this political organization.

Perhaps, we may say a word as to what the "Thakin" or "Komin Kochin" party is. In 1930, immediately after the riots of that year, the "Dobama Society" was formed, ostensibly to work for the betterment of the Burmese people and to awaken in them a spirit of nationalism. Actually its creed was modelled on communism. In the following year, the "All-Burma Youths' League" came into existence for the same purpose. In 1935, the League was absorbed in the "Dobama Asi Ayon". This organization, in 1936, formed the "Komin Kochin Party" for the purpose of entering the Legislature in order to wreck the constitution by the employment of obstructive tactics. The "Komin Kochin Party" was naturally supported outside the Legislature by the "Dobama Asi Ayon". In August 1938, the "Komin Kochin Party" formed a pact with the "Myochit Party" and the "Fabian Party".

The "Komin Kochin Party" has a Central Committee in Rangoon and local Committees in Rangoon and in many other places throughout Burma and it has secured representation in many District Councils. The movement, as is characteristic of all communist propaganda, flourishes best whenever it can find distress or uneasiness of mind, which can be converted, first into a sense of grievance, then into political unrest and, finally, into social disorder. And, unfortunately, it finds its recruits among the young and the inexperienced. The party also derives support from certain other organizations in Burma such as a West Rangoon Section of the Young Sanghas' Association (2) and a

(1) Police Department Notification No. 126 of 1st May 1922.

(2) In our final report we shall have occasion to refer to the Thathana Mamaka Young Sanghas' Association of Rangoon, of which the West Rangoon Section is an offshoot. The Thathana Mamaka Young Sanghas' Association as a whole is not, however, a Thakin organization.

The Thakin Organization.

number of Volunteer Corps and Students' Unions. Outside Burma, it is in corresponding relations with a number of communist organizations in India and the United Kingdom. But it does not appear to derive any material support from these sources, beyond a certain amount of communist literature. The political views professed by the party are those common to all communist organizations and its political contacts are with such organizations. Other organizations with which the party is in touch are the Communist Party of Great Britain, the League against Imperialism, the Friends of the Soviet Union in the United Kingdom, the Indian National Congress, the All-India Hindu Mahasabha, the non-co-operators of Madras and other similar organizations in India. In 1933, the Burmese Students' Union in England was affiliated to the All-Burma Youths' League. In December 1937, the leading member of the Party formed the "Red Dragon Book Club". This Book Club is in touch with the "Workers' Book Shop" and Messrs. Victor Gollancz, Ltd. in the United Kingdom, both sources of communist literature. In spite of occasional personal contacts between *Thakins* and agitators in India there is no sign, however, of any direct connection with the Congress Party in India and very little sign of co-operation between *Thakins* in Burma and the Burma Congress Party. The activities of the Party include the publication of articles in the press, the issue of manifestos, pamphlets, bulletins and booklets and the publication of certain newspapers such as the "Dobama Weekly", "Dobama Thadinzin Hmattan" and the "Dang". Campaigns of speeches are organized and occasional processions are held. Strikes are, as we shall show, organized and, if any occur without the prompting of the *Thakins*, a finger is rapidly inserted in the strikers' pie. And attempts have been made to secure the support of students by encouraging university and school strikes.

Influence and activities of the *Thakin* Organization.

That is a short history of the "ideals" of the *Thakin* organization. From a practical point of view, its influence has been by no means negligible in encouraging in recent years, and particularly in the past year, a spirit of excitement and indiscipline in Burma and a contempt of established order which has been conducive to unrest. And very little has been done, we venture to think, to discourage it. Since 1933 there has been a crescendo of seditious speeches by *Thakins*, of which not less than thirty have been delivered in the year 1938. And we can, at the time of writing this, trace only sixteen prosecutions over the whole of this period, though we have reason to believe that in many more than that number would a prosecution have been justified and successful. Of the sixteen prosecutions instituted fourteen succeeded, one was withdrawn on an apology being tendered and one is still *sub judice*.

In the field of industry, the most notorious, and perhaps the most mischievous, of the recent achievements of the *Thakins* has been their exploitation of the workmen of Yenangaung, Chauk, Lanywa and Syriam in the strikes which began at Chauk on the 8th January 1938 and lasted for many months. We have read with care the history of these strikes in the official records of their progress. It is clear that they were organized by the *Thakins*, who, until it became obvious that they had failed, actively supported them with intense propaganda against the oil companies, all foreigners, capitalists in general and the Government in particular. And it is obvious that long after it had become clear that the strikes were based on no real industrial grievance

and that the bulk of the strikers had lost faith in the *Thakins*, the *hakins* tried by all means in their power to prevent the men's return to work, with no consideration for the real interests of the unfortunate men involved⁽¹⁾.

The strikes in the oilfields were in no sense direct causes of the disturbances which broke out in Rangoon and throughout Burma at the end of July. But they were, we think, the product of the same influence which had a hand in creating the atmosphere in which the riots flourished. The *Thakins*, disappointed with their efforts in the oilfields, then endeavoured to foster trouble at Syriam. This strike started on the 27th June and, from the beginning, there is conclusive evidence that it was engineered by the "Dobama Asi Ayon". This strike preceded the riots by only a few days. Though again it is not possible to suggest that the Syriam strike was a direct cause of the riots, we cannot help feeling that it, too, was both a manifestation of the general political unrest which the *Thakins* had contributed to raising in the country and also, by the excitement it created, a contributory cause of the rioting and loss of property which followed in July and August.

