

Q. I am rather struck with the readiness with which rumours are accepted here ?

A. I do not think there was anything peculiar in them. Rumours start almost everywhere.

Q. In this case there have been very many arrests though the rumours seem to have been unfounded ?

A. I think the arrest of the leaders at Amritsar was responsible for this.

Q. Have you any doubt that the men in the crowd were opposed to the opening of shops ?

A. I had myself to reprimand people many times who, I knew, did not want that shops should be opened.

Q. Did it not arise from the disorderly portion of the crowd ?

A. But I must say one thing : I did not see these people using any force or threatening people or doing any such thing.

Q. It might have been done and you might not have seen it ?

A. But we were all working all the time in this connection and if it was so, it must have been brought to our notice.

Q. As a law-abiding citizen do you object to a man who was preventing others from closing their shops being arrested ?

A. The arrest itself in normal times would not be objectionable but at a time like this when the least little action was liable to be magnified, this action on the part of the authorities was very injudicious.

Q. But if you don't arrest one man you encourage hundreds of others ?

A. But on that day all the shops in the place had already been opened and business was going on and there was no fear of anything untowards happening. In the morning also we saw several people so telling people but we talked to them and got them dispersed and nothing happened.

Q. You had some trouble in connection with the Ramlila affair ?

A. Yes, the trouble arose in consequence of the authorities being very much unfavourable to the Hindu community and they resented it and observed hartal for some 10 or 11 days.

Q. It was I believe in 1916. A. Yes.

Haziq-ul-Mulk Hakim Ajmal Khan

Examined by Lord Hunter the Hakim Sahab said that he did not take the Satyagraha vow. He had no personal knowledge of the events of the 30th. They asked the people not to observe hartal on

the 6th but the people in their zeal for being one with the rest of India did observe. After the 10th he with Dr. Ansari and others tried their best to get the shops opened. The firing of the 17th he saw with his own eyes. While he was coming out of the Town Hall he saw a number of men coming from the Billimoria side at a running pace and they were fired upon by a number of men, whom he thought were Policemen, probably to prevent them from coming to that side. At that time he did not see anyone throwing stones. He could not see if they had anything in their hands. He did not see anyone being killed or wounded. His impression was that firing had been done over their heads. The officials within the town hall had not given the order to fire and he did not see or hear anyone to give the order to fire. Further questioned Hakim Saheb said he saw the gun, he saw the men and the firing.

Questioned by Mr. Justice Ranken witness said that Dr. Ansari had accompanied him to the town hall and was at that time within.

The Hakim Saheb was then examined at great length by Sir Chimantl Setalvad. He said he and his family were the oldest inhabitants of Delhi. He exercised, he said, some influence over the people. His idea was that if the incident at the station had not happened there would have been no trouble in Delhi at all.

Q. Can you tell me what were the causes which made it possible for these events to happen?

A. Since Delhi became the Imperial city political movements began. Through the medium of newspapers, associations and meetings attempts were made to awaken the people in a legitimate manner and efforts were also made to make people understand what was going on in the world.

Q. What was the attitude of the local authorities towards these movements?—A. They did not like these movements.

Q. What do you mean?—A. The Chief Commissioner, I mean Mr. Hailey and the responsible officers of the Police did not like these movements.

Q. Naturally they did not like the leaders who started this movement in Delhi?—A. Yes.

Q. They did not like the idea of the Congress being held here?—A. They did not so far as I am aware.

Q. Did this create a tension between the authorities and the public and their leaders?—A. Yes.

Q. Then came the Rowlatt Bill agitation following on that?

A. Yes, this came along. But in the meantime we had great

difficulty in holding public meetings and that also irritated the people.

Q. Difficulties were created in the way of your getting places?

A. We were not allowed to hold meetings at places where we thought we should do. Since the Seditious Meetings Act was promulgated we could not hold meetings but even before that, we had great difficulty.

Q. Since when has Colonel Beadon been Deputy Commissioner?—A. He had been here before Delhi became an Imperial City. His administration of Municipal affairs has been very harsh and people were very much annoyed in connection with his action with regard to the Ramlila procession. Various prosecutions were started, one was against Mr. Asaf Ali and another against Pundit Nekiram, for addressing some meetings. But they were acquitted.

Q. All this had produced a considerable tension between the authorities and the public?—A. Yes.

Q. Then in connection with the Rowlatt Bills, there was a general opposition throughout India to these Bills?—A. Yes.

Q. It was opposed by almost all the members of the Indian Legislative Council?—A. Yes.

Q. And in connection with that there were protest meetings in Delhi?

A. Yes. I took part in those meetings.

Q. What was the attitude of the authorities with regard to this matter?

A. I have no particular knowledge as to their attitude with regard to this matter.

Q. As a result of that the people were prone to view with suspicion any act of the officials?

A. It had been so for sometime—for a month or two before March.

Q. Do you think that the tension of feeling between the authorities and the people contributed in some measure to the unfortunate events of March and April?

A. Yes, in some measure it was one of the factors.

In reply to further questions the Hakim Saheb gave an account of the negotiations which passed between the authorities and the leaders with regard to giving back the dead bodies of persons who had been killed on the previous day, the 30th, March.

LAHORE SITTING—AMRITSAR EVIDENCE.**Mr. Miles Irving,**

(Depy. Comm. of Amritsar in April 1919)

Examined by Lord Hunter, he said that there was a succession of meetings at Amritsar during the months of February and March. The agitation started by Satyapal and Kichlew invited all Hindus and Mahomedans in politics. Two members of the local Congress Committee were on their trial. There was "hartal" on the 30th. March but there was no disturbance. The local Congress Committee was against the observance of "hartal" on the 6th. of April but at the last moment Kichlew and Satyapal came and brought about the hartal. He warned the Officer Commanding and kept troops in readiness. But no action was found necessary. The Police acted with great forbearance. There was no attack made upon them and they avoided coming in contact with people. After the 6th of April things seemed to be working up to some kind of mischief and the leaders were dissipating the mob with a view to, as he thought, some kind of concerted action to paralyse Government. But they did not encourage any immediate act of violence. On the 9th. April, when the Ramnabami procession was passing along the Allahabad Bank where he was seated, the mob was very civil and when they saw witness, the band in the car played "God save the King". Afterwards only a number of Mahomedan students made some demonstration by clapping hands and marching like Turkish soldiers.

Deportation of Kitchlew and Satyapal.

Mr. Irving then described the steps to deport Kitchlew and Satyapal. They were invited to witness's bungalow and were removed in a motor car to Dharamsala, on the 10th of April. He then went to office and had been there only for about half an hour when Mr. Plomer, (D. S. P.) came riding with the news that crowds were collecting in the Aitchison Park. He found the telephone not working and then went out on horse-back. At the foot of the rampart of the foot-bridge (which leads to the Civil lines) he found a picket of 2 Indian and 3 British soldiers and in front of them was a very angry crowd. He then went away. In the meantime the crowd had to be fired upon and was pushed back over the railway line. He came back and found a very threatening crowd facing a small picket. He was rather reluctant to give order to fire but ultimately had to do so. 70 shots were fired. This was at about 2 P.M. By that time the National Bank had been completely destroyed.

The Jallianwalabag Meeting.

Witness then narrated the subsequent events of the loot and destruction of property; Government and private. Then on the 11th and 12th. there was practically nothing. On the 13th he said the situation continued to be critical.

Q. What was the attitude of the mob towards the authorities?

A. That the "Sircar" was at an end. The general rumour was, as I was informed, that Government was no longer in control of the situation.

Witness further said : They proclaimed from 18 different places that no meeting would be allowed. He then narrated the gentle (!!!) measures that had been taken to disperse the meeting at the Jallianwalabagh. He added that as a result of this shooting the whole rebellion (!) collapsed. Not only was the crowd fired upon and dispersed but its effect was felt throughout the district. People at first believed that Government was paralysed and could do nothing but this came as a disillusionment.

Q. Can you form any opinion as to the intention of the mob with reference to the Government ?

A. The mob seriously thought that it had a chance of beating Government. One of the ring-leaders used to say 'let us fight it out.' That was the feeling from the 10th to 13th.

Witness said further : After this there was nothing of a serious nature reported. Various false rumours were spread but he received a great deal of local help in counteracting these. Martial Law was proclaimed on the 15th. He had not applied for it.

Q. What was your opinion as to its necessity ?

A. I think it was quite necessary. As a matter of fact, it "ipso facto" existed from the time the Military took control of the situation. It was very necessary.

Q. Under the Martial Law what was your position as Deputy Commissioner ?

A. I regarded myself as adviser to the Military Commander and I was also reporting to my own superiors. I would not ask for power to be divided—one or other must be in charge.

Q. Give us your view as to who was really responsible for these disturbances ?

A. The people of Amritsar was responsible and people who raised the feelings of the mob to the pitch they did.

Q. You mean moral responsibility ?—A. Yes.

Q. In that sense you mean people were irresponsible although it was no part of their intention that the acts of violence should follow ?

A. Well, yes. I told Dr. Kichlew that he was setting in

motion forces he could not control. I do not think any of these people at any time intended violence. They intended to fetter Government so as to submit to their demands.

Witness said further that one or two of the men arrested were members of the Arya Samaj and as an organisation it was more sulky but he had no report against them. The people who did the looting were Kashmiri Mahomedans, Hindus, Kshatriyas and others. He strongly suspected they were organised under leaders.

Q. During the rebellion was there any intention of special hatred towards the Europeans?

A. Yes, it took that form from the point the crowd was turned back. It assumed the shape of revenge on Europeans.

Q. Was any hostility shown to Government servants as such?

A. No. The Police were doing their duty in the city but I have no records of Government servants as such being attacked.

The witness then described the various instruments which had been used by the mob to destroy property. He also gave a list of those who had been appointed by the Military Commander to try certain cases.

He said a number of European children had been sent to the hills by the Military Authorities and the total amount expended on their passage and for their stay there and return was Rs. 30,000.

The witness was then examined by Mr. Justice Ranken. He said: There was no such idea as to attack Europeans during the two days of the hartal. He passed through the city quite unattended and so had Mr. Jermain, the Municipal Engineer. There was persistent agitation upto the middle of March in course of which inflammatory language had been used but there was no incitement to riot or anything of that sort. There were remote suggestions to violence when Kitchlew spoke of "using our hands" but people often speak more violently than they mean and it was not their opinion that immediate violence was intended. The leaders were against violence at the moment.

Satyagrahis and Violence.

Q. So far as the Satyagrahis themselves are concerned is it not the case that they deprecated violence? A. Yes.

Q. Who were the chief Satyagrahis at Amritsar?

A. I should think Kitchlew and Satyapal. But they were not distinguishable from the general agitators.

Q. I suppose you know the principles of that particular movement as protessed are contrary to violence rather than in favour of it?

A. Yes, contrary to open violence. But any form of passive resistance would eventually come to active violence.

Q. Can you point to any fact which suggests that in the

beginning of April there was any plot on the part of any stratum of society in Amritsar to encourage violence against Europeans or to upset the local Government ?

A. I cannot point to any existing before the 10th of April. The only thing that comes in my mind is the extraordinary speed in which various acts of violence were committed, almost within an hour. This appears to be the work of some form of organisation.

Q. Would you tell me which are the acts of violence ?

A. Three banks which were fairly close together, a church and a school, were attacked and in another direction the telegraph office was attacked the very first thing. Then there was an attempt to cut the Telegraph line which rather marks an intelligence.

Q. But why do you think that the attack on the bank was evidence of a previous organisation ?

A. I am not saying that it is. I am putting before you these facts which are compatible with some kind of organisation down below. It does not of course follow that because there was an attack on banks therefore there was an organisation but there was an organisation existing and we knew of it at the time of the Municipal elections.

Q. Would it not be consistent with facts that the protest in force against the deportation of Kichlew and Satyapal spontaneously developed into violence and murder and incendiarism ?

A. Yes, I think it spontaneously developed : it flared up in a moment. I do not think people went out with that design.

In answer to further questions witness said immediately before their deportations Satyapal and Kichlew were constantly addressing people. The order of deportation came from above and he was not given any specific reasons. These steps were not initiated at his request for he had come only recently and had not felt his feet about at that time. As a matter of fact he did not make any recommendation, he was simply reporting things as they were. At one time he thought he could get Kichlew to be reasonable. He had as a matter of fact quite early asked (the Government) to suspend action against Kichlew to see if he could bring him round. He knew nothing about these orders being in contemplation before he received them. He only knew that their conduct was under consideration of the Government. On the evening of the 9th when he got the orders of deportation, he recognised the possibility of some disturbance due to the deportations and provided for three times but unfortunately ten times happened.

Events of the 10th.

In reply to questions put by Sir Chimanlal Setalvad witness said that he was not in any manner connected with recruiting from 1909 to 1917. He had no knowledge as to how recruiting

was done. He was during that period in the Secretariat. At the time he came to Amritsar in February, Dr. Satyapal and Dr. Kichlew were fairly popular leaders and their popularity grew as the agitation grew.

Q: Therefore their deportation caused resentment in the mind of the public?

A: Well, it might or it might not. When they arrested Lala Lajpat Rai in 1907, the agitation absolutely collapsed.

Q: That may have been so. But on the 10th April in 1919 this was so?

A: Yes, I was quite prepared for it. I was taking all possible precautions against it.

Q: When the crowd came on the first occasion near that bridge, they were coming to your place?

A: Yes, they were coming to my house I understood. They were coming not to make any ordinary protest. When people come they come properly clad. But these men had put off their pugress and shoes and they intended violence.

Q: It might have been the sign of mourning?

A: If it was mourning, it was violent mourning.

Q: Their primary object was to come to you in connection with the deportation?

A: Certainly in connection with it.

Q: On that day were you present at the two firing?

A: No, only at one. I was present at the second not at the first. I refrained from giving the order to fire because I recognised two men trying to disperse the mob. They did their best to disperse the mob.

Q: One was Mr. Gurudayal Singh?

A: Yes, I met him in court but otherwise I did not know him.

Q: He tried to restrain the crowd at considerable risk?

A: Yes, I observed that myself.

Q: This gentleman was arrested on the 29th and kept in custody for a month and a half?—A: Yes.

Q: He was brought in handcuffs to Lahore and taken over to various palces?

A: That I do not know. The investigation went out of my hands. I know he was brought to Lahore.

Q: He was put up for trial?—A: Yes.

Q: As a result he got acquitted?—A: Yes.

Q: This affair created considerable resentment in Amritsar?

A: It might have but I do not know. Gurudayal Sing said that people laughed at him and said that as a reward he got arrested.

Q : General Dyer arrived on the morning of the 11th ?

A : Yes, evening of 11th. When he came the Commissioner handed over the administration to him.

Q : I want to understand this : "the Commissioner told the Officer commanding that he was to consider himself in charge of the Military situation and take whatever steps he thought necessary to establish civil control".—Was this said to the Officer Commanding or to General Dyer ?

A : It was said to both, to the Major commanding the troops and to General Dyer.

Q : At that time Martial Law had not been proclaimed ?

A : No, but it existed.

Q : I want to know what he means by "being in charge of the whole thing." Is it that Military law had been established ?

