

26 November 1936

Setting the Stage for Political No-Confidence

1 Introduction

The British Parliament passed the Government of Burma Act in August 1935 together with the Government of India Act. It outlined the ways of how the Province of Burma should be governed after having been separated from India. The bill had been drafted on the base of the proposals submitted by the British government already before the Round Table Conference of 1931/32. Because the Burmese delegates had been focussing on the separation issue, they had been given not much attention to the draft. The final version consisted of 159 sections and six schedules worded in the tradition of British constitutional tradition. It did not aim at formulating a coherent system of state organs but comprised a set of rules and regulations that were derived from pragmatic considerations and lessons learned from the past.¹ Following the British model adopted in India already after 1919, it provided for two parliamentary chambers and enlarged the subjects for which Burmese ministers were responsible in cooperation with the governor.

The fifth schedule of the Act prescribing the oath of parliamentarians and High Court Judges reads thus:

I, A.B., having been chosen a member of [one of the two parliaments] do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King, His Heirs and Successors, and that I will faithfully discharge the duty upon which I am about to enter. (Singh 1940: 140)²

Neither here nor elsewhere in the Act, a reference to Burma and its traditions were mentioned. This inevitably antagonised those Burmese who, albeit in very different ways, had declared their allegiance to the nationalist cause. The new constitution therefore was widely regarded as a symbol of continuing British domination and not, as intended by the British lawmakers, as a next step to responsible government performed by Burmese nationals as a part of the British Empire.

The nationalist(ic) attitude was drastically expressed by the symbolic act of burning the British flag, the Union Jack, on April 1, 1937, the day on which the new constitution became effective and Burma was separated from India. The day had been declared a public holiday. The flag burning took place before the High Court and was performed by a small group of nationalists close to the Thakin movement the most prominent of them being Nu who would become the first prime minister of independent Burma. The symbolic act was a strong sign of rejection of the Government of Burma Act



5. Burning the Union Jack before the High Court, April 1, 1937: U NU, BO LET YA, U-TUN ON, HTAIN WIN, and a friend.

Source: *Maung Maung 1959 Burma's Constitution, after p. 128*

1 For the text of the Act see Singh 1940: 40-141 and <https://www.burmalibrary.org/en/government-of-burma-act-1935-the-1937-constitution> (accessed 24.8.2020).

2 Ibid: 140.

passed by the British parliament and foreshadowed Burma's decision not to join the British Commonwealth of Nations after independence. Mass demonstrations as organised by the Indian Congress under Gandhi's leadership protesting the new constitutional regulations for India did not happen in Burma. The day was marked by the visit of Lord Linlithgow, the Viceroy of India, who presented a silver mace to the newly established Senate and expressed his hope that "in the years to come Burma may have cause for thankfulness that the direction of her public affairs is founded on the Parliamentary system of government."³

The new constitution provided for a term of five years for the House of Representatives and seven years for the Senate (Section 19 (4)). Due to the approaching Second World War, the House of Representatives just finished its first legislative period. Elections to be held end of 1941 were not even planned. The new system therefore had no time to mature and from the beginning was overshadowed by the option of a sudden breakup as symbolised by the flag burning ceremony. The following sections will focus on the new provisions of the Act and their effects in a climate of increasing political aggravation. The narration will concentrate on the events related to the House of Representatives since almost no relevant material is available for what happened inside the Senate.

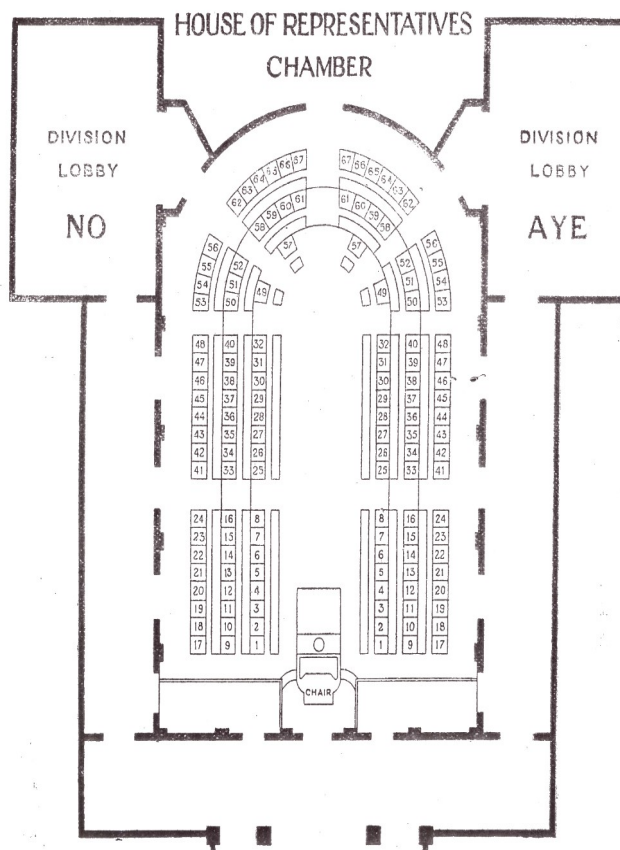
After overviews on the provisions made for the lower chamber (2) and the election process (3), a number of features happening during the four years of the term will be narrated: The turbulent first sessions of the House before the formal enactment of the new constitution (4), censure motions (5), vote buying (6), debates on the language to be spoken in parliament (7) and a debate on Burma's attitude to the war that had broken out in Germany (8) and the instability of ministries (9).

2 The New Burmese Legislature

The new legislative consisted of the Governor as the representative of the King, the House of Representatives (132 seats) and the Senate (36 seats). The composition of the former followed the system applied before under the Dyarchy system (Schedule 3). 91 seats were elected in non-communal (or general) constituencies, the remaining 41 (over 30%) were reserved for special ethnic communities (12 Karen, 8 Indian, 3 Europeans, 2 Anglo-Burmans) and representatives of the interest of commerce (11 seats for various chambers of commerce, five of them reserved for British members), labour (2 seats each for Indian and non-Indian labour) and the university (1 seat).

Half of the members of the Senate were elected by the House of Representatives and, the other half was appointed by the governor.