There were at about the same time a number of other contemporary industrial incidents, most of which are too trifling to mention. There were, however, in Insein and Rangoon respectively two motor bus disturbances in March and April 1938. These are of some interest inasmuch as the Thathana Mamaka Young Sanghas' Association⁽²⁾ and J. Kumara are said to have taken an active part in them. The Association actually, we understand, took under its control for the purpose of the affair a Bus Association of Insein. It is a curious commentary on the tendency of some of the younger *hpongyis* that an influential body like this should be found actively interesting themselves in a purely industrial dispute, if a bus strike can be called "industrial". This strike created a good deal of excitement and some disturbances in Rangoon when roads were blocked and for a day or two the bus services of the city were paralysed. But there was no serious disorder which the civil police could not adequately handle. In another strike—a strike at the Burma Silk Company's works at Insein—there is again some evidence that the Thathana Mamaka Young Sanghas' Association took an interest in it. Another incident was a demonstration by the stall-holders of the Kemmendine Soortee Bazaar Company against the stall rents demanded by the Company. Here, too, is to be seen the hand of U Ba Hlaing, M.H.R., who, though not, we understand, himself by profession a *Thakin*, was very active in supporting the strikes in the oilfields. After some days of argument with the Company and a procession round the city, the demands of the stall-holders were considered on the 27th July. It is clear that the principals behind this affair were *Thakins* and that it was under the direct patronage of the

(1) This puts, as a result of our own independent examination of the records of the oilfield strikes, what the Court of Inquiry into those strikes at least hinted at in paragraphs 28 and 29 of its Report, dated the 16th March, 1938. It must be remembered, however, that the strike lingered on long after that report was issued, and, in our view, was sustained almost entirely in its later stages by the political propaganda of the *Thakins*.

(2) The Thathana Mamaka Young Sanghas' Association will figure in our final report in respect of its connection with the events which led immediately up to the riots.

West Rangoon (pro-*Thakin*) Thathana Mamaka Young Sanghas" Association. This incident created a situation in Kemmendine which caused the police a good deal of anxiety when the riots actually broke out. The rickshaw pullers of Rangoon, too, have recently been restless and here again the influence of the *Thakins* is to be seen.

The truth of the matter appears to us to be that, in the case of the strikes in the oilfields and of the strike at Syriam, there was a deliberate and organized attempt by the *Thakins* to promote social disorder for their own political ends. They failed, as they were bound to fail where no plausible grievances existed, in benefitting the workmen themselves in any way. Indeed, by loss of wages and employment and in many other respects the workmen and their families were the principal, if not the only, sufferers. The activities of the *Thakins*, however, may have succeeded to this extent that they caused, or contributed to, a feeling of general unrest and excitement up and down the country. The Government was blamed, as it was the purpose of the *Thakins* that they should be blamed, for their handling of the oil-strikes. But the censure they received had, in our opinion, little or no relation to whether they deserved it or not. If there is one thing that stands out from the records of the strikes in the oilfields and at Syriam more than another, it is the temperance with which the proceedings were conducted by the civil authorities and the police and, on the whole, by the strikers themselves.

In other ways, and particularly in Rangoon, there had throughout the year been a good deal of minor industrial trouble. For the most part it was of an unimportant kind. But we have evidence that there are not lacking those who would have welcomed an entire transport strike of far larger dimensions. One thing is clear. Though strikes and industrial disputes were not unknown in Burma before, there has recently been a considerable increase in this kind of trouble, most of it encouraged by the *Thakins* for political purposes and some of it encouraged by those of the younger *hpongyis* who make it their business, under cover of their yellow robes, to indulge in political and economic affairs. But we think that most, if not all, of the industrial trouble that has been in evidence in Burma during the last twelve months has been of a purely destructive and mischievous kind encouraged by *Thakins* and some of the younger *hpongyis*, with the workmen themselves for their victims. This has had its effect in creating an artificial discontent and an atmosphere of excitement which, though not the actual cause, made its contribution to the highly charged atmosphere in which the riots flourished.

The existence of the *Thakins*, as such, and their activities, would have been of no interest to us but for the fact that in our inquiries into the causes of these riots we have been impressed with the number of cases in which young men of *Thakin* organizations have been found among the rioters and of the invariable chorus of *Thakin* slogans with which most rioting has been accompanied. It would be unfair to the *Thakin* organization to say that they caused the riots. There is, in fact, no evidence that they actually contemplated any form of communal rioting in July and August as part of their programme. But there is plenty of evidence almost everywhere we have been that, once started, the rioting found a great many of its recruits among young men belonging to the various *Thakin* organizations in the several towns and

Part played
by *Thakins*
in the riots.