A : It was an announcement of the fact that the Civil administration was unequal to the task of preserving peace.

Q : For that they need not have handed over the administration to the Military ?

A : The statement is a confession of the inadequacy on the part of the Civil authorities to maintain the King's peace any longer

Q : It looks as if the Civil authorities did not exercise any control but left everything to the Military ?

A : The Military officers were directed to preserve peace. It was not a case of the Civil authorities taking the help of the Military. You cannot for example ask soldiers to shoot. You could tell the soldiers that you are unable to carry on and they should at their discretion take whatever measures they thought necessary.

Q : The effect of it was to proclaim martial law on that date ?

A : It was so practically. It announced the existence of Martial Law under the old common law.

Jallianwala Bag Meeting—

Q : The Seditious Meetings Act was extended to Amritsar on the 13th?—A : Yes, on the morning of the 13th.

Q : The proclamation that you referred to was with reference to this ?

A : Yes, under the Common Military Law, not under the Seditious Meetings Act.

Q : 13th was the day of the great Baisakhi festival ?

A : Yes.

Q : Many people from outside come to Amritsar on that day ?

A : Yes. I think on that particular day people came not to a very large extent because civil pickets stopped villagers and advised them not to come. In the ordinary course they come.

Q : You have seen the place where the meeting took place ?

A : Yes, it was pointed out to me.

Q : It is a somewhat low lying place ?—A : Yes.

Q : It is surrounded by buildings ?—A : Yes.

Q : There are four small openings to the garden ?

A : There are four small and one fairly large.

Q : The actual place where the meeting was held was at the southern extremity ?

A : Yes. I am not sure of it.

Q : The place where the Military came and stood was at the north ?—A : Yes.

Q : On a raised spot ?—A : Yes.

Q : That place where the military stood was at a considerable distance from where the meeting was held ?

A : Yes, a fair distance. I was not there at the time but it was pointed out to me.

Q : It has never been suggested that the meeting either threatened the Military or did anything of that sort ?

A : I do not know whether the Military will suggest that or not.

Q : In the official papers, so far as you have been able to see, no suggestions have been made ?

A : I could not really have seen all that.

Q : It has been admitted that the crowd was not ordered to disperse before they were fired on ?

A : Again I must tell you that I have not seen all those papers.

Q : The statement is : "He did not tell the people that if they did not disperse he would fire but at once proceeded to disperse the crowd by firing ?"—A : Yes.

Q : Firing was done at once, as soon as the Military came and saw the meeting, and according to your information about 500 were killed ?—A : Yes, more might have been wounded.

Q : I understood you to say that the object of this was to strike terror into the heart of the people ?

A : I never said so.

Q : You conveyed the idea when you say that when this was done the whole rebellion collapsed.

A : No. I was speaking of what actually happened. I was not attempting to read the situation but I told you as a fact the rebellion collapsed.

Q : So far as you know, it has never been suggested that the circumstances on the spot were such as to necessitate firing ?—Irrespective of the fact that it was a prohibited meeting ?

A : I have not had any correspondence on the subject.

Q : I put it to you again : there was the idea that Government was paralysed, that Government would do nothing : in order

to dispossess the public mind of this idea you thought it was necessary to resort to ruthless firing : If what you have said means anything it means that ?

A. I do not know. I have told you what happened as a matter of historical fact.

Q. You put that as a justification for firing.

A. It is not my business to justify. I give you the actual fact.

Q. Was it not really this : that because there was this idea that the Government was paralysed, that the Government could do nothing, therefore you thought it necessary to make the people realise the truth by killing 500 men at one stroke ?

A. I do not know what was in the mind of the Military officer who carried out this action. I have simply tried to give you fact as I know them.

The Crawling Order—Flogging and Salaming.

Q. You have told us that crawling order was issued on the 20th ?—A. Yes.

Q. There are house on both sides ?—A. Yes.

Q. A large number of them ?—A. Yes.

Q. Had you any information as to what had happened to those persons who lived in these houses ?

A. They were expected to stay at home.

Q. If they had wanted to go out they had to conform to this order ?—A. Yes, I think so.

Q. Is it not a fact that certain persons who were under arrest and who were taken through that street had to crawl through ?

A. Yes, I understand that was what happened. I do not know who those people are. I was told it was accidental and was not intentional.

Q. Can you tell us who they were ?

A. I should think the Military might be able to tell you. They were in Military custody.

Q. You have told us there was flogging in the streets ?

A. Yes.

Q. Is it true that a regular flogging platform was put up in the street ?—A. I suppose there was.

Q. Was there an order requiring people to salaam every European ?

A. No, there was an order to salaam the General when he passed but no order as regards Europeans as such.

Q. That is not true ?

A. I have never heard of it. I think the General brought it to my notice and to the best of my recollection, the order was as regards the General Officers in uniform. But I am not quite sure about this.

Q. Were people punished for not obeying?

A. I think some people were punished by the Military authorities with confinement for a short period.

Q. Were they flogged?

A. I think some people were given 10th days imprisonment for not salaming. It was a military question.

Q. You say that on the 11th and the 13th the mob was in possession of the city: why do you say that?

A. Because they were. We covered no more of the city than we could march into.

Q. When you say that people said that there was Hindu-Mahomedan Raj, did you hear that yourself?

A. No, people said to me that was being said in the city.

Q. Certain tribunals were constituted prior to the declaration of Martial law?—A. Yes.

Q. May I know under what authority.

A. I am afraid I cannot tell you that.

Q. I mean the summary courts?

A. Yes, I can't tell you.

Q. Have you any statement to show how many people were arrested and never brought to trial?

A. They were all brought to trial. There was of course one class of people who were brought in very largely—a class of wandering Sadhus. Their cases required to be examined and when it was done, those against whom nothing was found were let off.

Pundit Jagat Narain then examined witness :—

Q. Was not recruiting one of the predisposing causes of the trouble?

A. I considered recruiting and I considered against it as a contributing cause for the reason that trouble came from people who had not been recruited. I said it came neither from the people who had been recruited nor from the district where recruiting was vigorous. (Questioned further) I said it was a serious contributing cause and people who were recruited neither rose nor complained.

Q. Was not the income tax raised very high at this time?

A. Yes, under the new Act there was a considerable rise.

Q. Am I to understand that apart from Amritsar, those persons who were affected by recruiting, did not form part of the mob that got out of hand?—A. Yes.

Q. But that is not applicable to any other district?

A. I am not in a position to say.

Q. Is it not a fact that every city and every district had to furnish a certain quota of men?

A. I do not think any quota was asked for from Amritsar.

But I think they were asking for a district quota and the people were asked to find those men.

Q. If there was any deficiency—If any Lambardar failed to supply the requisite number?

A. He was often suspended and a better man appointed.

Platform Ticket Agitation.

In reply to further questions witness said that at that time people had made a complaint of the fact that no platform tickets were issued to Indians whereas Europeans had been allowed to enter the station without any ticket. Witness said this action by the railway authorities was on account of limited space. The people said that they were not being treated like human beings.

Q. What is the worst that you can say about this agitation?

A. The worst that I could say was that it was an agitation. But really the worst of it was that the agitators were trying to show to the people that the Government were acting in a manner regardless of the interest of the people and without proper consideration towards the people.

Q. You thought that idea was wrong?

A. Yes, it was a matter which concerned the railway authorities only.

Q. You find all over India, wherever there is the system of platform tickets, Indians are compelled to buy them and Europeans are exempt from it?

A. I have very little experience of it.

Q. Was there anything of the nature of anti-Government or anti-European feeling between the 30th, March and 6th, April.

A. There was a good deal—I cannot say anti-European but it was anti-Government.

Q. Am I to understand that this was the feeling of the crowd?

A. Well, as far as I can interpret their feelings from their actions.

Q. Will you kindly say 2 or 3 sentences as to what was said?

A. I have not come armed with extracts. Somebody said the British are like monkeys.

Q. Supposing one dislikes a certain action of the Government or certain act passed by Government and he wants to have it repealed: he agitates for it: and if he tells in his speech this action of the Government is wrong, would you call this agitation anti-British or anti-Government?

A. You will see that from the actual extracts that will be placed before you.

Q. You had seen those extracts : so I want to have it from you.

A. You will see the cartoons : one of which was a black serpent and it was said this was the reward which the people got for all their services in the war.

Q. Do you think it was confined to Amritsar alone or that feeling was shared by people all over India ?

A. It was certainly universal but it nowhere took such a violent form as at Amritsar.

Q. On the 6th, nobody was maltreated ?

A. No.

Q. Then on the 9th, the day of Ramnabami, were not the proceedings quite orderly inspite of the fact that the Police were very few in number —A. Yes,

Q. This was the occasion when people shouted Hindu-Mussalman ki Jai and there was fraternisation ?—A. Yes.

Q. Are you or are you not in favour of Hindu Mahomedan unity ?—A. It depends on what subject they combine.

Q. If they give up religious animosity and fraternise ?

A. I am certainly not against it.

Q. Will you favour such a thing ?—A. Yes.

Q. You will praise those who are working for it ?

A. Certainly.

Q. And therefore when you find that Hindus are taking water given by Mahomedans and each joining in the other's festivals, is it not a matter that should give you entire satisfaction ?

A. Well, it would give entire satisfaction, if I did not fear the motive underlying—it had a sinister purpose behind it.

Q. You did not like their joint political action ?

A. I have no objection to that.

Q. You did not like that they should give up their quarrels and take up a common attitude with regard to certain political matter ?

A. I do not object to it but the fact was that they converted their religious ceremony into a political affair.

Q. Will not that very fraternisation on religious occasion be evidence of the sincerity of the people ?—A. Yes.

Q. You are not one of those who believe in the principle of divide and rule ?—A. No.

Witness further said he had noticed that in the Montagu-Chelmsford Report it had been said that the one proof that Indians were unfit for complete self-government was the quarrel of Hindus and Mahomedans. And if the people tried to erase that blot, that was to be encouraged. That would be a political movement but that could not be helped.

Why were Drs. Kichlew and Satyapal deported ?

He said that Drs Satyapal and Kichlew had not done anything in public to contravene the orders served on them.

Q. I want to know what is the immediate cause of their deportation ?

A. I am not well in a position to say that. But there is one thing that I represented to Government: I did not make any recommendation but I said that it showed that Kichlew brought about the 'hartal' of 6th April in 8 hours time.

Q. But that is not a serious thing for which a man should be deported ?

A. No, my recommendation was not the cause of their arrest. As a matter of fact, in spite of the fact that they were prevented from making public speeches, they were talking in private meetings and making people hostile.

Q. You had no knowledge of it ?

A. Kichlew himself told me his intention was to change the form of Government but he wished to do it by constitutional agitation. But I pointed out constitutional agitation very much differed from what he did.

Q. I just want to know whether between the 19th March and 10th April there was anything objectionable to justify the order of deportation ?

A. Well, he practically ordered the hartal on the 6th. This was one thing.

Q. But so far as the orders were, did he do anything to contravene them ?

A. So far as I know—no.

Q. From the 6th up to the time they were sent for and deported there was nothing tangible from which you could draw the inference that the crowd would have recourse to violence ?

A. I did not get any such definite information.

Q. Is it not a fact that on many occasions when the common people feel aggrieved over some municipal assessment or municipal order they go in a body to the Magistrate to lay their complaint before him ?

A. Yes, they could come in a respectful manner.

Q. But on the 9th you were not aware of their demeanour ?

A. No knowledge of the future.

Q. If not, why did you conclude that on the 10th the crowd would come to you in a violent mood ?

A. I was not going to take any chance.

Q. Can you tell the committee of anything done by the crowd from which a reasonable inference could be drawn that they would be violent ?

A : Well, they kept their hands off when they saw the Police. They were sulky. From what happened elsewhere I thought it was quite likely that the badmashes of Amritsar would attempt to over-awe the authorities—at any rate, the chances would be good enough ; the mob is always volatile.

Q : Under what law you were justified in declaring the mob to be an unlawful assembly ?

A : Section 188 of the Cr. Procedure Code (loud laughter)

Q : A body of 5 men passing the railway line becomes an unlawful assembly ?

A : I think I have given you the wrong section.

Q : Is there any report to show that any of the constable or the soldiers who were stationed there were injured by stones on the 10th ?

A : If there was any report it is in Military records. So far as the Police was concerned, there was no paper.

Witness further said the number of the crowd on the first occasion must have been 2 or 3 thousand—it was a very large crowd coming in a hostile manner. Of the five men consisting of the picket one had a revolver and the other a rifle. They fired on and 3 men were killed. He admitted that before any firing took place, the crowd passed along the National Bank and other buildings but they did not do any mischief.

Q : So far as the second firing was concerned, is it not true that the two pleaders who were trying to get back the mob told you not to fire ?

A : That was when I did not give order to open fire. That was at the foot of the bridge and I said I could not wait a moment longer.

Q : Is it true that certain shots were fired from the Telegraph Office side, when these pleaders were endeavouring to persuade the mob to retire ?

A : Yes, I did hear some shots. Very likely the men there were in serious danger.

Q : I think you will admit that up to this time the crowd or the majority of them had no lathies in their hands ?

A : I did not notice any lathies in their hands.

Q : It was when they had been driven by the first volley that they divided themselves into three groups and collected bamboos and whatever they could get ?

A : Yes, that was the crowd who, as you suggest, were peaceful. They went and burnt the bank and murdered Mr Thompson.

Q : Do not think that I in any way justify their action. What I want to know is that 5 or 6 persons were shot before Mr Thompson was murdered ?

A : That is absolutely untrue.

Q : Why do you say that ? You rely on Police reports ?

A : These facts came out in the trial, I can only give you my recollection.

Q : From 5 P. M. on the 10th onwards the crowd did nothing ?

A. There was nothing left for them to do.

Q. After 5 P.M. on the 10th there has not been any attack on any person or property.

A. Some Indian gentlemen will come and tell you that they feared that a number of houses were in great danger.

Q. I am not talking of those ultra-loyalist. Were you in possession of facts that any person or property was injured after 4-30 P.M. on the 10th upto the 15th.

A. I cannot tell you. After the arrangements we had made they could not do it. My impression is that after the 10th the looting of the National Bank was going off and on : it did not go on one day only.

Q. Can you give any tangible evidence that property was looted ?

A. I cannot give you any.

Q. Therefore when you made that statement that there was a critical situation because there was serious danger of Amritsar being looted, what are the facts on which you based your opinion ?

A. The people themselves were trying to organise themselves to resist the invasion.

Q. Is it not because the Police had withdrawn and they wanted to keep watch and ward ?

A. I do not know as a matter of fact. But I will take it from you. (further questioned) My information was that there was apprehension of the looting by villagers. It was based on reports—I cannot remember if I have got any written report.

Q. People placed before you all sorts of hearsay reports and your opinion is based on that ?

A. I think there was more than hearsay ; but very largely that was the source of my information at the time.

Q : You have spoken of excitement during the Municipal elections : Don't you think it appears everywhere ?

A : I shall think it objectionable wherever it occurs.

Q : You do not connect them in any special manner with what subsequently happened in Amritsar ?

A : To a certain extent, yes.

Q : You have no objection to this political activity ?

A : I have no objection to any political activity as such.