The two chambers had the right to discuss and pass bills mostly to be introduced by the administration that however needed the assent of the governor and the Crown (e.g. the British government) to become effective. The



Source: Singh 1940: 368

3 *The Sydney Morning Herald*, 2.4.1937: 11. - The visitor further boarded a barge at the Royal Lake (*Kandawgyi*) and watched a Burmese boat race there (see <https://www.britishpathe.com/video/VLVAJIIRI3S0G4O1SCFOJPO4LW0-VICEROY-OF-INDIA-LINLITHGOW-VISITS-RANGOON/query/wildcard>; accessed 22.7.2020).

British authorities thus could veto any bill. Furthermore, according to section 7 (1) of the Act, "Defence, ecclesiastical affairs, the affairs of the [excluded] areas [...] and the control of monetary policy, currency and coinage and [...] foreign affairs [...] shall be exercised in his [the Governor's] discretion."⁴ The parliament therefore – as the preceding bodies in which Burmese were given a say in the making of laws - had the function of an advisory body of the governor as the representative of British policy. He chose from the elected parliamentarians a council of up to ten ministers who were supposedly were supported by a majority of parliamentarians and sworn in "to aid and advise the Governor in the exercise of his functions."⁵ The Act did not provide for any post of Chief or Prime Minister. Only later, the Burmese politician who was regarded the head of the ministry, officially was called "Premier".⁶



Source: Singh 1940: 368B

These provisions gave rise to a distinction between "government" and "opposition" in parliament as depicted by the layout of the seats in parliament following the Westminster style. Yet, neither the Act nor the rules of procedure for the House of Representatives (Singh 1940: 371-415) provided any elaboration about the relationship of the groups assembled in the legislature. The rules of procedure however gave some details about how the Speaker and Deputy Speaker could be removed or the lack of confidence in the Council of Ministers could be expressed (Singh 1940: 393-394). Both options had already been used in the Legislative Council as a sign of opposition both to the two ministers responsible for the transferred subjects and to the Speaker as the man who was entrusted to supervise the functioning of the rules and regulations made in Britain. Opposition to him could be regarded both as a protest against his political leaning and the foreign power that had conceived the ruled he had to administer to everybody's satisfaction. The sensitive post was taken over by Chit

Hlaing who had already been the last President of the Legislative Council.

This way, a hidden "double two-party system" emerged. Under the supervision of the Speaker, the respective ministry under a Premier was opposed by those members of parliament who had not voted in favour of it. This scheme however was very fluid because of the lack of parties having some kind of infrastructure beyond the temporal allegiance of the members to one or more leaders. On the other hand, there was some basic but subtle opposition of the Burmese parliamentarians towards the British government. Both modes of opposition overlapped resulting in a rather complex interplay of the political actors. This complexity was further increased by the forces that today are condensed under the term civil society

The Government of Burma Act as well as the rules of procedure further contained a number of provisions regulating the meetings of the two parliamentary bodies. They were scheduled to meet at least once a year, but the House of Representatives continued the practice of two sessions of the Legislative Council, one in February and March to discuss and pass the budget and the second in August and September.

The House of Representatives was to meet from Monday to Friday between 11 a.m. and 4 p.m. including a lunch break. Extension of the sessions could be assigned by the Speaker. As on the British Parliament, parliamentarians had to stand up before making a verbal contribution. Speeches

4 Singh 1940.: 50.

5 Ibid.: 49-50 (Section 5 (1) of the Act.

6 *Calgary Herald* 16.9.1937: 9.

should not exceed 20 minutes and should be held in English. A number of provisions made sure that priority was given to the business of the government and that the sittings proceeded in an orderly way. Here the Speaker was equipped with great authority. Rule 48 stated:

(1) The Speaker shall preserve order and have all power necessary for enforcing his decisions.

(2) He may ask any member whose conduct is, in his opinion, grossly disorderly withdraw immediately from the precincts of the House. [...] If any member is ordered to withdraw a second time in the same Session, the Speaker may direct the member to absent himself [...] for any period no longer than the remaining of the Session. (Singh 1940: 387)

The governor was given special powers. All bills needed his approval, he could enact bills and sanction others that dealt with a number of issues concerning - inter alia - the police force, and "criminal proceedings in which European British subjects are concerned." (Singh 1940: 66-69, Sections 40-43 of the Act)

3 Preparing for the Elections and Results

Different from the 1932 elections, there was no topic like the separation vs. anti-separation issue to arouse the interest of the voters. The issue had been decided in London. The new constitution opened the door for Burmese politicians to compete for more offices in the new administration to be formed. The big underlying question was of how to deal with the new framework for political action on the way to independence. On this matter, as before a number of different opinions and strategies existed among the various Burmese factions and other ethnic communities.⁷

In the end, three major Burmese groups emerged prior to the elections. Two of them were headed by men who had been already active during the formative years of the nationalist movements, Chit Hlaing and Ba Pe, the third leader was Ba Maw who had become prominent in course of the pre-1932 elections and as minister for education after 1934.

Chit Hlaing, born 1878 in Mawlamyine as the son of a wealthy man, studied in England and became a barrister. After his return, he co-founded the Young Men Buddhist Association (YMBA) in 1906. He was elected president of the GCBA and became a leader of the boycott movement. Due to the money he could spend and the support he got from monks and peasants, he became very popular and was regarded for some time during the 1920s as the most influential political figure in Burma. He lost much of his public support after becoming a member of the Legislative Council in the 1932 election in which he joined the Anti-separatist League. After having been called *thamada* (president) in the 1920s, he was elected to the important post of the President of the Legislative Council in 1935 after the ouster of the British member who had been elected in 1932.

Ba Pe, born 1883, originated from a district in Lower Burma. He attended Calcutta University and was another co-founded the YMBA. In 1911, he established the newspaper *Thuriya* (Sun), that was to become one of the leading nationalist media. He became a leading member of the 21 party that split from the majority of the of the GCBA to accept the Dyarchy scheme and became a member of the Council from 1923 on. From 1930-1932 he served as Minister for Forests. Before the 1936 elections, he forged a coalition comprising of five groups that became known as the (re-)United GCBA or the *nga-bwin-saing* (Five Flower Alliance).