Districts we have passed through. Amateur "fire brigades" appear, in many cases, to be nothing but a cloak for *Thakin* cells and we have been struck by the number of cases which we have come across in which these institutions figure in the rioting. The number of arrests of *Thakins* in various places after the riots has led to a charge we have so far more than once met with that the police have used the occasion to victimize the *Thakins*. These charges we have investigated whenever we could and we are satisfied that the number of young *Thakins* arrested up and down the country is rather the measure of the participation of these young men in the rioting than any oppression by the police. A curious feature of the matter is that we have found that in many places the riots have either had the effect of increasing the strength of local *Thakin* bodies or of causing fresh bodies to be formed in some places, where formerly they did not exist under that name. There is we think some evidence that the riots have served to advertise, and to some extent strengthen, the *Thakin* movement by reason, probably, of the prominent part its young members took in the rioting and of the sentimental sympathy of uninformed people which those who were arrested attracted to themselves for what was accounted to be their "patriotism". And, though perhaps it is beyond the scope of our inquiry, there is more than a little evidence that *Thakin* propaganda has become more intense since the riots even than before.

That, on the whole, the *Thakin* movement has for some time been a mischievous movement which has grown unchecked and has gone a long way towards corrupting the young Burmans of the country from a proper sense of citizenship and discipline we have little doubt. And, in that way, if its leaders did not themselves cause the rioting in any direct sense, we think that the appetite with which their disciples took part in it, is ample proof that they made a handsome contribution towards it. This movement, unless it is checked or unless the good sense of older and wiser Burmans is sufficient to stop it by force of public opinion which, unfortunately, we doubt, will remain a dangerous source of unrest.

Possibly the most deplorable feature of the political propaganda now current up and down the country is the circumstance which we have already noticed that it is to the young that it is so frequently directed. We are aware that student organizations, like the *Thakin* organization, as such assumed a non-committal attitude during the actual disturbances of July and August. But it has been forced upon our notice to what an extent young *Thakins*, and even school-boys, were prominent amongst the rioters. The extent of their share will be given in more detail in our final report.

We have no doubt that political demonstrations recently staged in various places by students of a school-going age are the results of a contemptible type of propaganda which does not stop even at corrupting mere children. There has been a constant and steady increase in the process of indiscipline in the schools all over the country and we feel that lawlessness, such as was observed during the riots, is only one instance of what may become familiar if the state of affairs now prevailing in certain schools continues unchecked. No words of ours can be too strong to emphasize the danger to the future of this country as a whole, if the corruption of the schools is allowed to go on. When

we speak of "danger" in this connection, we do not refer to it in relation to any mere political consideration. But we refer to the more serious danger of the wholesale corruption of the next generation of Burmans by teaching them everything that is opposed to discipline, character, law, order, service, good sense and citizenship.

We cannot for a moment doubt that there must exist an overwhelming majority of Burmese men and women—many of them the anxious parents of children—who share the anxiety we feel. And we sincerely hope that they will have the public spirit and the courage to make it clear that they will no longer tolerate their young men and children being corrupted in the way in which, we regret to say, there is evidence that they are being corrupted to-day. We notice and deplore the discouragement, and surrender to the prevailing indiscipline, of some head and other masters, whose duty it must surely be to teach their pupils the elements of good citizenship and true patriotism. The remedy for this rests, primarily and plainly, with the Government of the moment, whatever that Government may be. But this does not absolve public opinion from its duty clearly to express its strongest disapproval of the ruination of the youth of the country.

We have endeavoured by this introductory report to disembarass our final report of a good deal of matter which we think it has been necessary to understand in order to get a complete picture of the whole background of the riots. We say again that we do not put these matters forward as "causes" of the 1938 riots in the sense that they, or any of them, by themselves would have led in July 1938 to actual civil disturbances. The "immediate cause" or "occasion" of the riots was, we do not doubt, the discovery of Maung Shwe Hpi's book, the insane prominence which the Press gave to it and the distortion of a number of happenings in Rangoon on the first three days of the disturbances. On the other hand, we do not believe that the discovery of Maung Shwe Hpi's book or these other events would themselves alone have produced the vicious attacks almost all over Burma upon the Muslim population and, not infrequently, on other Indians as well, unless they had stirred other passions only slightly beneath the surface. What these were, and how, in our view, they have arisen, we have tried in this introduction to our final report partly to set out. In this way we hope to be free to deal in that report with what, no doubt, is the more spectacular part of our inquiry, the events of the riots themselves, their immediate causes, the way they were dealt with by the civil and police authorities, the losses in life and property they entailed and such recommendations as we may have to make to prevent a repetition of them.

H. B. L. BRAUND,
Chairman.

U PO HAN,
A. RAHIM,
KHIN MAUNG DWE,
M. A. RAUF,
Members.

Dated the 27th December 1938.

APPENDIX I.

OFFICE OF THE RIOT INQUIRY COMMITTEE, RANGOON.

Suggested Syllabus of Inquiry.*

* NOTE. - This syllabus has been prepared before the Committee has begun its investigation and is intended only to suggest certain preliminary lines of inquiry for the guidance of the Committee itself. It is obviously neither complete nor final and it will require to be added to and modified considerably as the inquiry develops. It is intended only as a suggested outline upon which a start may be made. It must, therefore, not be taken as in any way exhaustive or in any way limiting information and evidence upon matters and lines of inquiry not included therein. If it deters evidence on such matters it will defeat its own object. In using it, therefore, it must be borne in mind that it is intended to serve as a guide only and, as regards any relevant matters, that there must be no hesitation in travelling beyond it.