Q : In your statement you say : "We found Hindus attend-

ng Mahomedan meetings and Mahomedans being given places of prominence in Hindu meetings : the chief link between the two being always this Dr. Kichlew". Was it disliked by the authorities ?

A : I have no objection to it. I have simply stated it as a fact.

Q : Was it looked upon with disfavour ?

A : It was not objected to in any way. I noticed it as being unusual.

Q : It had nothing to do with his deportation ?

A : Not to my knowledge. Certainly not.

Q : In para 13 you say : "The situation had however begun to take a threatening aspect. It was not that any immediate violence was apprehended. On the contrary, the policy of the brains behind the movement appeared to be directed in the opposite direction. Their intention was to avoid collision with the Police"—Who were the brains ? Kichlew and Satyapal ?

A. I did not know then and I do not know now.

Q. You did not know then to whom you referred as the brains of the movement ?

A. At the time when I wrote this it seemed to me that there was some directing brain behind but I did not know who it was.

Q. You are still of that opinion that their object was to direct the movement in a direction opposite to violence ?

A. Yes.

Q. What do you mean by threatening aspect ?

A. They form collective passive resistance which wanted to paralyse Government.

Q. Why was it considered threatening on that date ?

A. Because such was the likely result that I anticipated.

Q. The only thing was that there was a general 'hartal'—nothing else ?

A. I did not mean a general 'hartal.' I meant persistent attempt to misrepresent Government, wild rumours misrepresenting the actions of Government, the ignorant people were getting more and more excited and every possible feature of the situation was such as to cause that idea to my mind.

Q. This was going on for the last two months ?

A. It was getting worse and worse without any sign of stopping.

Q. Was there during these days some special measure of misrepresentation ?

A. There were the grossest slanders on Government.

Q. In your opinion all sorts of passive resistance were to be deprecated ?—A. Yes, any collective thing of the kind.

Q. Up to that time when you wrote this report, you had no

evidence before you that there were any plan of violence ever contemplated by the brains behind the movement ?

A. As a matter of fact the matter was 'sub-judice'—I was really thinking of the conspiracy cases then going on.

Q. Anyhow at the time you wrote this report you had no positive evidence before you that any violence was contemplated ?

A. There is a difference between having no evidence before me and not coming to a conclusion. I refrained from coming to a conclusion as the matter was going on before a court.

Q. You said it was still doubtful ?—A. Yes.

Q. Therefore it was doubtful so far as you were concerned ?

A. It had not been decided.

Q. So far as you were concerned, were you doubtful or not ?

A. I certainly had not got all the evidence by any means and therefore I had not made up my mind.

Q. You had a conference on the evening of the 9th ?

A. Yes.

Q. Were any drastic measure suggested ?

A. No drastic measures were suggested. There was deep indignation but no idea of revenge. From the 10th the matter was in the hands of the Military authorities.

Communication with the Punjab Government.

Q. Was the order of deportation received by post ?

A. It was received through a Police officer.

Q. During these days between the 6th and 10th was any communication received from Lahore by you or anybody to your knowledge ?

A. I do not remember to have received any written order. The Commissioner was down there giving me advice.

Q. You received no instructions from the Government of Punjab ?

A. To the best of my recollection, no.

Q. Did you consult Government officials between these days ?

A. I consulted the Commissioner, nobody else.

Q. Did you do it by letter or when he came down there ?

A. When he came down there.

Q. Upto the morning of 10th there had been no sign of enmity towards Europeans as such ?

A. I had not seen it as such.

Promulgation of orders.

Q. You issued certain orders ?

A. Yes.

Q. These orders were sent the morning of the 10th to the 3 Magistrates ?

A. Yes, I gave them personally.

Q: Was this promulgated amongst the people?

A: There was no time.

Q: They were not promulgated amongst the people?

A: They were promulgated by the Magistrates who met the crowd, as far as he could. He could not himself hear as the crowd would not listen to them.

Q: You thought that one hour before you declared the assembly unlawful, it would try to cross the line?

A: That is hardly the legal way of putting it. I issued the order under section 144, that any person who disobeyed any order becomes an unlawful assembly. I had no time to look at the rulings.

Q: You think that section 144 applies to the case?

A: I have not suggested it did. I have not had it argued before me.

Pandit Jagatnarian then read out a portion of the section.

Q: According to you there was not sufficient time to promulgate this order beforehand and if the crowd would have listened to the Magistrate then this order would have been promulgated?

A: Yes.

Firing at the Bridge.

Q: Now coming to the firing at the bridges when you arrived there was pickets stoned in your presence?

A: Yes. I also was stoned.

Q: You went up to the crowd.

A: I tried to do it but my horse would not face the crowd. I did not go inside the ranks of the crowd—they were round me on my right hand, on my left hand and rather behind me. I was partially surrounded by the crowd.

In answer to further questions witness said at the time when firing was opened, the picket was stoned. There was a second and even a third stone throwing although he mentioned only one in his statement. He saw a man being wounded in his presence at the bridge. The reason for not mentioning the other two was that he was working at great pressure and had to put down facts as concisely as he could. He ought to have mentioned these two as showing the reason for firing but he was working at great pressure.

Treatment of Wounded.

Dr. Kedarnath's house was close to the Zenana hospital. His information was that some wounded persons were taken to "a house" and treated there but he did not know whether it was Dr. Kedarnath's house or not. He did not like to commit himself. He had never heard of the allegation that when some wounded were brought Mrs. Easdon was present and she said "The Police

have served you right, you deserve it." It was a cowardly and calumnious statement. He thought that the estimate of 20 to 30 killed and wounded was fairly correct. The procession which carried the dead bodies was a very big one and orderly one. The Police commenced investigations on the 11th and he himself went as far as the Kotwali. On the 12th the leaders of the riot were arrested. There was no disturbance on the 12th. The people obeyed his orders about burying the dead but with reluctance. On the 11th, he went inside the city and arrested the leaders but there was no demonstration, no trouble.

Afraid of being Murdered.

Q. What are your reasons for saying that the civil authorities had no control over the city?

A. Because our control extended practically as far as the rifle could go, as far as the troops could see. People were collected and no Magistrate, no official could go into the city without a strong escort.

Q. What was there to prevent you to go inside the city on the 11th, and 12th, to go inside the city and to your ordinary duties?

A. Well, because I would be murdered like Bank Managers.

Q. And being afraid of being murdered you and other persons in authority did not venture inside the city?

A. You may put it like that if you like,—The Military authorities would not allow any one inside the city.

Q. What was there to prevent you to go inside the city with troops?

A. We did go but we could not always go with the aid of troops.

Q. You cannot say if you had gone with troops your authority would have been opposed?

A. I cannot say.

Q. What do you mean by saying that you had to obey the Military authorities? Is it not a fact that every authority that you had was derived or conferred on you by some act of the Legislature?

A. I take it from you.—Yes.

Leave Aside the Common Law of England.

Q. Where is the authority under which you can suspend your powers and hand over them to the Military authorities?

A. There is the common Law of England.

Q. Leave aside the Common Law of England. Where is the provision in the Criminal Procedure Code which authorised you or the Commissioner to hand over the administration of any city to the Military authorities?

A. I do not think there is.

Q. You referred to section 130 and 131. When you asked the aid of the Military you had no business to suggest that the whole matter should be entirely in their hands?

A. No, but I don't like to quote the section.

Q. You cannot suggest any section under which you or the Commissioner were authorised to hand over the administration?

A. It is rather difficult to point out legal authority but where the Civil authorities are unable to control the situation and guarantee peace and order, it is their duty to ask the Military authorities to take steps if considered necessary to preserve order.

Q. I quite agree with you but that is not the meaning of sec. 129 and 131. It does not say that you should hand over the administration to the Military authorities?

A. There was no civil administration at that time except what was directed to the maintenance of peace and order. We did not hand over any civil administration practically so called.

Q. You could invoke the aid of the Military and nothing more. As a District Magistrate of 20 years experience, under what authority you allowed the Military to do all those things?

A. What things, other than maintenance of order and peace?

Q. Many things, issuing of proclamations, doing hundreds of other things?

A. I am not arguing a case but my opinion is that the Military commander was justified in taking all measures necessary to maintain public peace and order such as arresting people and dispersing crowd. If he issued any order for what he considered the preservation of order that was not an extraordinary exercise of authority but rather making it sure that his exercise of authority would not be sudden and oppressive.

Q. But there must be some authority from either the Government or the Legislature?

A. I am not acquainted with it.

Mr. Miles Irving said that 102 persons were tried for an attempted Dacoity at the Tarntarn Tashil. These men were met by one Inspector and half a dozen constables and they all ran away.

Q. It was not a very dangerous crowd?

A. Yes, if they had not run away they would have looted.

Q. May I know if they were convicted for an attempt at looting or for waging war against the King-Emperor?

A. I believe it was waging war. I could remember.

Q. Is it not a fact that if you had tried them for dacoity, they could not have been tried by court martial courts?

A. I do not think so.

Q. Unless their attempted dacoity had been changed to waging war against the King, the Martial Court would have no authority to try them?

A. I donot think so.

Q : Electric light and water supply was cut off from the 10th ?

A : Yes, in the city.

Q : What was the justification ? A spirit of revenge ?

A : As regards water supply, there was rumour that the water had been poisoned. We also did not use the water for we thought there might be some basis in it.

Q : Was it cut off from the Civil Lines at any time ?

A : It was not cut off but for a short time it was not used.

Q : I suppose you were not consulted about this order ?

A : I was consulted from time to time but in regard to this matter I was not consulted—so far as I remember.

In reply to further questions witness said the electric supply was cut off to prevent people from parading about and also they did not know what they were going to do with the electric machinery.

Q : How could the cutting of electric current prevent people from damaging the electric plant or electric appliances ?

A : I do not press the particular motive. I say I cannot remember it. I know it was thought a good thing that the electric light should be cut off.

Q : Was not that order based on a spirit of revenge ?

A : Revenge is hardly the word. It was a sort of punishment.

Q : Don't you think it was like the punishment of the old old Nababi days ? Because 2000 persons committed an offence, undoubtedly a very dastardly offence, therefore you thought that the whole city should be punished for that ?

Q : At that time the curfew order was in force : people could not come out after 8. P. M. therefore electric light would be all the more necessary to find out whether they were obeying those orders or not ?

A : There were pickets.

Q : I want to know how the cutting off of the water supply or electric light would help in the least in maintaining peace and order ?

A : I cannot remember the exact motive which influenced the Military Authorities in their decision. I think partly there was the Engineering reason—hydrants had been smashed, water was pouring out ; and the other reason was the rumour that the water was poisoned. As regards electric light, the city was judicially

found to be in a state of warfare—and if the Military Authorities resorted to this to bring the people to a more saner frame of mind, they did nothing wrong.

Q : Is there any record to show how many hydrants had been smashed ?

A : I do not know. The Municipal people have it.

Q : Had this allegation about street hydrants being smashed been ever put forward ?

A : I think the Municipal Engineer told me that the hydrants were smashed. (Further questioned) I do not remember if the Engineer told me that the hydrants were smashed on account of the rumour that water had been poisoned.

Q : Now, was any agreement taken from some people a Tarn Tarn that they would not take part in any political activity for the next three years and that if they did they would pay a fine of Rs 5,000 each ?

A : People there did make some kind of agreement. It was not done under my orders.

Q : Could that agreement be produced ?

A : I think it can.

Q : So far as your experience of 20 years as Magistrate goes do you know that except in cases of theft, unnatural offences some cases of rape, no convicted person is flogged under the Indian Penal Code ?

A : I do not remember. I never used the code the

Q : Were you never informed that a meeting was held on the 12th and at that meeting it was announced by Hansraj that a second meeting would be held next day at 4 P.M. ?

A : I did not know in what exact form, but I heard that a meeting would be held the next day. I did not hear Hansraj's name

Q : He was the man who subsequently turned approver ?

A : Yes.

Q : He was that very man who was addressing the crowd in the Jallianwalla Bagh ?

A : You put his name in my mouth yesterday but I believe he was not. I believe another man was addressing.

Q : Coming to the incident of the Jallianwalla Bagh, did any person of authority visit Jallianwalla Bagh that day ?

A : Not that I know of.

Q : To the best of your knowledge and belief nobody did ?

A : I do not know. I did not.

Q : Was any ambulance provided for the 13th ?

A : I believe no.

Q: Was any help given by the authorities to remove the dead and the dying to hospital.

A: I believe they were left to their friends.

Q: Was any help given to the wounded after the firing of the 10th at 2 P.M.

A. Yes, some people were taken away. The hospital was close by and the Civil Surgeon was sent for from the hospital.

Q: After this firing did you consider it reasonable to modify your curfew order which was passed at 12 o'clock that day in order that the dead and the dying might be removed?

A. I thought people would take away but they did not. They were in a state of excitement.

Q. You are not aware that any person disobeyed the curfew that night?

A. There was nobody in the city to say.

Q. There is no report of disobeying the curfew on the 13th.

A. The troops went rightback and left the city to itself.

Q. Did it strike any person in authority or to you that it was absolutely necessary that some first aid was necessary, in view of the fact that some 4 or 5 hundred were killed and a very large number wounded.

A. I do not know whether the General in authority sent out a party or not. Perhaps it was considered unsafe.

Q. Reasonably, it would have been unsafe for a party of soldiers?

A. I do not know but I found the Military Authorities making various arrangements for the safety of the Civil Station in case of further attack. In fact, it was a state of warfare, we were face to face with the enemy and it was not proposed to send out such parties. I think it would be a good thing to do if the situation permitted it.

Q. From 5.30 to 7.30 no help was rendered?

A. You should really ask the Officer who brought the troops to the city. I do not like to anticipate his reading of the situation.

Q. You never inquired whether any of the persons belonged to the respectable class?

A. Well I did.

Q. Can you give the names of the persons?

A. I cannot. I inquired whether there was any respectable people or not and I was told there were not.

Q. That information is based on hearsay and you had not inquired into the matter at all.

A. Most of my answers are based on hearsay knowledge.

Q. I think it would be very easy to get the names of these persons from Police records.

A. The Police kept a note of the Military punishments. I have got my figures from them. But I do not know whether they have destroyed those papers or not.

Q. Can you tell us whether it was a return or a written report.

A. I am not sure.

Q. You are very vague as to whether there was any respectable person or not.

A. I asked the Police and they said so. I did not go into the matter myself.

Q. There were about 100 special constables? They were all pleaders?

A. Yes.

Q. Practically the whole lot of the pleaders.

A. Yes.

Q. If the District authorities be allowed to get rid of legal practitioners from their districts, political agitation would cease at once or to a very large extent?

A. I am not sure. I am not prepared to say so. I think it might increase.

Q. Are the legal practitioners liked by the authorities?

A. Yes, they are on very good terms with the local Government.

Q. I take it they were appointed special constable under the Police Act.

A. They were appointed by the Military Authorities and I do not think they knew very much of the Police Act. I do not think the Police Act would be applicable.

Q. The Military appointed them?

A. Yes.

Q. Except the Police Act is there any authority under which anyone could be appointed Special Constables?

A. There is a general common law in England under which any person could be appointed special constable. It was done after the promulgation of Martial law—I think it was done after the 15th.