In contrast, 'modernist' Ba Maw invented a name for his political group that pointed to a political program. After having taken over one of the GCBA fractions, he named the group under his leadership *sinyetha wunthanu aphwe*, that is "poor folks' national association", sometimes translated as "Proletarian Party".

⁷ As with the term "democracy", there is no Burmese word for "party" as a political association. The English loanword is used, pronounced in a Burmese way.

A small party founded by Deedok U Ba Choe, the publisher of a political magazine that had propagated the anti-separation cause, was named after the English Fabian Society that promoted democratic socialism and influenced the policy of the Labour Party.⁸ The Thakins after some discussions decided to participate in the elections as well. They chose a name already used in the election campaign of Ba Thaug in 1933, the *komin kochin aphwe* (One's Own King, One's Own Kind Association). Since the Burmese word *min* can be used to denote both a king and any government, the party name carried the demand for the restoration of Burmese sovereignty without any foreign interference.⁹

Apparently, the Sinyetha party of Ba Maw was the only one that published a manifesto in which a five year program for the next legislative period was outlined. It concentrated on programs that would benefit the country's small farmers. They were promised a land reform that provided to give five acres of land to any landless peasant, democratic village administration, free compulsory education and a tax reform according to which the money collected in the villages should be used for welfare purposes there and not appropriated by the central government. Furthermore, he promised to attempt achieving independence within five years, to destroy the new constitution from within the parliament and not accept any office. The Thakins promised not to join any ministry as well..

U Ba Pe tried to impress the electorate by bringing U Ottama back to the political scene. The titular head of his group was a distant relative of the last king. He regarded the constitution a suitable platform on which independence could be achieved. Chit Hlaing obviously relied on his fame acquired in the 1920s and his hostility to the constitution. Foreign observers were critical of Ba Maw and favoured Ba Pe and other "moderates" who did not completely opposed the political reforms, but some doubts were raised on the enduring unity of his coalition of groups.¹⁰

On election day, around 50% of the electorate¹¹ went to the polls. The "Five Flowers Group" won 46, that is more than half of the 91 non-communal seats, Ba Maw's and Chit Hlaing's parties won 16 and 12 seats respectively, the Thakin party 3 and the Fabians just 1. The remaining 13 seats were taken by independent candidates. Ba Pe was thus the logical candidate to head the ministry. But he needed the support of other groups. Furthermore, the name of the group that got most of the seats indicated that it was just something like a loose coalition.

4 Between Elections and Enactment of the Constitution: The First No-Confidence Motion

An Indian author who had lived and worked in Burma for some time as a lawyer in retrospect asked a number of questions about the approach of the members elected to the House of Representatives or selected for the Senate to the new situation:

Had any attempt been made to to bridge the gulf which admittedly existed between front-rank political leaders? When the country was about to enter upon a new era of Reforms, with wider powers vested in popularly elected Ministers, who would be responsible not merely to the Governor, but in a real sense to the House of Representatives, was it not felt that the country should be served by the best men available irrespective of Party? Was any attempt made to a truly National Government in the national interest? Was there any willingness on the part of the Leaders of of the various Parties to bury the hatchet and work together? (Sen 1945: 56-57)

The author's answer was: No. - Instead:

8 John S. Furnivall who tried to connect Burmese intellectual life to western thinking was a Fabianist.

9 The party one just two seats, one by Thakin Mya, born 1897, a senior member of the *Do-bama* association. Later, he played a leading role in the socialist party, a founding member of the AFPFL. He was appointed minister fore Home Asfairs and Finance in Aung San's pre--independence government and was assassinated with him oamd other cabinet members n 19 July 1947.

10 *The Ottawa Journal* 31.12.1936: 6; Maung Maung 1959: 32.

11 The number is calculated from the figures provide by Singh 1940. Other estimates are 40 or just 31 %.

The true interests of the country were sacrificed on the altar of petty rivalries and jealousies and the country was flung to the wolves. (Sen 1945: 57)

In other words: According to the enlightened opinion of the observer, the Burmese politicians of that time were not mature enough to enter into a “great national coalition”. He advocated for a ministry comprising of all Burmese politicians – except the small Thakin group – and representatives of the Karen and the Indian communities. Instead, he noticed, the Burmese leaders entered into “tug of war for the Premiership”. This competition was not about a political post to be held for a period of time but for the supreme leadership because all "parties" claimed to represent the whole of Burma.¹² The competition for the post of the head of the ministry was thus at the same time a fight about who was best qualified to lead Burma's independence struggle against British rule.

The proceedings of the new parliament shortly after it was convened for the first time on February 10, 1937 illustrate how the “tug of war” commenced even before the new constitution was enacted. They further shed light on the instruments used to fight out the “petty rivalries and jealousies”.

The first session lasted from 10.2. to 24.3.1937.¹³ In his address to the House at its second meeting, Governor Cochrane stressed the necessity of passing some bills until April 1, among them the Frontier Force Bill that was of some importance and pointed to the limitations of the parliament within the interim period before the new constitution would come into effect. He remarked that Ba Pe had submitted a list for the Council of Ministers to take office in April. “Within the next few days” he would announce the names and the portfolios to be held by them.

This however did not happen. On February 18, at the sixth session of the House, a no-confidence motion against Ba Pe and Thein Maung, leaders of the "Five Flowers Group" was moved who had been appointed as ministers for forests and education for the period of time between the elections and the coming into effect of the new constitution on April 1, 1937. During the intermediate period, the Dyarchy system was still in force. Ba Pe had held the forest ministry already before, Thein Maung,¹⁴ a newcomer to parliament, was selected to replace Ba Maw who had been education minister since 1934. Obviously, the governor expected both men to be members of the ministry to be elected after April 1 under Ba Pe's chairmanship.

It was discussed if the motion was in line with the Rules of Procedure. Chit Hlaing decided that the motion could be submitted because it was supported by more than 25 members who raised from the seats in support of the move. He further decided that the motion could be discussed on February 26 at the earliest because "Government business" took priority.

The debate on how to interpret the old and the new house rules was taken up on the 26th again and Chit Hlaing read letters written by him to the governor and the latter's reply. The governor stated that the motion could be discussed but had to be confined "to matters for which the Ministers were responsible during their tenure of office." Questions dealing with the policy of the future Council of Ministers "must be outside the scope of the motion". (Proceeding HR I, 1: 140-141)

12 The names “Home Rule”, “Independent”, “Nationalist,” “People’s”, “Progressive” Party must be seen as different terms carrying the same message: to represent the whole country.