F. S. V. DONNISON,
Secretary.

September 1938.

A.—Underlying Causes.

1. Inter-communal feeling—

- (1) What is the history of inter-communal (Burman-Indian) relations in Burma and what instances in the past have there been of inter-communal strife?
- (2) Are there any particular reasons why inter-communal feeling should lately have become inflamed in Burma?
- (3) Has there been any deliberate attempt (a) from inside Burma (b) from outside Burma to inflame inter-communal feeling recently?
- (4) If so by whom and in what ways?
- (5) Has any section of the Press in recent years shown a disposition to try to inflame communal feeling?
- (6) Has the *Sangha* in general or have any particular sections or classes of *Phongyis* in recent years made any attempt to inflame inter-communal feeling in Burma? If so, what form has it taken? And is its motive a religious one or a political one?
- (7) If any attempts have been made in recent years to foster communal ill-feeling in Burma, do you think that these attempts have been deliberate and organized and, if so, by whom or by what classes of persons?
- (8) Do you know of any literature (other than newspapers) published recently in Burma which has been designed to inflame, or has had the effect of inflaming, inter-communal feeling?

2. Religious—

- (1) What has been the previous history of the relations between Buddhists and Mohamedans, Buddhists and Hindus and Buddhists and other religions in Burma? Has it been one of toleration?
- (2) Can you account for any change in these relations which may have come about recently?

(3) *Phongyis*—

- (a) Have they in recent years shown any tendency towards intolerance of other religions in Burma?
- (b) If so, since when?
- (c) Would you say that any such intolerance was inspired by religious or political motives?
- (d) Is it wide-spread? What form has it taken?
- (4) Have Mahomedans or Hindus in recent years shown any intolerance towards Buddhism? Has this increased recently?
- (5) To what extent did *Shwe Hpi's* book actually offend Buddhist sentiment? Was any such offence intended or justified?
- (6) Do you consider that the book was a genuine cause of the riots or merely a pretext for the riots?
- (7) Has the "Press" in recent years shown any disposition towards fostering religious intolerance and, if so, do you consider that this has been done from religious or political motives?

3. Political—

- (1) Has the effect of separation or the agitation that preceded it been to develop a form of Burman Nationalism which has led or contributed to this rioting?
- (2) To what extent have *Phongyis* intervened in politics with a view to encouraging intolerance of Indians in Burma?
- (3) Have Burmans, for political purposes, encouraged anti-Indian feelings?
- (4) What is, and what has been the influence of, the various political bodies and political leaders in Burma and how far are they genuine "political" parties?
- (5) Have Indians, for political purposes, fostered anti-Burman feelings?
- (6) What has been the influence of the Press? Have there been sections of the Press which have endeavoured by political propaganda to create an atmosphere conducive to disturbance?

- (7) In general have there been any subversive influences at work on the part of—

- (a) The Press,
- (b) Any "political" party,
- (c) The *Phongyis*,
- (d) Any other particular Burman or Indian organizations,
- (e) Any other particular persons?

4. Economic—

- (1) Were the Indian traders the special object of attack and, if so, of what class?
- (2) If so, why was this?
- (3) Can the reasons for the disturbances be traced to economic causes or ideas?
- (4) Can you trace any connection between the recent "strikes" in Burma and the riots? Do you think that the same people, or the same influences, were at work in both cases?

5. In General—

- (1) To what extent have political ideas prevailing in Burma been borrowed or influenced by political ideas current in India and elsewhere?
- (2) To what extent would you say that the disturbances were either (a) premeditated and organized or (b) spontaneous?
- (3) Have you any evidence of preparation or organization?
- (4) To what extent would you say that mere "hooliganism" by the criminal classes contributed to the (a) origin, (b) continuation, (c) revival in September of the riots?
- (5) What effect had the riots in Rangoon on the Districts and was the spread of the riots spontaneous or was it organized or encouraged by any, and if so what, means?
- (6) Any other causes which in your opinion may have contributed directly or indirectly, to the disturbances in Rangoon or elsewhere in Burma?

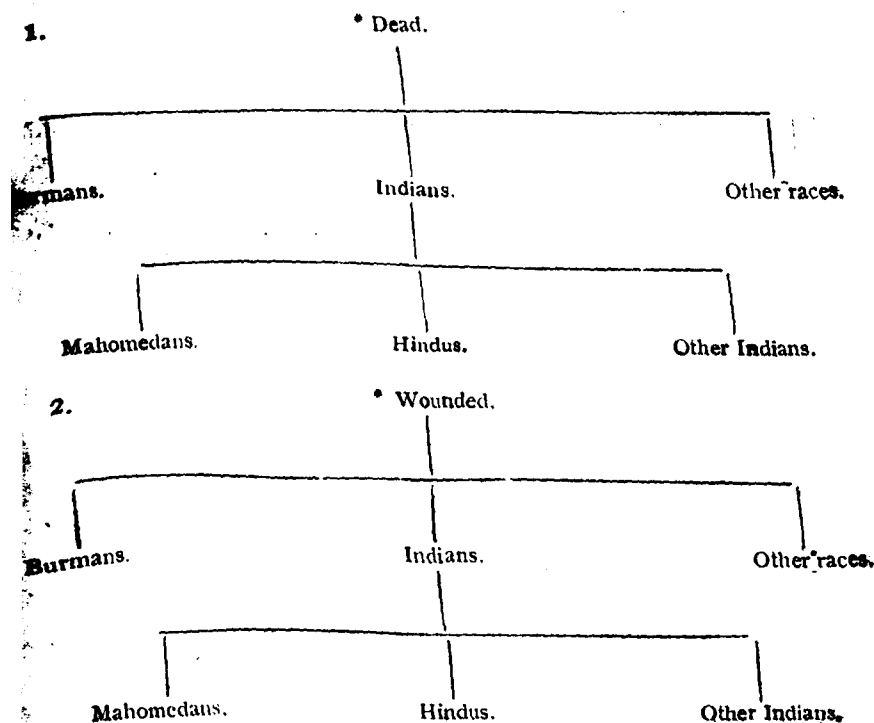
B.—Immediate Causes.