Q. What were their duties.

A. They were supposed to keep a general eye on what was going on in the city and report to the Martial Law authorities.

Q. How many miles had they to travel every day?

A. The city is only half a mile from the General Head Quarters.

Q. Was there any written instructions about their duties?

A. The Martial Law Authorities might have them. I have not got them.

Q. You know it is a thing greatly disliked by every Indian?

A. I do not know why they should.

Q. Please answer my question. As a matter of fact, they disliked this?

A. They disliked at first. Towards the end they rather liked it.

Q. These pleaders liked it?

A. Yes, they were first called Special Constables and afterwards the name was changed to Ward Officers.

Q. Therefore they would not be subject to any rules and regulations under the Police Act?—A. I should think not.

Q. In your opinion there is no difference between Special Constables under the Police Act and Ward Officers under the Martial Law?

A. There is no difference in the functions they were performing.

Q. Nor any difference in punishment to which they were liable?—A. I do not know.

Q. Is not a Special Constable punishable for the same offence for which an ordinary constable is punishable?—A. Yes.

Q. Special Constables appointed under the Police Act would be subordinate to Head Constables and to the Inspector?

A. They were constituted under the Military Authorities. There was no question of their being put under the Police.

Q. What was their ward duties?

A. To patrol their respective divisions from time to time and report to the officers about what happened.

Q. They were ordered to report themselves three times a day?—A. Yes.

Q. You consider this was liked by the pleaders?

A. I do not say they liked it but they were a great deal reconciled to these, after relaxation.

Q. Can you give us their names?

A. I cannot, but you will get a list.

In reply to further questions witness said that at that time the number of constables was 200 or 300 and the strength of the Military at no time was less than 500. And of course there was 1,500 camp followers, but they were not available for military duty.

Q. Then where was the need of appointing these pleaders as Special constables?

A. You had better ask the Military authorities. They gave very valuable information. They could influence the people, they could get the best information. As a matter of fact, they did on several occasions very good service. They were a very useful body.

Q. You then admit that they could influence the public?

A. Yes.

Q. I put it to you these pleaders were appointed Special Constables because the authorities wanted to punish these local agitators?

A. Well, the idea did not originate with me. I cannot speak of the motives of the Military officers.

Q. A large number of C. I. D. men were imported into the city of Amritsar?

A. I do not say a large number. The investigations were carried on by the C. I. D. But their strength I do not know.

Q. It was the C. I. D. who decided which case was to go to the Civil Court, which to the Special Tribunal, and they used to send cases to the Legal Remembrancer over your head?

A. Yes, they sent cases direct to the Remembrancer and to us.

Q. They were sending out cases to different courts for disposal?—A. Yes.

Witness further said that the Mohurum was not a funeral procession in his definition. At the time of Indian funeral processions people did make noise.

Q. You said Kichlew said, "we will use our hands"—may I know what is the source of your information?

A. Report of the special reporter of the Government.

Q. Can that be made available to us?—A. Yes.

Q. What was the occasion and in what connection did he say that?

A. According to my information it was at a meeting on March 1st in connection with the Rowlatt Bill.

Q. Are you aware of the fact that respectable people who were arrested were handcuffed in couples and were marched to the city and for hours they were made to sit in the sun?

A. I cannot say how far they were. I was not present at any such occasions you mention. I saw people were handcuffed in the ordinary way and taken over to the Civil Jail or to the Criminal Court.

Q. Up to this time you are not aware that they were kept handcuffed for days and days both in jail and in fort?

A. They were not kept handcuffed unless they were kept in tents. In the fort temporary places were made and I do not know whether they were kept handcuffed or not.

Q. For several days no arrangement was made for these respectable people?

A. I cannot say. Everyone was suffering from want of ordinary comfort. I know European women and children were suffering from inconveniences in the Fort. But they were not kept in condemned cells.

Q. Either in the Fort or in jail they were not kept in cells?—A. Ordinary ward cells, I am not quite sure.

JHALIANWALA BAG.

Q. The estimate was there were about 25 to 30 thousand people present there?

A. I did not see, I have heard about that number was present but I do not trust estimates.

Q. Why were not steps taken to warn off those people who had commenced to assemble that the meeting had been proclaimed as illegal?

A. The authorities were warning them along the street and it was, as I understand, at 4 P.M. that the news of the actual collecting of the crowd came to General Dyer upon which he made arrangements.

Q. You knew of the fact that the meeting was going to be held. Where was the difficulty of posting two or three soldiers and scaring away the people?

A. I do not think it would be at all safe to send 3 or 4 soldiers.—Q. Half a dozen soldiers?

A. I think they would not be able to do so.

Q. It was not done because it would not be safe to send half a dozen soldiers?—A. I cannot say.

Q. Why were not the Police ordered to go and prevent people from entering the garden?

A. It was not safe for a party of Policemen to go into the city in those days.

Q. They were at the Kotwali?

A. Yes, behind walls with military pickets. We could not send out that party to the city. When the General went he took the whole force with him.

1650 Rounds of Ammunition Fired on a Dense Crowd.

Q. How many shots were fired?—A. 1650.

Q. Is it true that firing continued for 15 minutes?

A. General Dyer will be able to tell you that. (Further questioned) I think it continued for 10 minutes.

Q. Were you informed that the majority of the dead bodies were at the entrance?—A. They were at the back.

Q. Was not the chief exit occupied by the Military?

A. No.

Q. Is it to your knowledge that a boy of 7 months was shot?

A. Not to my knowledge. It was not on our list.

Q. So long as you were at Amritsar you never took the trouble of ascertaining as to how many people were killed and wounded?

A. Yes, we tried. I got a return from the health officer.

Q. You never ordered an enquiry?

A. I did not order any special enquiry.

Q. Between the 11th and 12th did you suggest any meeting to be held to terminate the hartal?—A. No.

Q. All the shops were opened on the morning of the 13th?

A. All the shops were opened.

Q. There was no hartal on the morning of the 13th.

A. I do not know. A great number of shops were still closed.

Q. Am I to understand that 75 per cent of the shops were opened and 25 per cent closed?

A. I can't tell you the percentage. Some shops were opened and some closed.

The witness was then examined with reference to the meeting called by the authorities. The speech which the witness made was not a threatening speech. He spoke to the persons present in terms of very bitter remorse.

Q. Will you kindly give to the committee all the facts upon which you are prepared to make the statement that there was a state of open rebellion?

A. From the general state of the district of Amritsar.

Q. Can you place all the facts upon which you came to the conclusion that between the 10th and 15th of April, there was a state of open rebellion in Amritsar. You have stated one fact, viz. the general state of the province. It is very difficult for me to understand. But apart from that can you give any specific facts upon which you based that opinion of yours?

A. (1) The temper of the people was absolutely defiant.

(2) They were organising themselves in a hostile manner.

(3) They were openly making it known that they had control of the city and that they were independent of the Government.

(4) They also believed that the leaders desired to fight it out and see who was the master.

All these news came to us notably through hearsay. The opinion was arrived at from the general aspect of affairs as reported to us. That is all that I can think of at the moment.

Q. What do you mean by saying that between the 10th and 15th they were organising themselves? Were they setting up a rival organisation of their own, organising Police and Military and law courts or what? A. That is not what I mean.

Q. What do you mean by defiant attitude?

A. It was on their look. We learnt also from reports.

Q. You said they had control of the city but you yourself admitted that none of the authorities cared to go inside the city.

A. Yes, without an escort. Nor would they be allowed to do so. We could not put out our head into the hornet's nest.

Q. Will you kindly give me the source of your information: any report about some body saying 'we will fight it out?'

A. You will find it in the record of one of the trials.

Q. You being a magistrate of experience are you prepared to take out a single expression from a speech and say that amounts to open rebellion?

A. I did not come to that opinion on only one of those circumstance. I came to the conclusion upon a number of circumstances appearing before me during the day. At the time I was not writing out a reasoned judgment.

The Crawling Order.

Q. Are you prepared to swear that the allegation that the real order was that people must crawl on their belly and if any one refused to do it he would be butted by rifle is false?

A. It never came to my acknowledge in that form. I did not see it myself. It was not the order that the General told me that he had passed.

Q. It would not have caused any hardship to the people in the houses on that street?

A. I do not think they had much inconvenience. People told me they got over the roof and down behind.

Q. And you think people were very happy to do so?

A. I do not say so.

Further questioned witness said there was no civil authority present at the Jallianwalabagh—no Magistrate, but only two Police officers. He was not very far. If he had been sent for he would have been available.

Q. Amritsar being in a state of open warfare with the authorities how long in your view was this warfare continued?

A. No. I should say the control of the city was resumed after the 13th.

Q. Then this warfare continued from 10th to the 13th?

A. Yes.

Q. And I take it that the measures taken during the period were on the footing that Amritsar was in a state of warfare against the Crown?

A. I think that was the idea. The feeling was how near we were to another 1857.

Q. You regarded the whole city as being in a state of warfare with the Crown? A. It approached nearly to that.

Lord Hunter: The witness's own report was that there was a state of rebellion against the authorities.

Mr. Irving: I don't draw any fine distinctions.

Extracts from Evidence of General Dyer.

The Hero of Jhalianwala Bag.

Q. In the morning of the 12th, did you proceed through the city with a column of available troops ?

A. We went half round the city towards the En.....Gate, and then I proceeded through the city.

Q. What troops had you ? 125 British Troops, 200 Indian soldiers and 2 armoured cars ? A. Yes.

Q. Did you proceed through the city to the place where you got reports as to mob collecting ?

A. There was mob at the southern gate. We had a little difficulty in dispersing them. They would not go away immediately. I considered the advisability of opening fire on them. I thought it would not be quite right perhaps and that I had better issue a proclamation personally before I took such a drastic measure.

Q. Were you making any use of any aeroplane at that time ?

A. I do not think there was an aeroplane. It was not actually under my command. It usually came from Lahore.

Q. That gave you report of the situations in the city ?

A. Yes, it gave important information about what was going on.

Q. On the occasion of this march through the city, in what condition did you find the crowds ?

A. I think they were very insolent.

Q. How did they show their insolence ?

A. They were shouting Hindu-Mussalmanki jai. Then I ordered them to go away but they would not move back. Certain members of the crowd spat on the ground as we passed along.

Q. Did you see any act of violence committed on that occasion ? A. No.

Q. During that day, certain arrests were made by the police ?

A. Yes.

Q. Were they made under military protection ? A. Yes.

Q. I think you had a proclamation prepared which appears in the Appendix of the report which you sent to the General Staff on the 6th August ? A. Yes.

Q. That proclamation I see is in following terms : "The inhabitants of Amritsar are hereby informed if they will cause damage to any property or commit any act of violence in Amritsar or its environs it will be taken for granted that such acts are

due to incitement and offenders would be punished according to Military Law. All meetings and gatherings are hereby prohibited and will be dispersed at once under Military Law."—Who prepared that proclamation?

A. I think it was done by me or the Brigade-Major, or I may have dictated it to him and he wrote it.

Q. That was prepared on the evening of the 12th? A. Yes.

Q. How was it issued? A. Through the Police, I believe.

Q. Do you know whether any measure was taken to ensure its publication to the citizens?

A. No. I cannot. I was most likely informed that it had been proclaimed—I am not certain.

Q. Would you kindly explain what was meant by dispersing the crowd under Military Law?

A. I would have to send them away—clear them out.

Q. According to Military law if you required to disperse the crowd must you or must you not give them intimation that they are required to disperse before you resorted to the measure of firing?

A. We have to warn them and after that if they do collect, they will be fired on.

Q. According to military law, will it or will it not be right to fire upon a crowd to disperse them without giving proper intimation?

A. They had already had orders. If they would collect, it would be right.

Q. On the morning of the 13th did you form any resolution as to yourself making a declaration in the city?

A. I went there personally.

Q. What time did you start to make the proclamation?

A. I do not exactly remember the time. It might have been 9-30 perhaps. It might have been later.

Q. How long did you occupy in making the proclamation?

A. Long time. I may have been there 2 or 3 hours.

The proclamation.

Q. The proclamation that was read on this occasion is mentioned in the appendix 3 to your report: It is in these terms: "It is hereby proclaimed that no person residing in the city is permitted or allowed to leave the city . . . without pass from one of the following" . . . Then it proceeds, "No person residing in the city is permitted to leave his house after 8; any person found in the streets after 8 is liable to be shot. No procession of any kind is permitted to parade the city or any part of the city or outside of it at any time. Any such procession or any

gathering of 4 men will be looked upon and treated as an unlawful assembly and dispersed by force of arms if necessary."—What is the significance of the qualification: "if necessary".

A. Well, if I thought it necessary. It might not always be necessary.

Q. At the time the proclamation was issued, was there any ejaculation by the crowd with reference to the proclamation?

A. I heard a good deal of noise. I was a little behind perhaps, I did not always hear what they said.

Q. Can you personally testify to any distinct reference made by the crowd during the period you were issuing the proclamation?

A. I could not say. They were laughing. They were not behaving very well evidently. I was told that they were saying that it was bluff: "They won't fire" and words to that effect. They were not to be afraid.

Q. When did you get information that a meeting would assemble at Jallianwala Bagh?

A. I was in the city at the time. I cannot quite say what time it was. It may have been from 1-30 to 2 p.m.

Q. I see in this report to the General Staff you said: It was at 12.45 on my way to the Rambagh I was informed that in spite of my stern proclamation a big meeting would be held at Jallianwala Bagh at 4-30 that afternoon? A. That's correct.

Q. On the assumption that it is correct, I want you to explain why you did not take measures to prevent the crowd from assembling at all at the Jallianwala Bagh?

A. I went there as soon as I could. I had to organise my forces to think the matter out. I had to organise my forces, I had to make up my mind what forces I was going to leave behind and where to post pickets. I thought I had done enough in warning them not to meet. If they were going to meet, I was going as fast as I could. I had to consider the military situation and make up my mind and it took a certain amount of time.

Q. Did the making of dispositions necessitate the occupation of the time between 12-40 to 4 p.m.?

A. I did not believe that they would really meet after all that I had done in the morning. I did not think of sending off another force and warn them not to go. I had warned them 12 days up to the time I got back to Rambagh.

Q. When did you get definite information that in fact the meeting was being held? A. At about 4 o'clock.

Q. From whom? A. It was from Mr. Rehill as far as I remember.

Q. When you received that information what action did you take? A. My plans were complete then, and I marched off towards the city soon after.

Q. Had you with you picketting parties ?

A. I had picketting parties and we all marched off together.

Q. You had a special party of 25 rifles of Gurkhas and 25 Sikhs ?

A. Yes, there were 40 other Gurkhas armed with Kurkis.

Q. You also had two armoured cars ? A. Yes.

Q. Were those all the troops available after keeping pickets reserved. A. Every man available after providing for other things.