13 For the following see Proceedings HR I, 1: 5-172.

14 For his biography see Taylor 2008: 158-170.

This interpretation of the instrument of a no-confidence motion¹⁵ was absolutely not observed by the mover of the motion and the whole debate concentrated on the attempts of the two ministers to form a Council of Ministers. It was in fact a no-confidence motion against a government that had not been elected. This was highlighted by the fact that Thein Maung was just in office for three months and the speech he gave his first one in parliament since he had not been a member of the Legislative Council.¹⁶ It was therefore rather absurd to look for any faults in his ministerial performance.

The motion was moved by Ba U who obviously had earlier belonged to the "Five Flower Party". He argued that the two ministers had taken office because of the "bad intentions" to use the money they earned now and their influence to win over other parliamentarians to join their group. Furthermore, their suggested cabinet consisted just of "members of their family" whereas Burma needed a coalition of all indigenous people. (Proceedings HR I, 1: 143-147).

The next speaker in favour of the motion was a Karen and argued that it had been the constitutional duty of the ministers to resign by themselves. Ba Maw later repeated this argument by remarking "it has fallen on us to help them to discharge their duty." (Proceedings HR I, 1: 154)

The debate showed that the "Five Flower Coalition" had started to disintegrate. The chief whip of the 'party' that won most seats expressed his perplexity about the mover of the motion in the flowery way of speaking used by many speakers.

I feel like that proverbial Irish Soldier who offered a prayer when about to go into action. The soldier is reported to have said: "Oh! God, if there is a God, save my soul if there is a soul." I do not know whether to support or to oppose my hon'ble friend U Ba U's motion. I have always considered him a member of our party and I still consider him to be so. I have not received any official communication from him severing the connection with the United Party up to date and to this moment and under this circumstances I am at loss to know whether I should oppose the motion tabled by a member of our Party. (Proceedings HR I, 1: 151)

The debate further showed that both Ba Pe's and Ba Maw' group tried to demonstrate that they were about to form a "truly" national government as the Indian observer had requested. This claim however was denied by the other side trying to form a ministry. Ba Pe's group had been called a 'National Government', a claim that had been denounced as a "camouflage" and a "political bluff". The mover of the motion argued that the voting would show that the truth of this allegations, The expected votes of Arakanese and Karen members in favour of the motion would that these groups supported the "All-Burma Coalition" under Ba Maw's leadership (Proceedings HR I, 1: 146-147).

Besides such exchange of claims, the speakers made ample use of personal insults and abusive language. Ba U had called the followers of Ba Pe's group "superstitious weaklings". A speaker for the group countered by denoting the arguments brought forward to support the no-confidence motion as "ravings of a mad man" who had brought in "all sorts of insinuations" with the "help of a dictionary or by his voluminous vocabulary". (Proceedings HR I, 1: 147; 160)

Hence, political arguments and personal rivalries went hand in hand as already before the new chapter of Burmese political reform had been opened. The followers of Ba Pe and Ba Maw acted on behalf of the two leaders who had already become adversaries during the debates on the separation issue

15 The procedures of criticising the government were adopted from a British parliamentary practice called "Motions of adjournment". Such a motion could be moved to criticise "the Government on connection with some recent incident which can be laid to the blame of the administration." (Singh 1940: 416) This instrument could be utilised by the members of the House of Representatives to discuss matters that were not part of the agenda under the Governor's supervision and allowed to discontinue the rather rigid routine procedures safeguarding that government's concerns were given priority. A motion of "Non-confidence in the Ministry" was one of many options to make use of this instrument that had already been widely employed in the Legislative Council.

16 Thein Maung was one of the three Burmese members of the Indian Assembly until the separation. He gave up politics soon after the motion and became the first Burmese Advocate General in 1938.

before 1932. Fierce rivalry had continued during the term of the last Legislative Council (Cady 1965: 362-268).

Ba Pe summarised the reasons of his failure thus:

The whole atmosphere is charged with mistrust, misrepresentation, ill-feelings and tissues of lie manufactured by some interested people. In such an atmosphere I found it difficult to form a stable ministry and explained the whole matter to His Excellency and asked him to appoint somebody else to shoulder the responsibility. (Proceedings HR I, 1: 168)

In the end, the no-confidence motion was successful. 64 member of the House went through the door to the "Aye" Division Lobby, among them - as predicted by Ba U - the Arakanese, Karen and Indian parliamentarians, 51 took the other door, among them the Europeans who had found the arguments presented for the motion not convincing.

With regard to the "Burmese vote", the number of "Nos" was higher than the "Ayes". Both the no-confidence motion and later Ba Maw's ministry that finally took over on April 1, came about with the support of the various ethnic groups represented in the House – with the exception of the "European Group" as the party of British members of the House was called. The majority of Burmese members was divided.

5 Various Forms of No Confidence as a Permanent Factor

On March 11, Ba Maw and four other members of the House, among them one Karen and one Arakanese, were named as ministers by the Governor. One day later, a no-confidence motion was brought against the five. It was however rejected by the Speaker because the five men had not yet be sworn in. On March 15 at 10 o'clock, Ba Maw and Paw Tun war sworn in as ministers for education and forest respectively. One hour later, at the beginning of the meeting of the House, the next no-confidence motion was tabled against the two that was discussed on March 24 - a preceded by a no-confidence motion against the Speaker.

The two motions illustrate the "double two-party system" of Burmese politics mentioned before. The motion against the Speaker was justified with the arguments that Chit Hlaing had proven to be bias and insufficient in the first six weeks of parliamentary procedure. To substantiate the latter charge, Chit Hlaing was charged that due to "his inability to interpret the rules rightly. The Speaker has threatened the members of the House with the name of His Excellency The Governor almost always." This attitude was compared with a "Sword of Damocles" hanging over the House (Proceedings HR I, 1: 751) and was clearly directed against the British authorities that had drafted the rules.