1. The Book—

- (1) History of it?
- (2) Who wrote it and when?
- (3) Who published it and when?
- (4) How and when was it first discovered and who by?
- (5) Why were not earlier steps taken to proscribe the book?
- (6) Who was responsible for the recent protest against it?
- (7) Who organized the protest?

- (8) Was it a genuine protest ?
 (a) Did it really offend Buddhist sentiment, or
 (b) Was it made a pretext for political or communal controversy ?
- (9) Have there been other books like it ?
- (10) What steps were taken—
 (a) By Government, or
 (b) By Mahomedans themselves to put right any offence given by the book ?
2. *The Meeting on the Platform of the Shwe Dagon Pagoda—*
 (1) Who organized it ; when and in what circumstances ?
 (2) Why was it organized ?
 (3) How was it conducted ?
 (4) Who attended it ?
 (5) Was it orderly ?
 (6) Were any inflammatory speeches made and, if so, by whom ?
 (7) What were the (a) object, (b) effect of such speeches, if any ?
 (8) What decisions were taken at the meeting ?
 (9) Police precautions (*see* "Police" *infra*).
3. *The procession to the Soorji Bara Bazaar—*
 (1) Who organized it and when ?
 (2) Composition ?
 (3) Object ?
 (4) Incidents on the way ?
 (5) Was this procession spontaneous or organized beforehand ?
 (6) Police precautions (*see* "Police" *infra*).
 (7) How far was this procession or anything that happened on the way responsible for rioting (a) on that day, (b) later ?
4. *Were there any and what incidents on Tuesday night or on Wednesday and if so, what was their effect ?*
5. *Causes of Recrudescence on Thursday—*
 (1) Why ?
 (2) Had the character of, or reasons for, the riots changed by then ?
 (3) Did they subsequently change ?
6. *Why did the riots spread up-country ?*
 (N.B.—This will form a special Branch of the inquiry.)
7. *Recrudescence of Rioting about the 30th August—*
 (1) Reasons ?
 (2) Were they of the same character as the earlier riots ?
 (3) How far did mere hooliganism account for it ?
 (4) Had the original causes ceased to operate by then ?

C.—Injury to Persons.



3. Nature of injuries—

- By (a) Dah and dagger cuts.
 (b) Gun shots.
 (c) Sticks and blunt weapons.
 (d) Other weapons.

4. † Places—

- (a) Rangoon.
 (b) Outside Rangoon (by districts and towns as far as possible).

5. To what extent is it probable that there have been casualties which have not been reported as for instance by drowning or by unreported burial or cremation ?

* Distinguish, if possible, males, females and children.

† In dealing with particular incidents later the casualties involved in each will no doubt also be ascertained.

D.—Loss of Property.**1. By looting—**

- (a) In Rangoon.
- (b) In Districts.
- (c) To what extent were Burmans and Indians respectively responsible for looting?
- (d) Were there any instances of organized looting on any considerable scale as opposed to merely isolated cases?
- (e) How was loot disposed of?
- (f) To what extent were Indian Kaka shops the special object of looting?
- (g) What sort of goods were chiefly looted?
- (h) Can any estimates be given of the value of property looted in Rangoon or in the Districts?

2. By fire (arson)—

- (a) In Rangoon.
- (b) In Districts.

3. By other means of destruction—

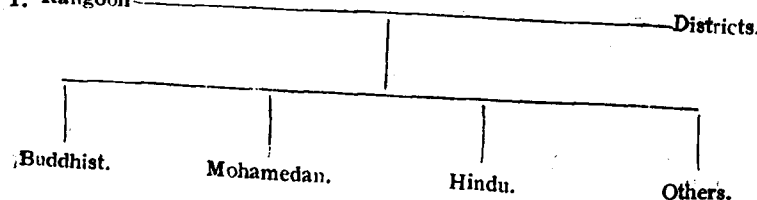
- (a) In Rangoon.
- (b) In Districts.

4. By theft.

5. Has any particular class of persons been the special sufferers from the looting that took place?

6. It has been suggested that in some places persons in *Phongyis'* robes took part in looting and that particular *kyungdaiks* were used by them as the repositories of loot. Can you supply any information as to this?

7. Can you offer any observations upon the effect of the looting that went on so far as driving Indians out of Burma is concerned? Will it have this effect or do you think that the sufferers will re-establish themselves or be replaced by other Indians?