Q. You proceeded towards the Jallianwala Bagh at an usual pace. ? A. Ordinary walking pace.

Q. You did not consider there was any necessity for proceeding with any extra expedition ?

A. No sir It was very hot. We went at usual pace of marching.

Q. As you marched you dropped out the picket parties ?

A. We marched till they came to the most convenient road to their destination and they left us.

Q. As nearly as you can recollect in what time did you reach the Jallianwala Bagh ?

A. I think it was about 5 or 5-15 p.m. I could not say. I did not note the time.

Q. When you arrived at the Jallianwala Bagh what did you do ?

A. I deployed my troops right and left, got the Gurkhas on the left and the Punjabis on the right.

Q. I think you had entered by the narrow entrance that leads into the Jallianwala Bagh ? A. Yes.

Q. You had left your motor cars behind ? A. Yes.

Q. Did you have the Gurkhas who were armed with Kukris or they were at the back ? A. They too had come into the Bagh.

Q. Then you had 40 Gurkhas and two columns of 25 men each, armed with rifles ? A. Yes.

Q. You said you deployed 25 soldiers to the right and 25 to the left that is on the high ground on the north side of the rectangular space ? A. Yes.

Q. That is a very convenient piece of land ? A. Very.

Q. There are very few entrances and exits ?

A. Yes, I think one wide and there might have been 2 or 3 small exits. I had never seen the Bagh.

Q. When you got into the Bagh what did you do ?

A. I opened fire.

Q. At once ?

A. Immediately. I had thought about the matter and don't imagine it took me more than 30 seconds to make up my mind as to what my duty was.

Q. As regards the crowd what was it doing ?

A. Well, they were holding a meeting. There was a man in the centre of the place on something raised. His arms were moving about. He was evidently addressing.

Q. How far was this man from you and the military.

A. When I entered first about 8 or 9 yds. He ran away to the right and there were a good many others who ran away and climbed over the wall.

Q. As I understand at a distance of some thing like 100 yds. from the place where you stationed the army there is a ridge; A. Yes.

Q. Where was the man who was addressing the crowd as compared with that?

A. He was absolutely in the centre of the square as far as we could judge. I should say nearly 50 or 60 yds. from where my troops were drawn up.

Q. Was there a great mass of crowd situated on the further side of the place from where you were, i.e. on the southern part of the Bagh?

A. Yes, I should think most of them were.

Q. He seemed to be surrounded by them?

A. Perhaps most of them were on the further side.

Q. So far as you knew was there anything occurring except this man addressing?

A. No, I could not see anything beyond that.

Q. How many people were in the crowd.

A. I then estimated them roughly at 5000. I heard afterwards there were many more.

Q. On the assumption that there was a crowd of something like 5000 listening or more have you any doubt that many of the people must have been unaware of your proclamation that you issued in the morning?

A. It had been well issued and news spread very rapidly in a place like that under prevailing conditions. At the same time there may have been a good many who had not heard of the proclamation.

Q. On the assumption that there was that risk of people being in the crowd who were not aware of the proclamation. did it not occur to you that it was a proper measure to ask the crowd to disperse before you took that step of actually firing?

A. No, at the time I did not. I merely felt that my orders had not been obeyed, that martial law was flouted and that it was my duty to immediately disperse by rifle fire.

Q. Before you dispersed the crowd, had the crowd taken any action at all? A. No sir. They had run away a few of them.

Q. Did they start to run away?

A. Yes; When I began to fire, the big mass in the centre began to run almost towards the right.

Q. Martial law had not been proclaimed. Before you took that step which was a serious step, did you not consider as to the propriety of consulting the Deputy Commissioner who was the civil authority responsible for the order of the city?

A. There was not any Deputy Commissioner to consult at the time. I did not think it wise to ask anybody further. I had to make up my mind immediately as to what my action should be. I considered it from the military point of view that I ought to fire immediately, that if I did not do so, I should fail in my duty.

Q. When you left Rambagh, did it occur to you that you might have to fire?

A. Yes, I had considered the nature of the duty that I might have to face.

Q. Did you not think it proper to have civil authority with you before you took that step?

A. I had a Police Officer with me.

Q. Who is that? A. Mr. Rehill and Mr. Plomer were there.

Q. As I understand Mr. Rehill and Mr. Plomer came on the scene after you actually commenced firing?

A. I think Mr. Rehill was there actually while the firing was going on.

Q. During the whole time?

A. I do not know. I was looking at my troops but I saw him there. I did not wait longer after the firing and he was certainly there at the end of the firing.

Q. Before firing did you ask Mr. Rehill whether in his judgment it was necessary to fire?

A. No sir. My mind was made up, as I came along in my motor car, that if my orders were not obeyed, I would fire immediately.

Q. In firing was it your object to disperse?

A. No sir. I was going to fire until they dispersed.

Q. Did the crowd at once start to disperse as soon as you fired? A. Immediately.

Q. Did you continue firing? A. Yes.

Q. After the crowd indicated it was going to disperse why did you not stop?

A. I thought it my duty to go on until it dispersed. If I fired a little the effect would not be sufficient. If I fired a little I should be wrong in firing at all.

Q. For what length of time did the firing go on?

A. It might have been 10 minutes, it might have been less. I

think it was probably less from the number of rounds that were fired.

Q. So far as you could see had the crowd sticks in their hands ?

A. I could not say that they all had. I presume that they had a number of sticks. I knew they were going to be armed with sticks.

Q. Have you ever in your military experience to use similar methods of dispersing crowds ?

A. Never, it was an exceptional case.

Q. What reason had you to suppose that if you had ordered the assembly to leave the Bagh they would not have done so without the necessity of your firing and continual firing for any length of time ?

A. Yes, I think it quite possible that I could have dispersed them perhaps even without firing.

Q. Why did you not have recourse to that ?

A. They would have all come back and laughed at me and I should have made what I considered a fool of myself.

Q. In taking the action which you did, did you take it upon that basis viz. that it was not so much an Amritsar question as a question of Amritsar district ?

A. Yes, Sir, absolutely, I looked upon the crowd as rebels who were trying to assault my forces to cut me off from every place. Therefore, I considered it my duty to fire on them and to fire well.

Q. Were there any other circumstances that weighed with you when you took the position to fire ?

A. No, sir I looked upon it as my duty and a very horrible duty.

Q. After the firing had taken place, I think you returned with your troops to the Rambagh ? A. Yes, Sir.

Q. And on counting the ammunition it was found that 1650 rounds of ammunition had been fired ?

A. Quite right.

Q. Did you ascertain the casualties ?

A. I could form a rough estimate of the number from the number of rounds that was fired : and I calculated from that roughly that the number would be 300. I did not take it to be more than 300 casualties.

Q. You did not know that the casualties were something like 400 or 500 ?

A. I have seen it in the papers.

Q. You now know whether you have been informed or not ? It was something between 400 and 500 ?

A. I have seen it in the papers. If I divided the rounds by 6 I should be nearer the marks than if I divided it by 5.

Q. Shooting was individual and not volley shooting?

A. There was no volley shooting in the service?

Q. The crowd was very dense? A. Very dense.

Q. It was unlikely that a man shooting into the crowd would miss?

A. No, except in certain instances as they were running a certain number of men was hit—a small percentage, was hit as they were running along. In the centre of the square the crowd was very dense. There, as a man directed his fire, he should not miss.

Q. So that it is not impossible that the number of deaths should be 400 or 500 from the number of rounds?

A. Quite possible.

Q. As regards the removal of the wounded were you in a position to render any aid?

A. No Sir, not there, I should have given aid afterwards if they asked for it. *It was then not my duty to render aid.* It was a medical question.

Q. Next day you issued a proclamation with reference to the burying of the dead in these terms: "The inhabitants may burn or bury their dead as soon as they please. There must be no demonstration of any kind."—That was the order? A. Yes Sir.

Q. After the firing what was the state of the city on the 14th?

A. I went through the city to see if my orders had been carried out or not. I visited the pickets. All was quiet.

Q. Martial law I think was actually proclaimed on the 15th?

A. Actually at Amritsar I believe on the 15th. It might have been later perhaps, I cannot remember.

Q. Under Martial law a number of orders were issued? A. Yes.

Q. Both before and after the proclamation?

A. I am responsible for what the orders are. They may have been issued by my Brigade Major. But I am responsible.

Q. I see in your report you say that the city assumed normal conditions? A. Yes, sir. There was absolutely no crime.

Q. If that is so was it necessary that martial law should be proclaimed on the 15th?

A. It was; Martial law had been in existence before it was proclaimed. As they were getting better I relaxed the conditions.

Q. Martial law had 'defacto' been in existence from your arrival? A. Absolutely sir. It had the same effect.

General Dyer's Impression about the Sikhs.

Q. Did you on the morning of the 14th receive information that another meeting was to be held?

A. Yes, in the Golden Temple.

Q. What significance did you attach to that?

A. I thought that I might have to fire again perhaps at the mob. If I did so, we should have all the Sikhs complaining that I had destroyed the Golden Temple. Without firing rumour was going abroad that I had destroyed the Golden Temple. Therefore if I had fired on it, it would be proof that I had destroyed the Golden temple.

Q. There was no truth in the rumour that the Golden Temple had been pulled down?

A. No, sir. It was not touched in the least. I sent for Arur Sing and Sunder Sing Majithia, one was the manager of the Golden Temple and the other, I understood, was very influential. I asked them not to allow it and if they required any help I should be called to help them.

Q. Had some nasty rumours been afloat as to your action with reference to some Sikh girls? A. Yes sir.

Q. Did you take means to dispel the rumours?

A. There was iron discipline at Amritsar. It could not be possible but I had to dispel it. So I went round.

Q. You were satisfied there was no truth in it?

A. Absolutely no truth.

Q. As regards flogging that was a form of punishment which is recognised in the army? A. Under Martial Law specially.

Q. What do you say about public flogging as contrasted with private flogging?

A. As soldiers when we lash a man we lash in public. The whole regiment is paraded and the victim is lashed in public with a view to make an impression on every wrong-doer or to make an impression on would-be wrong-doers.

Q. Do you think that the same reason applies when under Martial law you flog a civilian?

A. Yes, I looked upon it as the same as it would make good impression under Martial Law.

Q. Of course according to the old Civil laws this used to occur in public but for many years they have not taken place in public?

A. I see.

Q. Were these people whipped in public?

A. Yes, but both ends of the street were closed and it did not look as a public thoroughfare.

Q. But people going that way could have seen it?

A. If they liked to go there they could have seen.

Q. People who were living there could have seen? A. Yes.

Q. Would it not have been better if that took place in private?

A. I cannot say it.

Q. So far as the inhabitants of the streets were concerned, why should they have liked to see flogging?

A. I think the population of Amritsar is 70,000.

Q. It is a great deal more. It is about 1,00,000.

A. The crowd were present at the firing and other places, it would look as if the majority of these men were in it. A very great number were rebels.

Q. Still you must admit in a large population there must have been many citizens who are not disposed to disorder but were quite willing to obey lawful orders? A. Yes.

Q. There was that narrow minority that you had to get mastery over?

A. Unfortunately for them owing to the wicked acts of others they came under martial law and if they had to look things like that, it might have been unfortunate but under martial law it could not have been helped.

Q. Must you not issue orders so as not to permanently alienate the people or put them out of sympathy with the administration?

A. Quite so. But we were making examples of people who were doing wrong.

Q. But you must at the same time see that you do not condemn the innocent in punishing the guilty?

A. I did not see that I was condemning the innocent.

Q. Take your orders as regards crawling. What was your object?

A. I explained that in the statement printed. I felt women had been beaten. We look upon women as sacred. I searched in my brain for a suitable punishment for these awful cases. I did not know how to meet it. There was a little bit of accident in that. Now when I visited the pickets, I went down and ordered a triangle to be erected. I felt the street ought to be looked upon as sacred. Therefore I posted pickets at both ends and told them 'No Indians are to be allowed to pass along here.' I then also said if they had to pass they must go on all fours! It never entered my brain that any sensible man, any sane man would under the circumstances voluntarily go through that street.

Q. You promulgated that order from the 19th. to the 25th of April and Miss Sherwood was assaulted on the 10th? A. Yes.

Q. Should not your object have been to punish those who were guilty of assault so far as possible to avoid punishing those who were innocent? A. Yes.

Q. At the street where you issued this proclamation, there are many houses abutting? A. Yes, a good many on both sides.

Q. As I understand there are a good many houses that had no back entrance at all? A. I was not aware of it at the time.

Q. If it to be the case that there were many of these houses that had no back entrance what justification is there in passing an

order which necessitated the inhabitants lawfully residing to crawl on all fours when they had to leave their houses ?

A. They could leave at all other times. My picket was there from 6 A. M. to 8 P. M. I do not think it caused very great inconvenience. If they had suffered a little under martial law it would do no harm. They could get necessities of life by other means. It could not be helped if they had to suffer a slight amount of inconvenience. Q. How could they ?

A. Most of them had back entrances, I was told. Those who had to get necessities could go and adopt improvised means or go out after 8 P. M.

Q. This order might have a very different effect from the effect which you wished instead of being a just punishment on those who had offended ; it could cause a great deal of ill-feeling among those who would resent it, people who had not been responsible for the act that was done ?

A. Amritsar behaved very badly and most of the inhabitants either gave assistance or were only waiting to see what was going to happen.

They did not offer any help until after the trouble was over. If they suffered a little inconvenience it could not be helped.

Q. You will admit during the period of turmoil it is difficult thing for the peaceful citizen to give assistance in quelling the disturbances. Is it not just on that account that extreme remedy be confined to the mob as distinguished from law-abiding citizens ?

A. Yes they were abstract law abiding citizens ; but I think on that occasion I only thought of punishing the wicked.

Q. But this street was not the street that was frequented by those who had beaten Miss Sherwood ?

A. No. But I had erected a platform there in the middle of the street and thought when I got these men who had beaten her I would lash them down. I meant to lash them. I also wanted to keep the street, what I called sacred. Therefore I did not want anybody to pass through it. It was an accident that these men had to pass through. Q. There were a number of persons made to crawl ?

A. I did not hear all that,—if they took anybody deliberately it was not done deliberately by me. It was a pure accident. My order was different. As they were going my sergeant made them do what I had ordered. But I never imagined that any sensible man would go there voluntarily.

Q. If you wanted to get people away was it not a meaningless order.

A. It was only with a view to making the street what I called sacred. I was searching my brain for some suitable punishment at the time and the order made was all that I could have done.

Q. You had it enforced from the 19th to the 25th April ?

A. I think that is quite right. I wanted to revoke it but I went away on the 21st and so the order was kept in force up to that time.

Q. What led to its being superseded ?

A. I received an order to that effect.

Q. If you had not received it what was your intention ?

A. Well, after I returned I presume I would have taken the picket off. I had a great deal to think of. After the men were lashed there was no need of keeping the pickets there.

Q. When were these 6 men lashed ?

A. I think it was about the 20th.

Q. If it was on the 20th there was no object in going on with that after the 20th ?

A. I had overlooked the matter. There was certainly no object after these men had been lashed.

Q. As regards the men who were lashed all of them were men who had assaulted.

A. Yes, so I am told.

Q. But all of them were not lashed in consequence of assault on Miss Sherwood but for some other offence ?

A. Yes, they were tried. If these are the men they must be lashed in that street.

Q. Were they lashed in that street before they had been tried for assaulting Miss Sherwood ?

A. No. I did not wait till the Provost Martial.

Q. Therefore I do not see it was a punishment that was meted out in consequence of that. It was in respect of something like breach of discipline ?