After a short debate, a vote was taken. 63 member voted in favour and 56 against the motion. It was nevertheless declared lost by the Deputy Speaker who had taken over the chair on the occasion. The rules provided that the removal of the highest authority in the two chambers of parliament could only be removed with a majority of all 132 members of the House. This quorum was narrowly missed.

Chit Hlaing could thus oversee the following no-confidence motion against the two ministers already sworn in. (Proceedings HR I, 1: 766-785) Like the motion against Ba Pe and Thein Maung, this motion was directed against the whole ministry that had not yet commenced to work. The mover qualified the ministry as a "heap of Rubbish" and gave three reasons for this assessment: The ministry would lack a sound policy, the necessary strength and coherence and integrity as well as honesty. A main argument was that Ba Maw's *sin yet ha* policy was at odds with the other parties of the coalition.

Ba Maw answered that he was bound by the coalition pledge and its programme while still adhering the five year programme of his party. He reasoned that any coalition could only work if compromises were made. The answer of Ba Maw's critic was that he did not believe him. Mistrust

in Ba Maw's personality and the lack of confidence in any ministry consisting of different ethnic groups and political standpoints were inseparably mixed.

The attempt to topple the Ba Maw's ministry failed, but only because of the vote of the Speaker after a voting tie of 56 to 56. According to the Government of Burma Act, the Speaker who was generally not entitled to vote had the casting vote in such a case. He voted against the motion because it was his "duty to preserve the *status quo*", e.g. the continuation of the ministry's tenure that had not yet commenced because the Government Burma Act would only be legally enacted in April 1, "April Fool's Day" as Ba Maw's opponent had remarked. The result shows that a considerable number of parliamentarians abstained, among the whole "European Bloc".

The narrow outcome of the vote of March 24 shows the fragile support to Ba Maw's ministry. A closer look at the voting¹⁷ shows that he got the majority of Arakan, Karen and Indian votes. The "European Group" who had voted in favour of Ba Pe before abstained.¹⁸ Its speaker had stated that he regarded Ba Maw's "socialist" *sinyetha* policy was not in line with the constitution. Furthermore, he remarked, the ministry was weak and three of its members were inexperienced.

A close look at the voting behaviour of the MPs¹⁹ shows that some eight Burmese parliamentarians voted "No" in both ballots. Two of them can be identified as members of the Komin-Kochin Party affiliated to the *Do-bama Asiyone*. Their motif was to oppose any ministry appointed by the Governor, the constitution and thus British rule with all means.

5 An Episode about Vote Buying

The proceedings in parliament were extensively by the press and caused reactions outside of the House. Thakin Kodaw Hmaing, the revered poet, political commentator who later became the patron of the *Do-bama Asiyone* in one of his writings on the Thakins contrasted their virtues with the behaviour of the political elite by quoting a newspaper report on a speech given by Paw Tun, a prominent member of Ba Maw's group at that time, on the means to thwart the success of the no-confidence motion after having paid money to Indian MPs and promising ministerial posts to members from the *Ngar-bwint-saing* group.

When we, the coalition group, managed to form a government, the Governor appointed to of us, myself and Dr. Ba Maw, as Ministers. Before we had the chance to do anything, the *Ngar-bwint-saing* proposed a motion of censure in the Legislative Council. The the M.P.s raised the price of the votes - Rs. 2,500 - Rd. 3,000 for one supporting vote. [...] My difficulties in getting their support proved greater than I had thought possible. To buy their votes I had I had to search for these M.P.s all over the place. I had to collect come M.P.s from the brothels, some at the Chinese gambling clubs. I had to tell these sex maniac M.P.s to "leave your brothels and prostitutes for a while. This is very urgent and the situation is very critical. Don't worry about your prostitutes. I will find better ones for you later on." So to cut the story short, when the vote were counted, we got 56 and we won. (Tin Htway 1969: 308-309)

In the same year, a short novel written by Thein Pe who after the war became one of the best known Burmese authors was re-published by the Nagani Book Club that was associated with the Thakin movement. In a mockingly style, it told the story of a well-to-do man from the countryside who became a member of the Legislative Council, enjoyed a vicious lifestyle in Rangoon and died a miserable death (Zöllner 2006).

17 The names of the parliamentarians who gave their "Ayes" or "Nos" in the two ballots are recorded in BR I, 1: 171-172 (26.2.1937) and 784-785 (24.3.1937).

18 The procedures of the meetings do not inform about abstentions and members who did not attend a meeting. They however needed a permission if the wanted to be absent for a shorter or longer period of time

19 In cases of taking a division, the names of the members voting "Aye" or "No" were mentioned in the proceedings of the House.

The “atmosphere of mistrust” Ba Pe had mentioned as the main reason for his failure to form a ministry from the beginning affected the work of the new legislature in many ways. In addition, charges of moral misconduct and corruption of parliamentarians that had already been made public in connection with the 1932 elections were circulated again. The reports about cases of misconduct of parliamentarians and its literary depiction caused the public to mistrust the "political class" of the country.

6 The Language Question and its Implications

The no-confidence motions happening in the short time between the first session of the House of Representatives and the enactment of the new constitution illustrate a general lack of trust existing between the various political actors. The rejection of the reform scheme unified however almost all Burmese members of the House. It was articulated in parliament in many ways, most prominently and persistently through interventions concerning the use of Burmese language in parliament and the administration of the country. The "language question" had already brought up in the Legislative Council. Now, the debate intensified.

The reason for such persistence can be explained with the Chit Hlaing's answer to a motion moved on the fourth session of parliament. The first motion possible to be moved dealing with a "matter of urgent public interest" not being "government business" was about the use of English in parliament. The existing provisions, it was brought forward, debarred many members to "address the House in any other language than English". The motion was submitted in Burmese²⁰, the Speaker gave a translation and then said that he had to rule this motion out. The question was settled by the Government of Burma Act and the Rules and Regulations of the House made by the governor. Both prescribed English to be spoken in parliament but allowed members who were "unacquainted or [...] not sufficiently acquainted with the English language may address the House in any other language." (Proceedings HR I, 1: 25) This law could not be changed by the Burmese parliament. Chit Hlaing recommended the mover to table a resolution on the matter. This resolution if adopted by a majority could be forwarded to the concerned authorities.