E.—Destruction and Desecration of Religious Buildings and Edifices.**1. Rangoon—****2. How far (a) accidental,**

- (b) deliberate,
- (c) due to real religious fervour,
- (d) due to mere hooliganism?

3. Specific instances, where possible?**4. How far, if at all, did any desecration of Holy Places contribute to—**

- (a) the origin,
- (b) the continuation,
- (c) the recrudescence, of the rioting?

5. Were any, and if so sufficient, measures taken by the religious communities concerned to appease religious feelings aroused by any such desecration as aforesaid?

6. Were there any other instances of offence given to religious susceptibilities which may have contributed to the causes of the riots or to their continuation?

F.—Measures and Actions taken by the Police and Civil Officers during the Riots.**POLICE AND MILITARY POLICE.****In general—****1. City Police—****(1) * Strength :—**

Commissioner of Police.
 Deputy Commissioner of Police.
 Assistant Commissioner of Police.
 Superintendent of Police, River Division.
 Superintendents of Divisions (3).
 Deputy Superintendent, Motor Vehicles Department.
 Deputy Superintendent in charge of Hackney Carriages.
 Inspectors (15).
 European Sergeants (38)—(17 Europeans, 21 Anglo-Indians).
 Sub-Inspectors (98)—(79 Burmans).
 Station Writers (29)—(26 Burmans).
 Head Constables (105)—(45 Burmans).
 Constables (1,260)—(250 Burmans, 25 Anglo-Indians, 982 Indians, 3 Sino-Burmans).

* Taken from report of Fiscal Committee, page 130. These figures are almost exactly the same as in 1930 when the report of the Rangoon Riots Committee in that year recommended an increase.

Are these figures correct or ought they to be subject to any, and, if so, what, qualification?

(2) What was their organization and disposition?

2. District Police—

(1) † Strength :—

Inspector-General.			
Deputy Inspectors-General (4).			
Assistant Inspector-General.			
District Superintendents of Police	...	(40)	
Deputy Superintendents	...	(63)	
Inspectors of Police	...	(225)	
Sub-Inspectors of Police	...	(1,298)	
Station Writers	...	(397)	
Sergeants of Police	...	(7)	
Head Constables	...	(1,411)	
Constables	...	(9,682)	

Are these figures correct or ought they to be subject to any, and, if so, what, qualification?

(2) What was their organization and disposition?

3. Military Police—

(1) Strength :—

- (a) In Rangoon.
- (b) In Districts.

(2) Organisation and disposition :—

- (a) In Rangoon.
- (b) In Districts.

4. Have you any observations to offer, having regard to the experience of these riots, upon the equipment (both offensive and defensive) of—

- (1) The City Police,
- (2) The District Police,
- (3) The Military Police,

with particular reference to dealing with civil disturbances in—

- (1) Rangoon,
- (2) elsewhere,

and having regard to the following (among other) facts and considerations :—

- (1) the civil population is extensively armed with *dahs*, daggers, spears, etc. ;
- (2) the wide area to be covered (a) in Rangoon itself by the City Police and (b) in the districts ;
- (3) Isolation in the districts ;

† These figures are taken from the Second Interim Report of the Fiscal Committee.

(4) The danger of (a) the misuse by police constables of firearms if they possessed them ; (b) firearms being captured by hooligans from the police ;

(5) Facilities for quick transport from one spot to another ;

(6) Communication and co-operation with other forces ?

5. Have you any observations to offer upon (a) the numbers of the Police and Military Police forces in Rangoon and the Districts respectively ; (b) their dispositions or (c) the personnel of the police forces in officers, inspectors, head-constables, constables, etc., having regard to the duties they have to perform in times of riot and disturbance ?

6. Is the police force (including the Military Police) adequately officered so as to enable them to perform their duties efficiently ?

7. * It is observed that the Fiscal Committee has recommended that the question of increasing the proportion of Burman constables and of disbanding the Military Police and replacing them by civil police should be considered. Observations, within the scope of this Committee's terms of reference, are invited upon these and any other relevant recommendations made by the Fiscal Committee in the light of the experience which has now been gained from the recent disturbances.

8. Has the Criminal Investigation Department any observations to offer as regards the need for having and the means of obtaining advance information as to impending disturbances ?

9. Was any particular hostility shown towards the Police by any particular persons or class of persons during the riots ?

10. Is there any ground for suggesting that the police or any section of them showed any partiality in affording protection or otherwise towards any particular section or class of the population ?

N.B.—The suggestion has not been actually made but it might possibly be made as in the case of the 1930 riots.

11. Was the discipline of the Police Forces good ?

12. Was the performance of their duties in all instances satisfactory ; or have any instances come to light in which there was any failure by any Police in the performance of their duties ?

13. A.—Did you find co-operation with (a) the civil authorities and (b) the other forces satisfactory or can the means of co-operation be in any way improved ?

B.—Movements and use of Police and Military Police during the riots—

1. In Rangoon—

- (a) City Police.
- (b) Military Police.

2. In Districts—

- (a) District Police.
- (b) Military Police.

NOTE.—The Commissioner of Police and his subordinates (for Rangoon) and the Inspector-General of Police and his Subordinates (for the district) are the only persons who can tell us in detail exactly how the rioting and disturbances developed in each place and how the police and military police were used on each day by reference to the various incidents and outbreaks that occurred. No doubt most of this information will be contained in the reports already made by the Inspector-General and the Commissioner of Police respectively. But if there are any further matters which they can deal with under this heading, perhaps they will do so.