A. I suppose when I found that these are the men who had beaten Miss Sherwood, I said that is the place to lash them.

Q. I could understand if they had been lashed at the time but they were not lashed except for another offence. I do not quite see how you achieved anything by having them lashed there ?

A. Everybody knew that they had beaten Miss Sherwood. So lashing them there appeared to me to be proper. They escaped a bigger punishment. I thought these were the men when I lashed them.

Q. Complaints have been made that under Military law, a number of persons of Amritsar, occupying position of responsibility in the society were arrested and kept in custody for a long time and then released without any charge being preferred against them. Do you know anything about that ?

A. I do not remember anything about that. I believe there were a certain number of men in the Fort. They were trying to get them tried as far as they could. My orders were to have them

tried as soon as they could. But there was a great deal of doubt as to who were to try them, the Provost Martial, the Special Court or any body else. It might have been that owing to that there was a little delay.

Q. In connection with their being taken through the streets and their having been subjected to the indignity of hand-cuff, what do you say?

A. I think they were probably hand-cuffed. That is the ordinary method of dealing with them who had committed offence under martial law.

Q. Before they have been tried?

A. Yes, I think that would be the right course.

Q. As regards trial, there were two sets of tribunal set up by the Government of India and the summary courts that you set up?

A. That's it.

Q. Had you anything to do with the regulation of trial of the cases under the special courts?

A. No, sir, they were tried by the Provost Martial.

Q. What was the law regarding procedure; Is there a special army regulation or special martial law regulation? A. Yes, sir.

Q. Can you supply me with a copy of the regulations?

A. No, sir, I have not got one.

Q. With reference to the commissions i.e. special tribunals you had nothing to do? A. No.

Q. That was a matter entirely regulated by the courts constituted? A. Yes.

Examination by Sir Chimanlal Setalvad.

Q. When you arrived the civil authorities handed over the charge to you?

A. They said it did not exist and I should take command. There was complete lawlessness in the city, they said.

Q. Was charge formally handed-over to you?

A. Yes, in writing. That is in appendix to the report.

Q. Under what authority was this done?

A. I do not know—under some civil law.

Q. Can you tell me under what civil law?

A. No. Any way it was handed over to me.

Q. Had you any orders from superior authority to take civil charge in that manner?

A. I was the officer commanding the district and therefore if the civil law ceased it became my duty to take over.

Q. You thought you were competent to take over charge?

A. From the military point of view, certainly.

Q. When you arrived you heard of the events of the 10th at Amritsar? A. Yes.

Q. Did it strike you that the armed forces in Amritsar at the disposal of the civil authorities was not sufficient to cope with the situation?

A. Yes, it had apparently proved itself not to be sufficient.

Q. If the civil authorities had sufficient military aid supplied to them could they cope with the situation?

A. They had to try the thing. The very best expedient under the circumstances was that they should hand over the charge to me as the officer commanding the district, considering the situation all round.

Q. Neither you nor Mr. Irving considered the possible alternative of the civil authority carrying with sufficient military aid from you?

A. No. I could act in aid of civil power—that is in small matters.

Q. You did not consider it?

A. I do not remember it. I thought what had happened, handing over to me was right. It was very serious situation. It was beyond civil control—I was the man to deal with it rightly and properly.

Q. Did you consider the feasibility of the alternative I am suggesting or you did not consider it at all?

A. I never considered it. I may have. I cannot tell you.

Q. You had consultation with Mr. Irving? A. Yes.

Q. And with Police officers and some other gentlemen?

A. There were Mr. Plomer, Mr. Raehill and various others.

Q. Mr. Smith?

A. I do not think he was.

Q. Did you consider the alternative that I am suggesting to you or you did not?

A. This authority had been handed over to me and it was right.

Q. You did not see the necessity of considering the alternative?

A. I do not think so—I may have, I may not have. At that time there was no such thing as civil power. The time for giving military aid had gone. It now came under me and rightly so. I do not know of any medium course.

Q. As soon as you arrived Mr. Irving told you that he was prepared to hand over? A. Yes.

Q. When that proposal was made to you did you or Mr Irving consider the alternative that the civil power could be carried with sufficient aid from you?

A. We did not. I thought what happened was right.

Q. There was no discussion between you and Mr. Irving on that subject? A. There was no discussion.

Q. On the 12th various arrests were made in the city? A. Yes.

Q. Who arrested them?

A. The Police with the aid of the military. I was there in case I was wanted.

Q. It was the Police who arrested? A. Yes.

Q. Were those persons arrested under warrants issued by civil authority?

A. There was no warrant as far as I know. Under Military law we could arrest them. But they no doubt had their warrants. You may find that out from the Police.

Q. So far as you were aware was there any investigation before they were arrested?

A. I thought the Police knew their duty and they did their duty in the ordinary way.

Q. The arrests of these persons were still left to the ordinary civil authorities?

A. When they said this is the man who has murdered. I said 'arrest'.

Q. Were the persons hand-cuffed and marched through the city?

A. That I do not know. They were probably hand-cuffed.

Q. Taken through the city?

A. I cannot say. They probably had to go through the city.

Q. Was any suggestion made at your consultation to take some drastic military measure against the city on the 11th?

A. I was to enforce my orders.

Q. No other special measures?

A. I will tell you. I cannot think of any other special measure.

Q. It has been suggested that at one time it was considered desirable to bombard the city.

A. I know nothing about it. I never thought it necessary. It may have been necessary later. It all depended on the behaviour of the crowd.

Q. There is no truth in the suggestion, it was considered on the 11th? A. I never heard of it.

Q. On the 12th you issued proclamation No. 1, on the 13th No. 2 was proclaimed in the streets in the manner you have described? A. Yes.

Q. It says: "No procession of any kind is permitted to parade the streets in the city or any part of the city or outside of it any time. Any such procession or gathering of 4 will be treated as an unlawful assembly and will be dispersed by force

of arms if necessary."—Does not that language refer to procession parading the street? A. Yes.

Q. Is not the language open to this construction? No procession of any kind is permitted to parade the streets in the city or any part of the city and the prohibition is no procession should parade any part of the city? A. Yes.

Q. It is against parading of procession? A. Yes.

Q. That is the substantive prohibition? A. Yes.

Q. Then follows the penalty with regard to such procession?

A. Yes.

Q. Viz., parading the street? A. Yes.

Q. Or gathering of 4 men in the street?

A. If it is only in the streets that they were not to meet—that is certainly not the meaning.

Q. You have seen the Golden Temple? A. Yes.

Q. You have seen that quarter where it is situated?

A. Yes. I do not know it very well, I went once or twice.

Q. Your proclamation was not read out in that quarter?

A. I cannot tell you. It must have been done.

Q. Will you be surprised to hear that it was not?

A. If it was not so it may be right.

Q. You heard of the Jallianwala Bagh meeting at 12-40?

A. Yes, somewhere about that.

Q. When you heard that you did not take any step to warn the people against going to that place?

A. I had been warning them all the morning.

Q. But after you heard you did not?

A. No, I did not. I began to organise my forces to think about it.

Q. You did not think it would be desirable, for instance, to put posters at that place?

A. There was no time to do all that, I had to look sharp and organise my troops and think what I was to do. The situation was very serious. It was much more serious than now it seems.

Q. When you heard of it you made up your mind that if it was held you would go and fire?

A. As I have said, I did not at first think they would go to that, but if they were defying my order after all that I had done I had made up my mind practically that I would fire immediately in order to save the military situation. The time had come when we could delay no longer. And if I did so, I was liable to be court-martialled.

Q. Two armoured cars were there? A. Yes.

Q. They had machine guns? A. Yes.

Q. When you took them, you meant to use them?

A. If necessary. If necessity arose, if I was attacked, I presume that I would use them.

Q. When you arrived there you were not able to take the armoured cars in, because the passage was too narrow? A. Yes.

Q. Supposing the passage was sufficient to allow the armoured cars to go in **you would have opened fire with the machine guns?**

A. I think the probability is **yes**.

Q. In that case the casualties would have been higher? A. Yes.

Q. You did not open fire by the machine guns by accident because they could not be got in?

A. **Yes, if they could be got in, the probability would be that I would open fire with the machine guns straight.**

Q. I gather, General, as you have put in your report, your idea in taking this action was really to strike terror?

A. Yes, if they disobeyed my order. If they completely disobeyed law, they were rebels and I must not treat them with gloves on. I was going to give them a lesson.

Q. Your idea was, as I put it to you, to strike terror?

A. Call it what you like, I was going to punish them.

Q. To strike terror not only on the immediate crowd or the Police but all through the Punjab?

A. Quite so. My idea was that it should make a wide impression throughout the Punjab.

Q. Producing sufficient moral effect not only on those persons but more specially throughout the Punjab—that was your view?

A. I wanted to reduce the number of the rebels.

Q. You thought it would be a right thing in order to save the British Raj; that is what you thought?

A. Yes, I was going to reduce the moral of the enemy. If they were going to fight me they were rebels and I was going to shoot them.

Q. You thought the British Raj was in great danger?

A. No, it is a mighty thing, it would not be in great danger. But it might bring about more blood-shed, more mutiny, more loss of lives. But the British Raj would not be in danger.

Q. You never thought it? A. Never.

Q. Your object was not to save the British Raj?

A. To save lives, to save other places being looted, to prevent anybody who thought they could manage to mutiny. It was a horrible act, at the same time it was a merciful act and it required lots of doing.

Q. Did it occur to you that you were really doing great disservice by driving discontent?

A. No, I thought it was my duty to do it at the same time. But I also realised it would be the means of saving, and any man, any reasonable being with a sense of justice, would see that *I was doing a merciful act* and that they ought to be thankful to me for doing it.

Q. But did this aspect of the matter strike you at all?

A. Never. I thought it would do a jolly lot for good to the people.

Q. When you entered the garden and gave order to fire your men fired standing?

A. Kneeling. There were a few who were not kneeling but by the laws of firing these men were kneeling.

Q. Did you observe, General, after the fire was opened, there were lots of people in the crowd who lay down on the ground in order to save themselves? A. Yes.

Q. Your men continued to fire on those so laying on the ground?

A. I cannot say that. Some were running at the time, some were lying down. They fired where I directed them to fire. They sometimes had ceased firing and I redirected them to fire. Firing was controlled and was as instructed.

Q. Did you direct on people lying on the ground?

A. I probably selected—there might have been men laying down—but there were other targets, men who were standing.

Q. After firing, did you take any measure for the relief of the wounded?

A. Do you mean immediately after? A. Yes?

A. No, certainly not. It was not my duty. It was not my job. The hospitals were open. They could go there but they did not because they thought they would be arrested.

Q. No action was taken for dealing with the dead?

A. They asked for permission to bury the dead.

Q. That was much later?

A. I do not think it was much later. My recollection is when I got back to the Rambagh they came and asked me. It never entered my head that they won't go to hospitals and if people were likely to go forward they could.

Q. This action of yours, you now know, has resulted in the death of 400 or 500 people and a considerable number of wounded?

A. Yes.

Q. That action of yours was approved by the Punjab Government?

A. I believe so. It was. Of course, there was a wire to that effect.

Q. You wired information to the Lieutenant-Governor?

A. I might have, but I cannot say at this distance of time. He was probably wired to by my Brigade Major.

Q. You say the Lieutenant-Governor approved that action of yours? A. I presume so.

Q. Were any orders promulgated to the effect that people should salaam Military officers, that if they did not do so they were to be punished?

A. Under Martial Law every man has to salute the General Officer Commanding whether it be by salaaming in the ordinary manner or by taking off his hat, but every man is bound to salute.

Q. Were orders actually promulgated?

A. I do not know. I cannot remember, but that is the ordinary course: They must salute. If they came under Martial Law, they must understand that. Every Indian knows that he ought to salaam.

Q. A large number of people were absolutely uneducated?

A. Yes.

Q. They could have no conception of Martial Law?

A. They all know salaaming. They salaam big people. They salaam Rajas.

Q. What I want to suggest to you is that a large number of people did not realise that it was part of Martial Law that they should salaam British Officers?

A. That may be so. But at the time they knew it was part of their duty. If I happen to see my senior officer I salute him. India is the place of salaam. Indians know and ought to know it.

Q. They ought to salaam every British Officer?

A. Most certainly yes, if you ask my opinion.

Q. Every British officer?

A. Not every Indian should salute every British officer. There are Indian officers of higher rank, we do not expect them to salute.

Q. They must salute every British Officer.

A. Usually you salute your superiors. Under Martial Law they are to salute me just like any man in the camp.

Q. And is it your view that it is obligatory on the citizens also to salute every Military officer under you?

A. I think there was a rebellion, a great deal of rebellion and that it would be just as well that they should.

Q. They were bound to salute?

A. They were bound to salute me. I think under Martial Law they ought to salute their superiors. I do not think it is a very stern order.

Q. Were people actually arrested for not salaaming?

A. I think not actually for not salaaming but they were impertinent when I questioned them.

Q. Not for salaaming or failing to salaam? But when asked they gave impertinent answer?

A. Well, I will give you an example. I said why don't you salaam. He said I do not know how to salaam. On that under Martial Law I arrested him.

Q. In connection with this salaaming people were kept in custody for 10 days?

A. No, I do not know if that is right. It may be.

Q. Were not people made to crawl on the street for this?

A. But those who were impertinent and were arrested by me were, by some accident, sent back to that street where my pickets were. My sergent said: You crawl, that is the order and they had to crawl.

Q. There were some men unconnected with the assault on Miss Sherwood but arrested for impertinence and were marched through the street and made to crawl?

A. They had nothing to do with the Sherwood case. They were men who were impertinent to me as I went there. I only gave them an example. These men were made to crawl not necessarily because they assaulted Miss Sherwood.

Q. But there were other people who were guilty of breach of Fort discipline or impertinence and were marched through that street and made to crawl?

A. Yes, by accident. I posted my pickets. I did not know the Police were at the far ends. They arrived at the near end of the street and my sergent said, 'the order is to crawl, you crawl.' My intention was not to make these particular men crawl. After the 19th they went voluntarily to crawl.

Q. 'After the 13th the city was a pattern of law and order'—that applies to a period subsequent to the disturbances? A. Yes.

Q. Can you tell us what was the need of continuing Martial Law over the period; was it in fact continued?

A. No harm would be done. It was very justly administered and if I overlooked in any way to take it off when it was necessary, it was my job. When they told me it was to be off, it was off.

Q. It was continued because no harm was done and it was justly administered? A. Yes.

Q. But there was no particular necessity of continuing it?

A. Law and order had come back. There was a period when Martial Law was not necessary, but it did not continue for all too long. That is all.

Examined by Pandit Jagat Narain:—

Q. You arrived at Amritsar at 9 or 10 p.m., on the 11th? A. Yes.

Q. Were you informed that on the 11th, the civil authorities were able to make arrests in the city?

A. I was not informed of that fact. I see it in the report there were arrests made on the 11th.

Q. You were not informed of this fact? A. Not then.

Q. On the 12th? A. So far as I remember, no.

Q. Were you informed of the fact that on the 11th the people of Amritsar approached the civil authorities for the purpose of burying their dead and that certain orders were passed by the Deputy Commissioner and that those orders were obeyed?