The effect of the prescription had already surfaced two days before in a discussion of a bill proposed by government. Two members spoke in Burmese, one of them being Thakin Mya²¹ who had won a seat for the Komin Kochin Party. After his speech, a British member objected his behaviour as a violation of the regulations. He knew that the speaker had obtained the academic grades of B.A. and B.L. and was therefore supposed to master the English language. Mya confirmed the fact – in Burmese - and, like another Burmese member of the House, an ex-Thakin, continued to address the House in the native language. He was interrupted by the Speaker who explained that he had just to follow the rules set by the British Parliament and the Governor. He further gave his interpretation of the phrase "not sufficiently well acquainted".

The expression "sufficiently well" is sufficiently well to make others understand. That is what I think. It is not sufficiently well as to be able to speak English, like Europeans or other people, but sufficiently well for others to understand you. (Proceedings HR I,1: 10)

The rules thus forced the Speaker to gauge the language abilities of the parliamentarians and to impose sanctions if his rulings had no effect. Sanction on this matter were not imposed, but the "iron rule" imposed by the British with regard to the use of English caused a continuing confrontational behaviour by some parliamentarians

20 The available notes of the debates only provide the communication of the House performed in English and refer to supplements containing translations of the speeches made in Burmese. These supplements could however not be consulted.

21 Thakin Mya became the member of Burma's Socialist Party until his assassination together with Aung San and others on July 19,1947.

Shortly after these first debates, a committee was formed to discuss amendments of the rules and a resolution was passed to ask the respective Secretary of State “to take the necessary steps to have the Government of Burma Act of 1935 amended so as to enable members of the Legislature to speak in Burmese if they so wish whether or not they are sufficiently acquainted with the English language.” (Proceedings HR I, 1: 202)²²

The adoption of the resolution was preceded by a discussion on the issue in which the controversial standpoints of the Burmese and English members were exchanged. An Indian member suggested a compromise. Two days before the resolution, the issue was rather hotly debated in connection with the introduction of the budget. Here is a short segment of a contribution to the debate of Ba Hlaing. He was often admonished to use this language that he was supposed to speak well because he had founded an English journal. He obviously attempted to mock the rule with his English statement mixed with some French and Burmese words:

The Budget Estimate, I mean these Budget Estimates were made or are being made by a few what I call လောဘာသမားများပြောတဲ့ [as the labour party members say] bourgeoisie in French, Sir. In other words, this estimate, this so-called estimates are made by a few white and black bourgeoisie. Bourgeoisie means upper class people in French. The budget was framed, or are, or would be framed as it is framed by a number of bourgeoisie, in other words other meanings “these high salaried officials”. These officials, white and black officials, high salaried officials. လခကြီးစွာရသော [to get a large sum of salary] I am sorry, Sir, I will speak English. This bood get (budget) was framed by bourgeoisie – white and black bourgeoisie, and what you call in Burmese သူတို့အိတ်ဖောင်းရန် [to fill their pocket] or to fill their pockets, with the revenue collected, or are to be collected, I should say, Sir, squeezed or if it is not parliamentary [language] I withdraw. (Proceedings HR I, 1: 202)

The term “white and black officials” referred to the Burmese term for “white and black foreigners (Burmese: *kala*)” the latter being used for Indians, mostly in a derogatory sense.²³ Ba Hlaing earlier had stated that

this Rule, or rather these Rules, were framed by the British capitalists in England, or rather in Great Britain, for their benefit and for the good and bad of these British capitalists [...]. This is a rotten rule, quite rotten, Sir. (Proceedings HR I, 1: 100)

This way, the language question was tied to the rule of the “British capitalism”. The demand of using the native language in parliament was a proxy protest against the colonial rule as a whole. The attempt to change the parliamentary rules were a symbolic means of demanding political independence in line of the Thakins who had claimed to be the true “masters” of Burma.

The contribution of a British member to the debate shows that both sides viewed the issue at stake from standpoints that hardly could be bridged. (Proceedings HR I, 1: 189-192) The speaker begun with the observation that the discussion on the matter happened in an “atmosphere of unreality” before defining his his view of reality.

All the work of the Ministry is in English. [...] Every member of the House is a potential Minister. [...] The commercial language of the whole world is English. [...] Burmese is a language that does not lend itself [...] to legal phraseology [necessary to word contracts and laws]. The scientific language of the world is largely English. [...] This resolution is obstructive. [...] I cannot help that behind this resolution is an attempt to prevent the members who are not conversant with Burmese from understanding what is going on. That is entirely opposed to the principles of democratic Government and, Sir, to the principles of common honesty. (Proceedings HR I, 1: 189-191)

22 The Rules and Regulations of the House issued by the governor were changed over time. For example, the text of the rules published in 1940 replaced "in other language" with "the Burmese language". (Singh 1940: 387) -

23 In a later debate, Ba Hlaing called a member of the European group a “white *kala*”.

At the end of his speech, he referred to the horse races to take place in the afternoon that would be enjoyed by him and other members of the House. The whole business would be performed in English. (Proceedings HR I, 1: 192)

Such statements were not well received by the Burmese members of the House. All factions that had exchanged bitter accusations against one each other the day before in the debate on the no-confidence motion were united against the British stance. The attempt of an Indian member to at least soften the controversial standpoints by adding a clause to the resolution was rejected by the British and ignored by the Burmese side. In the end, two protagonists of the opposing Burmese camps issued warnings to the “Europeans”.

Ba Maw said:

My European friends are always in fear and trembling of the words “wrecking of the constitution”, but their present action is not likely to save the constitution. The European contention comes to this that any person who enters the legislation must understand English, must enter it on terms. The 13 million Burmese must accept the terms of one thousand Europeans in this country. I would, quite objectively and without expressing my own personal feelings, ask them to pause and consider whether they have contributed to the successful working of the constitution by adopting this attitude. (Proceedings HR I, 1: 197)

His rival Saw was more outright:

If they continue refusing this resolution and for this opposition their Parliament is not going to see its way to give us the right of expression our views in Burmese, we will not have any alternative but to be united and with that unity break this rule one day. (Proceedings HR I, 1: 202)

Saw and others on more occasions used the House Rules to protest the constitution and thus British rule. At the same time, there was a contest between the Burmese factions to outdo each other in criticising the bills brought in by the British administration in a language that still could be regarded as “parliamentary”. These actions as well as others to promote the “Burmanisation” of the administration were brought forward in a variety of ways to challenge British supremacy. This, task, however, could only be performed in a symbolic way. The Speaker was, as he often expressed, bound by the regulations of the Government of Burma Act and the rules imposed by the governor and from time to time faced a no-confidence motion as well. A kind of shadow boxing against a superior enemy took place, a prelude to what should happen when the Great War offered a chance to not just break the rule of speaking English in parliament.