* Second Interim Report of the Fiscal Committee, pages 141, 142.

C.—(1) Did the Police and Military Police before the commencement of the disturbances have any scheme or plan for dealing with any such disturbances (a) in Rangoon and (b) in the districts? If so, we should like an opportunity of considering them.

(2) Did such plans prove adequate or inadequate?

(3) Was there anything in the nature of these disturbances which was unexpected or unprovided for and which ought in future to be provided for? For instance, did the present disturbances differ in any way from past experience?

(4) Did such plans or schemes as the Police had previously prepared miscarry in any way and why and what measures ought to be taken in future to prevent any such miscarriage?

(5) Was there any failure to carry out the scheme or plan or were the police prevented from or hampered in doing so in any respect?

(6) (a) Were the Police aware that any trouble was brewing and, if so, when were they first so aware? When, for instance, did they first know of the intended meeting at the Shwedagon Pagoda?

(b) Have the Police any complaints to make on the ground that they were either not informed, or misinformed of anything that had happened or was about to happen? If so, who was responsible for this?

D.—(1) At what point of the disturbances, and on whose orders, were the Military called in? Was it early enough and what effect did the Police find that the presence of the Military had?

From a police point of view, did they find that co-operation with the military was in every way satisfactory and easy or can any suggestions be made for improving it?

(2) * Firing.—

(a) Extent of. Total rounds fired. Details of rounds fired per day and per incident, if they can be provided. Was there any machine or Lewis gun used? If so, when and where and to what extent?

(b) When was firing first "sanctioned" and by whom?

(c) In the opinion of the Police was firing resorted to sufficiently early? Could firing have been effectively resorted to in any case in which it was not resorted to but should have been?

(d) Were any representations made by or to the Police that firing should be resorted to earlier than was actually the case?

(e) Outline of the incidents—

(a) in Rangoon,

(b) in Districts,

involving firing by Police or Military Police.

(f) Is any case of (a) unnecessary (b) excessive firing known?

* Apparently this will principally concern the Military Police and the Frontier Force.

(g) Have the Inspector-General of Police or the Commissioner of Police had brought to their notice any allegations of or information about any improper conduct, use of excessive force, unnecessary firing, brutality, intimidation, corruption, receipt of loot or any other improper conduct by any member of the Police or Military Police forces?

(h) Police and Military Police casualties. Killed. Wounded.

(i) Were any attempts made by any person to influence the Police in any way in the performance of their duties or were the Commissioner of Police or the Inspector-General of Police embarrassed in the exercise of their duties at any time or in any way by any orders or instructions given to them by any person or persons?

E.—Information in relation to particular incidents:—

(1) Precautions taken in relation to the meeting on the platform of the Shwedagon Pagoda.

(2) The procession from the Pagoda.

(3) Incidents on the route.

(4) The killing of the policeman at the corner of China Street on Tuesday.

(5) The arrival at the Soorti Bara Bazaar.

(6) The incidents on Thursday morning when rioting recurred.

(7) Any other special incidents?

F.—(a) Have the Police any recommendations to make for the improvement of their own organization, dispositions, equipment or otherwise, having regard to their duties in times of riot or disturbance?

(b) Have the Police any suggestions to make in respect of their reinforcement in times of riot or disturbance or in any emergency by any form of special constabulary; and, if so, upon what times should such special constabulary be recruited, organized, equipped and employed?

Civil Authorities in Districts.

1. What precautionary and other measures were taken by the civil officers and authorities in each locality and place in the District in which any riot or disturbance took place or was threatened?

2. Are the District Civil authorities able to suggest any causes or reasons which in their respective jurisdictions have led or contributed to disturbances or the continuation thereof?

3. Are the District Civil authorities able to suggest any measures which can and ought to be taken to remove or allay any such causes as aforesaid in their respective jurisdictions or to prevent or deal with any future outbreak of disturbance that may arise?

APPENDIX II.

TOUR PROGRAMME.

1938	November	20th	...	Left Rangoon.
		21st	...	Arrived Wakèma.
		22nd	...	Halted.
		23rd	...	Left Wakèma in the evening for Myaungmya.
		24th	...	Halted Myaungmya.
		25th	...	Halted Myaungmya.
		26th	...	Arrived Wakèma early morning and left for Yandoon in the evening.
		27th	...	<i>En route</i> to Yandoon.
		28th	...	Halted Yandoon.
		29th	...	<i>En route</i> to Henzada.
		30th	...	Halted Henzada.
1938	December	1st	...	<i>En route</i> to Myanaung.
		2nd	...	Halted Myanaung.
		3rd	...	Halted Myanaung.
		4th	...	<i>En route</i> to Prome.
		5th	...	Halted Prome.
		6th	...	Visited Paungdè and returned to Prome.
		7th	...	<i>En route</i> to Thayetmyo.
		8th	...	<i>En route</i> to Migyaungye.
		9th	...	Visited Taungdwingyi and returned to Migyaungye.
		10th	...	Examined witnesses at Migyaungye, left for Magwe and examined Commissioner at Magwe.
		11th	...	<i>En route</i> to Yenangyaung.
		12th	...	Halted at Yenangyaung.
		13th	...	
		14th	...	
		15th	...	
		16th	...	
		17th	...	
		18th	...	<i>En route</i> to Pakôkku.
		19th	...	Halted Pakôkku.
		20th	...	Left in the evening for Sagaing.
		21st	...	Arrived Sagaing.