A. I did hear that they had asked for permission to bury the dead bodies and that certain orders were issued to them.

Q. Were you informed of any lawlessness or act of violence committed by the mob on the 11th? A. No.

Q. Were you informed of any lawlessness or any act of violence committed by the mob on the 12th?

A. I should think, no.

Q. Therefore may I take it that up to the 13th, the only information which you had about the behaviour of the mob inside the city was as to what they did on the 10th?

A. Yes, so far as Amritsar city was concerned : there was no further lawlessness except that on the 10th.

Q. The only information supplied to you was as to what they had done on the 10th? A. I think, yes.

Q. You have repeatedly described the citizens of Amritsar as rebels ; therefore may I take it that your conclusion was based on that information supplied to you?

A. Not only on the position in Amritsar but outside Amritsar as well.

Q. I am talking of Amritsar only?

A. In my mind I had not only what happened there but also outside.

* Q. On the 11th or on the morning of the 12th at the railway station, a number of names of agitators were given to you by Ashraf Khan?

A. On the night of the 11th. It would be practically the morning of the 12th.

Q. Can I get anywhere the names of the persons taken by you?

A. I am afraid you cannot have them, I have not got them.

Q. Do I understand that the paper is not in existence?

A. My Brigade Major may possibly have got it. He is a very good Brigade Major. He may have it.

Q. May I take it that all those persons whose names were given to you by Ashraf Khan were arrested under your orders?

A. I cannot say they were arrested. I do not remember if they were arrested. But there were certain names of persons. I

was told they had done certain things. Undoubtedly, I said,—arrest them.

Q. You were given this information by Ashraf Khan?

A. The Superintendent and Mr. Irving were there.

Q. The information was given by these officials?

A. There may be other officials who have that information.

Q. If it be a fact that neither the police nor the officials were aware of the fact as to who were the persons who were responsible for the assault on Miss Sherwood, as to who were the persons who burnt the National Bank, as to who were the persons responsible for the murder of Mr. Stewart and other persons, they could not have given you then any information on this point.

A. Why do you assume that?

Q. Are you aware that it was not up to the 23rd April that any reliable information was given to any person in authority as to who were the persons concerned in all these occurrences?

A. I do not understand that. Lots of persons were arrested. They have known it.

Q. For the first time approver Hansraj gave information to the police on the 23rd April as to who were the persons concerned in the different occurrences and up to that time there was no other evidence?

A. Hansraj was not the only man who gave that information.

Q. Can you tell me as to whether you have any other information?

A. I know nothing about it. I went there as a military man.

Q. Supposing the authorities themselves were not aware of the individual persons who committed the offence, they would not be in a position to give you the names.

A. If they were not, they would not be.

Q. If the persons concerned in the assault were not known to authority, how did you come to the conclusion that these six persons were the persons actually concerned in the assault?

A. How am I to assume that the authorities did not know this because Hansraj had not spoken. There were lots of others who could give information to them.

Q. Who was the officer who informed you that these six persons who were flogged for breach of fort discipline were concerned with the assault on Miss Sherwood.

A. The man who arrested them told me that, I presume. I cannot remember. And if they arrested them wrongly they had no answer for their wrong doing.

Q. Is it not a fact that except these six persons, no one else was ever accused of having committed any breach of Martial Law regulations inside the Fort and no other person has been mentioned? A. Yes.

Q. Is it not an extraordinary coincidence that these six persons who were supposed to have taken part in the assault on Miss Sherwood were the only persons who committed any breach of fort rules.

A. More than a hundred persons were arrested?

Q. Up to that time?

A. From time to time. Some in the fort and some in the Rambagh.

Q. Can we get any detailed information about the trial of these six men and the offence they committed?

A. I should think so. The police should know why they arrested them and who gave evidence. Presumably there should be some thing. As far as I know under Martial Law it is unnecessary to keep a record.

Q. I wanted to know whether there is a record?

A. There may be. You may be able to get it out of the police.

Q. What have you to say to the suggestion, if it be made, that because these six persons were supposed rightly or wrongly by you or other officers to have taken part in the assault on Miss Sherwood therefore on the pretext of the breach of Fort discipline, but as a matter of revenge they were flogged?

A. I say it is a wrong suggestion.

Q. Don't you think it wrong to inflict any punishment on undertrial prisoners in connection with the assault on Miss Sherwood?

A. No. They were not. If they committed an offence under martial law they must come.

Q. Why were they not flogged inside the Fort?

A. I wanted them to be flogged where Miss Sherwood was assaulted.

Q. Similarly with regard to the crawling order. That order was promulgated by you inside the city?

A. I would not say that.

Q. You say in your statement here. "I then posted two British pickets, one at each end of the street, with orders to allow no Indian to pass and that if they had to pass they must go through on all fours". I infer that you passed this order when you were inside the city? A. Very likely.

Q. You have already informed the Committee and have also stated your statement that you never imagined that any sane man would voluntarily go through under these conditions?

A. Yes, that is absolutely true.

Q. Is it not a very extraordinary coincidence—I call it deliberately extraordinary—that you passed this order which you

considered at that time would be a dead letter because you thought that no sane person would voluntarily go through the street on all fours, and all of a sudden you moved a few hundred yards and then you felt the necessity of arresting 12 persons for no edifying offence and these were the very 12 persons who for the first time obeyed this order.

A. I went to the city after posting my picket. There were certain insolent inhabitants and I arrested them and handed them over to the police. I do not see anything extraordinary in it.

Q. In your opinion the police were quite competent to do its duty?

A. I presume they may have been.

Q. On the 13th when you left Ram Bagh for the Jallianwala Bagh, is it not a fact that you practically on two or three sides surrounded the Jallianwala Bagh with pickets and you left a picket at Sultanwind gate?

A. I think they were at Lahore Gate, Hall gate and another gate. At the other gate I do not think there was, there was a picket but my information is there was not.

Q. If a woman is found wounded at the Sultanwind Gate, can you give us an explanation how she was found there?

A. On the 12th or 13th?

Q. On the 12th. A. I do not know.

Q. If it was on the 13th?

A. It might be possible a stray bullet from the Jallianwala Bagh might have hit her. Beyond that I cannot give any explanation.

Q. If some wounded person were found on the second storeys of buildings, there how do you explain that.

A. Probably bullets have strayed.

Q. If there be marks of blood on the second and third floors of buildings, would it not show that there was overhead firing.

A. Certainly not. I never gave direction for overhead firing. I directed fire personally and I can tell you what orders I gave. I never gave any orders for overhead firing. Certainly not. Absolutely not.

Q. You never gave a moment's thought as to what would happen to the bodies of these 400 or 500 killed inside the Jallianwala Bagh and these wounded, as to how they will be attended to by their relations as to how water would be given to the wounded? You never cared for them? A. How do you know.

Q. How was it possible?

A. They could bring them, when they liked.

Q. If they had gone there disobeying the curfew order you would not mind it?

A. They asked for permission and I gave it and said they could go.

Q. Your permission was for the removal of the dead bodies. Did you make any proclamation saying that to-day I modify the curfew order? A. I allowed them to go and remove the dead.

Q. Did you in any way modify the curfew order?

A. It was probably modified.

Q. On the 13th?

A. Probably. I think you will find it in these papers.

Q. Did you issue any proclamation saying 'I modify the order and people are allowed to remain outside up to 12 o'clock'?

A. I allowed them to go and take the dead. I thought they would be removed by night.

Q. That is no answer to my question?

A. I cannot tell you I allowed them to go and bring their dead. Therefore orders must have been passed.

Q. If the order was modified, how is it that you went into the city at 9 p. m. to see if your order was obeyed or not?

A. I don't think I went out at 9. I think it was later.

Q. This is the first time that we have been informed that the order had been modified. Permission to remove the dead was issued on the 14th? A. Yes.

Q. So long as you remained in Amritsar was there any evidence, apart from the inference, placed before you to show that there was an organized conspiracy?

A. From what was happening in Amritsar and elsewhere I formed the opinion that there was a widespread conspiracy.

Q. Apart from inference was there any tangible evidence produced before you to show that there was organized conspiracy in Amritsar or what happened there was the result of that conspiracy?

A. They were talking all sorts of things. There must have been organized conspiracy all along the line as far as I can judge.

Q. When you went to Jallianwala Bagh there was no apprehension of your being attacked?

A. There was certainly a possibility.

Q. Did you take a large number of police also with you to the Bagh and left them outside just close to it?

A. I do not know how many policemen were there, nor did I care.

Q. When you arrived at Amritsar on the 11th there were 475 British soldiers and 710 Indian soldiers and on the... there were 530 British soldiers and 635 Indian soldiers? A. Quite right.

Q. Your source of information as to what was happening in the

city on the 12th and 13th—except what you saw with your own eyes—was Ashraf Khan and nobody else?

A. There were officers and lots of people.

Q. Lots of people visited you on the 12th and 13th?

A. I cannot say.

Q. Lots of people came and gave you information?

A. I say, not.

Q. Supposing between 400 and 500 were killed in the Jallianwalla Bagh. What would be the proportion of the wounded?

A. You will have to multiply it by three, it may be more.

Q. Is it possible that one bullet would kill two or three persons?

A. Quite possible.

Q. You had already made up your mind at Rambagh that you had a very unpleasant duty to perform and that you would have to do it? A. Yes.

Q. Did you make any ambulance arrangements?

A. No time to do that.

Q. Was it brought to your notice that the dead bodies were mutilated at night? A. Never heard of it.

Q. Are you or are you not aware that so far as India is concerned Martial Law can be introduced only by certain individuals? A. Yes.

Q. In any fixed area can any officer proclaim Martial Law and appoint officers for the purpose of trying cases?

A. If there is a rebellion one would assume charge, the man on the spot, and it will have the effect of Martial Law.

Q. You could not get these orders from the Lieutenant Governor either by aeroplane or wire? A. We could have not.

Q. Could you not have obtained orders from the Viceroy?

A. Absolutely not. The situation was developing very fast.

Q. You would not wire to the Lieutenant Governor telling him that the situation was serious and get orders?

A. I think the Lieutenant Governor knew the situation as much as I did.

Q. Can you tell me why was it not possible for Mr Irving to inform the Lieutenant Governor that Martial Law should be introduced on the evening of the 10th?

A. I say all things are possible.

Q. When he was handing over charge to you did you ask him why he did not ask permission of the superior authorities?

A. No. It was handed over to me and I thought I could manage it all right.

Q. I want to ask you a question on the point whether you assumed authority on the ground that you felt that the situation

demand it or because the Deputy Commissioner had given you charge and that written document?

A. I was the Officer Commanding in Amritsar as well as Jullundur. If the civil law failed or ceased to operate it is my duty to take things in hand until I get further order on the subject. So I took the situation in my hand.

Q. After the civil authority was handed over to you and you assume supreme authority in Amritsar you could act independently by virtue of your own position?

A. As in extreme case I could. If the situation suddenly developed which demanded my assumption of responsibility it was my duty to do so.

Q. May I know the conditions prescribed which would constitute an extreme case which would justify you to assume that command?

A. Well I honestly considered that there was a rebellion and that it was my duty to take the responsibility.

Q. You had no orders? A. No.

Q. There must be some orders, written or verbal?

A. I do not know of any order which will exactly suit what happened.

Difference Between Rebellion And Civil Disorder.

Q. What is the difference between rebellion and civil disorder? Do you consider them one and the same thing or different thing?

A. I should think if civil law has ceased that a rebellion is out. I should think the two things are practically the same. But I am not a great expert on law.

Q. In appreciating the situation which would enable you to take drastic powers over a large number of His Majesty's subjects you have to exercise your judgement and see whether there were certain things which you would call rebellion. I assume you have a very clear notion as to what rebellion means.

Q. I think so. I have to run the risk but I have got to do it.

Q. In your opinion ceasing of law and orders is tantamount to the existence of rebellion?

A. I should say very nearly that. If there is something serious going on rebellion would come in.

Q. You certainly understand what rebellion means?

A. I think I do. But we may make errors in judgment.

Q. Very well, but certainly you cannot have any doubt as to what constitutes rebellion?

A. In my own mind I will say this is rebellion; another man will come and say this is not rebellion, I knew when I began to

take responsibility. If I was wrong in my judgment I should probably suffer.

Subverting the Authorities by means of canes.

Q. You said the people were going to carry out their intentions of rebellion by means of canes ?

A. Yes, to be armed properly.

Q. I have just been asking the question probably according to you there was some organisation behind the movement. So I take it there was some intelligent people who were directing the movement : do you think any man of sense could think of subverting the authorities by means of canes ?

A. A small army of men armed with canes. It is quite possible.

Q. Do you think this organised mob could successfully, under any conditions be opposed to the forces of the Crown.

A. Not very long. In places like Amritsar or elsewhere where the garrison is small, then they might suddenly attack and disarm the military forces and then having a little success they may even get them over to their side.

Q. But it wont last long ?

A. I do not think so but a great deal of damage might be done in the mean while.

Q. Were you not told on the 11th that it was a very small proportion of the inhabitants of Amritsar, who were causing disorder and that there was a large number of citizens who were law-abiding ?

A. I might have been told. But there were very large crowds. Therefore it looked as if a great many people had joined them because law and order was at an end. There would have been lots of men who if they were guarded would not have been disloyal.

MR. P. MARSDEN S. D. O., KASUR.

Examined by Mr. Justice Rankin witness said Martial Law was proclaimed in Kasur on the 16th April. It was Martial Law ordinance No 1.

Q: Have you been able to collect any definite evidence as to what it was that caused the excitement that broke out in a riot on the 12th?

A: Well, on the 11th there was the news about Mr. Gandhi's arrest which increased the excitement. Then they had a meeting on the 11th and people were more excited after that. Early in the morning of the 12th they started moving about in the town and they got more and more excited. They then arrived at the station and the excitement was such that they did what they had done.

Q. Do you attribute it to the news being received of what happened at Amritsar and Lahore on the 10th?

A: I do not think that was very largely the cause. On the night of the 11th they only heard vaguely of what had happened at Amritsar and Lahore.

Witness said: One Hindu pleader said that they were like 'unarmed cattle' in the eyes of Government. He said the Rowlatt Act was like a rope round their necks, and so on. I should say in that state of excitement of the crowd he ought not to have said that. I should also mention at that time he had never actually read the Rowlatt Bill but had only seen it in the Tribune. That was a very great responsibility and it showed that he relied on distorted versions in the public press. He never attempted to tell them what the Act really was. He simply implied there was something horrible in it. That was the effect on the crowd.

Q: Were any of these pleaders arrested on charges of uttering sedition.

A: No, none except those mentioned.

Lala Dnanpatrai was arrested at the martial Law proclamation, because the higher authorities came to the conclusion that he was causing trouble and he was removed for sometime. Mr. Golam Mohiuddin and Mr. Abdul Kader were arrested for having taken part in the riot.

Q: Apart from the firing by the soldiers who were attacked, how many times did the Police or the Military fire?

A: The Military never fired, except the two shots by the sentry.

Q: On how many occasion was there firing?