7 The Parliament and the War

Even before the war broken out in Europe on September 1, 1939, the worldwide tensions between the great powers had overshadowed Burmese politics. Very early, the slogan “Britain’s difficulty is Burma’s opportunity” - borrowed from the Irish uprising in World War I – became popular. One month after the outbreak of the war, an extra-parliamentarian coalition was established in October 1939 under Ba Maw’s leadership. It comprised his party, the *Do-bama Asiyone* and members of the *Nga-bwint-saing* party and was called the Freedom Bloc. The Bloc tied Burmese support of the war against Germany to the immediate promise of independence. Under the Defence of Burma Act, propagating such a demand was a crime.

On February 23, 1940 on the issue of "Burma's participation in the war" as it was dryly worded in the proceedings of the legislative. (Proceedings HR VII, 1: 355-419) The underlying topic of the debate - like the discussion about the language question - was to deny British supremacy over Burmese affairs, but this time on a topic of foreign relations and a matter of world-historical significance.

What was hotly debated was a motion tabled by two members opposing the ministry headed by Premier Pu at that time. The first paragraph of the resolution expressed sympathy for the oppressed

people in Europe and elsewhere without naming any country. Then, the decision of the British government for making Burma a participant in the war against Germany "without the consent of the Burmese people" was "regretted". It was further asked to secure the "co-operation of the Burmese people" by immediately applying the "principles of democracy with adequate safeguard for the preservation of the rights and interests of the minorities." (Proceedings HR VII, 1: 419)

Ba Maw had submitted another motion that in terms of the declaration of the Freedom Bloc: Burmese independence should be immediately recognised together with the "right to frame her own constitution" as a precondition of Burmese support for the British war efforts. His text was treated as an amendment to the first motion after an extensive procedural debate.

This amendment was finally lost with 36 : 75 votes. Only the Burmese opposition to the actual ministry and two members of other ethnic groups voted for it. The original motion that considered the concerns of the non-Burmese ethnic groups and resembled the attitude of the Indian Congress at that time was passed without a roll-call vote.

In the debate, both premier Pu and members of his ministry had objected the parts of the motions criticising the British government. Paw Tun said if Britain would lose the war, democracy in Burma would be endangered. Premier Pu admitted that it might have been "more graceful" if the British government would had informed the Burmese said before its decision but that the acting of both the Government in London as of the Governor in Burma was constitutionally correct. They strongly criticised the whole motion. Pu further called the resolutions an act of "begging". He in contrast wanted to show "that we are fit for full measure of responsible government." This statement received the applause of the British members of the House.

Saw, then minister for agriculture and forest at that time, combined expressing his strong desire for independence with his duties as a member of the present ministry and party leader. As a minister, he suggested, he had to act according to the constitution, as a leader of the "Freedom Party" as he called his group drawing on Ba Maw's Freedom Bloc, he might advocate the same policy as his political rival. He did not speak against the motion regretting the British decision, but joined the majority by voting against Ba Maw's amendment. His tactic paid out. Pu lost popularity after the debate and lost his post in course of the next session of the House. The imprisonment of Ba Maw one month before the successful no-confidence motion against Pu's ministry might have confirmed his image as being "pro-British". (Taylor 1976: 175)²⁴

Ba Maw in his memoirs calls the debate and the vote a "turning point" both for his Freedom Bloc and the political future of Burma. (Ba Maw 1968: 75-91)²⁵ It had be shown that independence could only be achieved by revolutionary means. That was the essence of world history, he said in his speech and thus refuted the argument by the British government and their Burmese followers that a country had first to qualify for independence.

8 Four Premiers in Five Years

The overture of the first session of the House of Representatives before the new constitution became effective set the tone of what happened in the legislature until the last meeting on April 7, 1941, eight months before the Japanese attack on Pearl Harbour.²⁶ Questions were asked and answered, bills discussed and passed or rejected and then nevertheless enacted through the Governor's ruling, select committees established to look into special issues, the House rules were

24 Taylor however wrongly refers to the vote of 70 : 36 that was just against Ba Maw's motion. - Further see Cady 1965: 420.

25 Parts of his speech in parliament are reproduced in his book, pages 79-83.

26 The next elections were due to be held end of 1941 but because of the war the governor and premier Saw decided to postpone them. - The last session of the Senate for which the proceedings could be consulted happened on September 27, 1940.

challenged inventively, resolutions brought in and motions moved, among them many more aiming at toppling the actual ministry.

The ongoing turbulences in parliament after Ba Maw's ministry had officially taken over on April 1, 1937 were paralleled by a variety of unrest outside the two Chambers particularly in 1938, the year 1300 according to the Burmese era, that was later called the "Year of Strife" or the "Year of Revolution". In early 1938, a strike of oilfield workers begun in Upper Burma supported by the Thakin movement. Students and farmers joined the protests and the government was squeezed between its dependence on the rules introduced by the colonial power and the opposition by extra-parliamentary forces that aimed to make an end to British rule. As a consequence, the parliament as the new main "political arena" was given "something of the atmosphere of the jungle" as an American scholar worded it:

No holds were in the efforts made to embarrass political opponents within or outside the legislature. Members of the government were subjected in the legislature to a constant barrage of questions and personal attacks, punctuated with periodic no-confidence motions. Outside the legislature, the vernacular press even employed more sinister tactics on misrepresenting facts in fomenting popular passion and overt violence. (Cady 1965: 387-388)

The fall of Ba Maw's ministry in February 1939 happened immediately after the violent end of a demonstration in Mandalay that caused the death of thirteen demonstrators, among them seven monks.²⁷ The demonstration happened after a meeting that had been held at the Eindawya Pagoda that endorsed a number of resolutions including the condemnation of the constitution and the end of the "coalition government" by way of a no-confidence motion.