APPENDIX II—concl'd.

TOUR PROGRAMME—concl'd.

1938	December	22nd	...	Halted at Sagaing.
		23rd	...	
		24th	...	
		25th	...	
		26th	...	
		27th	...	Shwebo.
		28th	...	Ye-U.
		29th	...	Shwebo.
		30th	...	Shwebo. Left for Mandalay in the evening.
		31st	...	
1939	January	1st	...	Halted at Mandalay.
		2nd	...	
		3rd	...	
		4th	...	
		5th	...	
		6th	...	
		7th	...	
		8th	...	
		9th	...	
		10th	...	Tungoo.
		11th	...	Pegu.
		12th	...	Return to Rangoon.

APPENDIX III.

CLASSIFICATION OF OCCUPIERS OF AGRICULTURAL LAND, BURMA.

Year.	Lower Burma Upper Burma Total.	Area occupied by			Total occupied area.
		Agricul- turists.	Non-Agriculturists.		
			Resident.	Non- Resident.	
(1)	(2)	(3)	(4)	(5)	(6)
1926	Lower Burma ...	7,554,630	700,163	2,084,796	10,339,589
	Upper Burma ...	7,245,320	312,342	374,567	7,932,229
	Total, Burma ...	14,799,950	1,012,505	2,459,363	18,271,818
1927	Lower Burma ...	7,563,203	735,723	2,157,496	10,456,422
	Upper Burma ..	7,242,087	310,758	375,653	7,928,498
	Total, Burma ...	14,805,290	1,046,481	2,533,149	18,384,920
1928	Lower Burma ...	7,652,081	767,131	2,188,302	10,607,514
	Upper Burma ...	7,192,425	327,936	392,561	7,912,922
	Total, Burma ...	14,844,506	1,095,067	2,580,863	18,520,436
1929	Lower Burma ...	7,601,209	778,345	2,274,471	* 10,654,025
	Upper Burma ...	7,160,974	324,552	406,521	7,892,047
	Total, Burma ...	14,762,183	1,102,897	2,680,992	* 18,546,072
1930	Lower Burma ...	7,513,560	803,617	2,427,944	10,745,121
	Upper Burma ...	7,205,700	350,671	446,434	8,002,805
	Total, Burma ...	14,719,260	1,154,288	2,874,378	18,747,926
1931	Lower Burma ...	7,292,025	821,585	2,692,351	10,805,961
	Upper Burma ...	7,164,726	368,866	473,834	8,007,426
	Total, Burma ...	14,456,751	1,190,451	3,166,185	18,813,387

* Excludes 3,344 acres of Government Estate Areas.

APPENDIX III—concl'd.

CLASSIFICATION OF OCCUPIERS OF AGRICULTURAL LAND,
BURMA—concl'd.

Year.	Lower Burma Upper Burma Total.	Area occupied by			Total occupied area.
		Agricul- turists.	Non-Agriculturists.		
			Resident.	Non- Resident	
(1)	(2)	(3)	(4)	(5)	(6)
1932	Lower Burma ..	6,640,160	857,232	3,236,362	10,733,754
	Upper Burma ...	7,113,042	394,425	513,805	8,021,272
	Total, Burma ...	13,753,202	1,251,657	3,750,167	18,755,026
1933	Lower Burma ...	6,294,627	834,843	3,638,974	10,768,444
	Upper Burma ...	7,066,894	424,273	558,205	8,049,372
	Total, Burma ...	13,361,521	1,259,116	4,197,179	18,817,816
1934	Lower Burma ...	6,030,391	860,493	3,955,578	10,846,462
	Upper Burma ...	7,014,625	441,857	593,469	8,049,951
	Total, Burma ..	13,045,016	1,302,350	4,549,047	18,896,413
1935	Lower Burma ...	5,864,550	890,052	4,171,701	10,926,303
	Upper Burma ...	6,989,710	454,298	622,482	8,066,490
	Total, Burma ...	12,854,260	1,344,350	4,794,183	18,992,793
1936	Lower Burma ...	5,802,936	968,161	4,284,921	11,056,018
	Upper Burma ...	6,987,561	462,623	642,898	8,093,082
	Total, Burma ...	12,790,497	1,430,784	4,927,819	19,149,100
1937	Lower Burma ...	5,895,749	989,419	4,316,598	11,201,766
	Upper Burma ...	6,967,125	475,745	660,271	8,103,141
	Total, Burma ...	12,862,874	1,465,164	4,976,869	19,304,907

APPENDIX IV.

	1911.	1921.	1931.
Population of Burma ...	12,115,217	13,212,192	14,667,146
Hindis ...	389,679	477,531	565,609
Muslims ...	357,561	366,271	396,594
Others ...	31,601	43,275	55,622
Total Indians in Burma ...	778,841	887,077	1,017,825
Zerbadis ...	59,729	94,316	122,705

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