Thakins in Rangoon endorsed such demands and mobilised the people to voice their support for the said demands by flying black flags at 9 a.m., the beginning of the session of parliament, beat tin cans for one hour and shouted "down with the coalition government", and burning sham coffins marked as the government and pictures of the ministers. After the successful no-confidence motion, the Thakins demanded that no new government should be elected.

This however did not happen. Pu, a senior politician from the "Five-Flowers Party" was able to form a new ministry some days later. His ministry ended 19 months later when he was succeeded in September 1940 by Saw, one of the members of his ministry. Ba Pe had tabled a no-confidence motion that was won by a wide margin on September 7, but - like in 1937 - was nor able to form a ministry. Two days later Saw was appointed premier. He had formed a new party called *Myochit* (Patriot) in 1938 that was better organised and could rely on more financial resources than Ba Maw's party. Both politicians had been engaged in many rather personal disputes in parliament.²⁸ Outside parliament, he had tried to form another people's front to outdo Ba Maw's Freedom Bloc without success. Furthermore, Saw had taken over the influential newspaper *Thuriya* from his mentor Ba Pe and was thus able to influence public opinion.

The new premier used diplomatic means to work for independence. He flew to London in late 1941 to ask for Dominion Status immediately after the war. He referred to the Atlantic Charta issued in August of the year by Great Britain and the USA that "all people had a right to self determination." After talking to the British Prime Minister Churchill and the responsible Secretary of State Amery, he he premier was disappointed to learn that it was much too early to make such a commitment right now. Saw reacted with a rather quizzical remark:

"I can very safely say that the people of Burma, generally speaking, are inclined to rely on the devil they know rather than the devil they do not know. It is nor for me," he added with a smile, "to decide the degree of devilment."²⁹

27 For a detailed account of the events see Khin Yi 1988: 126-130.

28 For Saw's pre-war career see Taylor 1976.

29 The Manchester Guardian 4. 11.1941: 5.



Saw i(left) in Ottawa together with Tin Tut who after the war acted as advisor for Aung San (Source: The Vancouver Sun 24.11.1941: 13)

He travelled to the US and Canada to advocate the Burmese cause there and wanted to visit Australia and New Zealand as well but had to return because flights from Hawaii to Australia were cancelled after the Japanese attack on Pearls Harbour. He wanted to return to Burma via Europe and was arrested on his return flight to Burma in Haifa in January 1942 after having seen the Japanese ambassador in Portugal on a stopover there. He was detained in Uganda for four years and returned to Burma in January 1946.

After Saw's arrest, the Governor appointed Paw Tun, a politician married to an American wife, to become the new premier. Both left Burma for India before the Japanese army and their allies, the Burma Independence Army (BIA), had held a victory parade in Rangoon in June 1942.

8 Summary: A Virtual Boycott of a Constitutional Reform

The flag burning ceremony performed on the day on which the new constitution became effective proved to be significant in a double sense. The House of Representatives elected in November 1936 narrowly finished its first term of five year but no "Second House of Representatives" was elected. On the other hand, one may argue that the rules and regulations provided by the Act of 1935 were virtually already deadly damaged by the majority of the members of the House elected on November 26, 1936 even before the new provision were legally enacted on April 1, 1937.

The new rules designed to enlarge and strengthen the powers of the parliament compared to the Legislative Council under Dyarchy were used to attack if not to "wreck the constitution" as Ba Maw had proclaimed in his pre-election campaign. The slogan was often quoted in the debated by his Burmese rivals to attack the colourful politician. But it can be said, that the message communicated by the phrase was shared by the majority of the 91 Burmese members of the House. The discussions and initiatives with regard to the "language question" are the most significant manifestation of this mentality that further materialised in the rejection of bills tabled by the administration.

The no-confidence motions the first of which was even tabled before any ministry had been appointed by the Governor illustrate the lack of unity among the members of the House that had so often emphasised as a



Pu and Governor Dorman-Smith (left) - Shamokin New Dispatch 10.2.1942

preconditions of Burmese independence. On the other hand, the parliamentary scene was used as a stage on which the mock fights for independence against British rule were fought.

The Act of 1935 was somewhat of a Gordian Knot in which two contradictory expectations were tied together. One string was the British idea to provide a scheme to learn how to walk towards democratic self-government as former governor Butler had worded (Butler 1932: 658). The other was the Burmese aspiration to govern right away as phrased by Ba Maw during the debate on Burma's attitude towards the war in February 1940:

You cannot ask us, a people in bondage for nearly a hundred years, to show you all the virtue of independence before we are independent. Britain never did that in their own case. [...] You tell us almost in so many words, "learn how to swim before you jump into the water." [...] I say, "Put us into the water first. That was how you and all the rest learnt how to swim." (Ba Maw 1969: 82)

In terms of Ba Maw's rhetoric, the arrangement provided by the Act of 1935 was a swimming pool plastered with rules and regulations that prevented the Burmese to show their talents to rule the country in their own way. These rules contrary to their claim of helping Burma to become acquainted with the modern equipment of political governance, continued the bondage that had started with British conquest in the early 19th century.

Like in the legend in which Alexander the Great sliced the Gordian Knot with his sword, it was the Second World War that made an end to the Government of Burma Act and the electoral process stipulate in it. However, the knot was not smashed in one stroke but dissolved in a processual way. The provisions of the Act stimulated a competition about WHO might be able to achieve the country's freedom at the cost of a contest on WHAT could be the concepts on which an independent Burma could be built. The resolution to wreck the constitution of within became a reality by way of a self-destruction of the parliamentary procedures. The demands of the Freedom Bloc were a first step hinting at liquidating the subjugation by non-constitutional means. The British reaction to imprison the leaders of the bloc caused Aung San and other members of the Do-bama Asiayone to leave the country in order to get armed foreign assistance. Saw was detained after the failure of his attempt to get an immediate promise for independence caused him to turn to the not yet known "evil" power, the Japanese. Finally, it was what happened after the attack on Pearl Harbour preventing him to continue his journey to other British Dominions that terminated the roadmap to Burmese democracy designed by the colonial power.