A: When they were just about to burn the Tashil. That was the only occasion. I was not there at the time.

Q: As far as you observed, was any distinction made between respectable and lower class men as regards punishment for breaches of martial law order?

A: If a man was of respectable class he was fined, and if of a lower class he was probably whipped. I am going actually on the cases supplied to me.

Q: As regards the school boys that were whipped, you said the school authorities themselves were not doing well?

A: Yes.

Q: I did not quite catch the meaning of that expression.

A: The Head Master was an old feeble sort of man, quite unable to keep order and one of the masters had actually been found to be leader of mob and the procession in the city during the disturbances and we all were very doubtful as to the attitude of the other school master. At least, they did not seem to be in a hurry to punish their students for taking part in the riot. And a large majority of the boys were running about, taking part. Then the school master said: kindly give me military guard, my boys are very insubordinate.

Q: Insubordinate to their schoolmasters? A: I suppose so.

Q: The boys had been cheating him or something you knew they were doing by way of disorder?

A: I took his meaning to be that they were still under great excitement and could cause mischief.

Q: What was the date approximately? How long after the riot?

A: I should think it was about 6 days after. He was asked to select 6 boys—and the master of the other school. But the result was that 6 boys were produced who were obviously of the lower class being badly clothed. The Military Officer said you must not select miserable specimens.

Q: So those boys were rejected.

A: Yes. The Head Master would not select anyone. The boys themselves were told to select. Anyway, 6 other boys were then selected.

Q: How many stripes were then given?

A: The 3 big boys 6 each and the 3 small boys 3 each.

Q: Was it to make Kasur fall in line in the passive resistance movement? A: That was the idea.

Q: Not with a view to instigate to rise against the King Emperor?

A: I think there was pressure of that sort. At Patti there was a regular system by which lectures were delivered and people were excited. One of these men said, "You should obey the King but not his servants."

One School Boy Hanged.

Continuing witness said one school boy had been sentenced to be hanged.

Q : What was the age of the boy ?

A : 17 years. I think it was merely the atmosphere of excitement which was the cause. They could not help themselves.

Continuing witness said at Patti 31 were convicted and 15 acquitted. Of these 31, 14 were sentenced to be whipped. At Kasur 30 were convicted and sentenced to be whipped, but in all 40 were whipped. There were 4 men of Patti who were whipped by order of the Officer Commanding and 6 school boys. The total number of stripes was 710 so that the average was 18 stripes for each individual.

Q. To what caste did they belong to ?

A. I understood they were of the lower class. I never actually saw.

Q : Of what age ?

A : Except the school boys they were all of mature age. Three school boys were of 16 to 18 years and other three were of 13 or 14.

Q : Why were they punished ?

A : The headmaster asked the O. C. the boys were getting insubordinate and asked if he could have military help. The O. C. thought he could not give military help and he thought that whipping was the best thing. So he called the boys and got them whipped by a Sikh drummer boy. Moreover the school authorities were themselves not doing well.

Q : Where were they whipped ? A : Just outside the station entrance.

Q : In public ? A : Yes. it was in the presence of the whole school.

Q : There was no whipping in the school premises ? A : No.

Q : What was the object ? A : There was no particular object.

Q : Were it given in serious cases or for all sorts of offences ?

A : All sorts of cases. For rioting or burning of the station. I remember 4 or 5 were whipped because they had trespassed into a woman's apartment, 2 or 3 had assaulted the Lambardar and a large number for miscellaneous offences.

Q : Did this whipping take place in public or private ?

A : I have explained they were whipped on the station platform which was then the Military headquarters. The platform was closed to the public at that time, so it is a question whether it was private or public. They could not be seen by people outside.

Q: Did all the whipping take place there? A: Yes. They were all on the station platform, except only in one case which might have been seen.

Q: Did you make investigations into certain rumours, as to the causes of the unrest such as recruiting?

A: Yes, I was very careful to find out about that. I found there was absolutely no cause for complaint in any respect. In fact, it was such a backward place that there was no recruiting at all. The number of recruits was extremely small.

Q: Were the causes of unrest connected in any way with recruiting?

A: I do not think, it was at all.

Q: During the administration of martial law there were two cases of where men were shot by sentries?

A: Yes, one case was at the station. The British sentry at the station entrance saw someone creeping forward. There was a dust storm at the time and it was difficult to see how many people were there. The sentry challenged the man repeatedly in English and in Urdu, but received no answer and the man ran towards him. The sentry tried to catch the man but he eluded him. So he fired and the man was killed. It was afterwards found that the man was deaf and dumb. It was an unfortunate incident. In the other case, which happened in a village, I was not present.

Q: Were any complaint made regarding the administration of martial law?

A: There was no complaint whatever at the time. Captain Doveton seemed to be extremely popular. He seemed to gather people round him and to talk and chat with them. But right towards the end of his time when Martial Law had been removed from Kasur proper, there were one or two who complained that he was doing things they did not like. What happened was Captain Doveton did not like to go through the formalities of trial and sentence; he wanted to do things summarily. He used to make people mark time and climb ladders. Even that was not complained of by the people at the time. They seemed to be very amused by it. They did not regard it as an act of tyranny. There was one thing which I thought to be serious. A Sadhu had been white-washed by the Martial Law administrator. But I asked him about it and he said it was not true.

Q: Was a scaffold erected in public? A: Yes.

Q: Had you contemplated execution in public?

A: That was the idea.

Q: That was abandoned? A: We started putting it up on the 3rd of May but on the 9th May Government ordered it to be removed. By that time it was not completed.

Q: The practice of execution in public has been long in disuse?

A: Yes, but the idea was to have it on the actual scene of the murder of those two warrant officers.

Col. Macrae Was Responsible.

Q: Who was responsible for this?

A: Colonel Macrae was responsible. He was the officer commanding at Kasur at that time.

He took over charge of Sub-divisional Officership on the evening of the 15th. He never heard that any disturbance was caused by the crowd after 3 p.m. on the 11th. After 3 p.m. nothing occurred in the city. It was quiet.

Q: You were also informed that the police were able to make arrests on the 11th itself?—A: On the 12th.

Q: You were not informed that any police officer were assaulted on the 12th or subsequent date?

A: Attempts were certainly made to assault. On the 12th the mob endeavoured to burn down the tehsil and a Sub-Inspector of police was attacked and the Munsif was standing on the roof of the house and the crowd was going to burn.

Q: Did any one of the these officials ever make a report to you that an attempt was made to assault them?

A: I do not think so.

Q: According to the Government case, although those two soldiers at the station emptied the chambers of the revolvers they did not do any damage to the crowd?

A: One man was injured.

Witness explained that an informer said that the soldiers fired one round first, then another and then another. But another man, a contractor, said that they fired considerable number of rounds.

Q: This report is practically an abstract of the report which you submitted in obedience to the circular issued by the Lieutenant Governor?—A: Yes.

Q: Instead of mentioning that these two officers were stoned you said here:—The crowd followed it and inside it were two warrant officers. They got out and stood at the door of the carriage. The crowd were.....about 60 yards off throwing stones on the two men. One fell on the two men. They lost their heads and fired all rounds without doing any damage. This statement was made to the Lieutenant Governor in June or July?—A: Yes.

Q: I think it was a true version of what was your knowledge then.—A: Up to that time that was correct.

Q : So far as your knowledge goes none of the mob was killed at the railway station ?—A : No.

Q : Were you informed in the course of the investigation that an allegation was made, that previous to what happened to these two soldiers two persons were killed ?

A : I never heard of any such thing.

The C. I. D. Report.

Proceeding witness said that none of the other soldiers except these two had arms. He proclaimed martial law at Kasur by holding a Durbar. Dhanpat Rai was arrested there under Col. Macrae's order. Witness delivered no speech then. The age of Dhanpat Rai was 60. He was not a leader of the bar to his knowledge. At the time of his arrest there was no information as to his committing any offence on the 12th. So far as his information went his arrest was not due to any action on his part on the 12th. The Commissioner sent orders directing that he should be arrested and removed from there. He was not arrested for taking part in the hartal meeting of the 11th. He had a black record and was considered to be a dangerous man. He was father-in-law of a man who tried to foment rising among troops (Ajit Singh, who was deported in 1907 with Lala Lajpat Rai). One Rahim Bux was deputed to take down notes of the speeches at the meeting of the 11th. From that report they would find that so far as the principal speakers were concerned, except one they were trying to pacify the crowd and that their speeches were moderate. He did not accept the report. The man did not give him any information about the speeches.

Q : Have you read General Beynon's order.

A : About the Rowlatt Act?

Q : Not Rowlatt Act but Martial law. A : I have read it.

Q : Have you read the Defence of India Act.

A : I have read it.

Q : Do you remember the provisions ? A : I forget.

Q : Do you know what were the two important facts that were passed between 1908 and 1915 amending the Penal Code ?

A : I cannot tell you the details now.

Q : Do you know what they were about ?

A : Which Acts you are speaking about ?

Q : The recent amendments of the I. P. C.

A : I recollect no particular changes.

Q : I think you will agree with me that at least in a majority of the places all over the world in every political agitation people take their cue from the leaders and it is for every one of the rank and file to study all political questions, to read all Acts and to come to conclusions ?

A : I do. Q : Therefore I think no crime was committed by these mossful leaders living in Kasur where there is no political life—

Witness interrupting said—There is political life distinctly—

Q : You will not blame them if they adopted the view that was put forward before, them by their own press and by their own leaders ?

A : It is foolish irresponsibility.

Q. Your experience of your own country is that every one of the rank and file should form opinions on these matters and study every political problem ?

A : I do not call them rank and file. There are three men who were keen on Congress. They are by no means rank and file. They are leaders, responsible leaders or they should be responsible leaders.

Witness added that he said they were leaders of the hartal movement because they admitted so.

Q : If the shopkeepers went to them and said 'Let us have a meeting and some speeches' that does not show that they were leaders of the hartal movement ?

A : The leaders also wished to have hartal.

Q : In your own country you think that men of the position of these pleaders do not rely upon what view is taken by important papers like the "Times" or by towering personalities like, say, Gladstone, but every one of them reads every act and studies questions and forms responsible opinion ?

A : They are certainly better informed and take trouble to study—

Q : That is due to the difference in education in India and England ? A : To some extent.

"No Responsible Government in India."

Q : And the difference that there is responsible Government there and there is no responsible Government in India ?

A : I do not think that affects it.

Q : Is it not a fact that all these pleaders who were arrested and who were never brought to trial were arrested because the authorities wanted to kill political life in the whole province and because they have taken part in the meeting on the 11th although that meeting was a moderate meeting ?

A : Lala Dhanpat Rai who was arrested did not speak at all and the other two arrested were not arrested for that at all.

Q : In your statement you said that all the things done by Martial Law authorities were relished and approved of by the people. Are you still of the opinion that the people relished and approved of all these things ? A : Obviously.

Q : From November 1918 to April 1919 did the authorities, to your knowledge, take any steps to meet, according to you, false rumours?

A : They did not do. Q : You did not blame them for not doing it?

A : I was not there. I did not blame.

Q : But you blame the pleaders? A : Yes, I do.

Continuing witness said that Ghulam Mohy-ud-din had said at the meeting of the 11th that the Hindus and Mussalmans had one head, two hands, two feet and they should act as one man. This was the worst sentence in the opinion of Mr. Marsden in the speeches delivered at the meeting.

Q : You have stated that the military authorities were allowed to go to the villages to arrest people, have you not?

A : They were allowed to take steps they considered necessary.

Q : Who gave them information?

A : Information was given to the police and they informed the military of that.

Q : Did that information contain names? A : Yes.

Q : And that information was reliable information? A : Yes.

Q : That information was taken down in writing?

A : I expect so.

Q : And on the basis of that information a very large number of arrests were made? A : Yes.

Q : All those arrests were made between 12 in the night and 4 or 5 in the morning? A : Yes.

Q : Any hostages taken from the villages?

A : I think some were taken from Patti. They were not brought to Kasur.

Q : There was something like a cage out side the railway station? A : Yes.

Panditji : I think at certain times the number of persons inside this cage was 107 or 108?

A : I do not think it was more than 70 or 80 : I am not quite sure.—Q : They could be seen by the public?—A : Yes.

Q : Were the pleaders arrested, handcuffed and taken through the bazar?

A : Yes, they were handcuffed and taken to the railway station.—Q : Why was Dhanpat Rai handcuffed?

A : There was a state of rebellion and you must take precautions.

Q : You thought that this man, who was 60 years old would run away?—A : His rescue might have been effected.

Q : Might have been effected?

A : Of course. Prisoners are always taken hand cuffed.

"Fancy Punishments."

Q: About the fancy punishment you have described do you mean if a person named Kesho Das was made to draw lines with his nose for a period of time?—A: On paper?

Panditji: Not on paper, but on ground. His nose is not a pencil (Laughter.) A: I have not heard of that.

Q: Do you remember that a person was awarded this fancy punishment for purchasing rice at more than 4 seers a rupee?

A: No I can't tell you.

Q: Were not some Arya Samajists arrested because they were Arya Samajists?

A: No Arya Samajist was arrested at Kasur, but at Patti the Arya Samajists invited Aryasamajis lecturers to deliver some lectures and the police arrested some five or six of them because the police said that they had been promoting disturbance.

Q: Was any evidence produced against them? A: We have a memorandum of their lectures.

Q: And what is the worst thing that you see there?

A: The worst thing that I have seen is this, "You must obey the King but not the King's servants."

Q: When you say that the civil authorities were not able to check what was being done on the 12th, is it not a fact that the civil authorities were informed very late and practically when they arrived everything was over?

A: The riot had taken place and the crowd continued the work of destruction.

Continuing the witness said that the mob first attacked the station buildings, and when the Tahsildar went to bring the Sub-Divisional Officer, the crowd had damaged the rest of the station. The damage was not done when the civil authorities were present at the station. Similarly what had happened to the treasury and the tehsil were also done when the civil authorities were not present. As soon as the Sub-Divisional Officer arrived he gave order to fire. As a result of the firing the mob dispersed. Some seven or eight were arrested and some others were taken in custody because they were wounded. There was a Martial Law order issued saying, that of all those persons who were residents and had gone away did not return to Kasur within a fixed time something would be done to their property. Witness raised no objection to the order but insisted on it because he wanted those persons who had murdered others. Among the names of outsiders who were present on the 12th was one Dani Ram of Amritsar and another who was Sadhu also of Amritsar. The Sadhu, witness believe, always lived at Amritsar. Except these two, he was not able to trace any other person. He did not consider the

Sadhu to be a political leader of any place. It was true that the mob first went to damage the office and were going away when somebody stood up before them and after addressing them brought them back. The object of the crowd, it was alleged by some, was to cry 'Hai, Hai' and make other demonstrations to indicate their opposition to the Rowlatt Bill, before some Europeans who would be going by the trains that would be passing the station. There might also have been some intention to do damage to the railway station, but he took it that they wanted to wreck the train. From his enquiries it was his opinion that the zamindars were not connected in the troubles at all, but only the budmash element in the villages. There were statements to the effect that there was no trace of any general rising or that any band of men were laying in wait outside Kasur, but he did not believe them. People as a whole were refused permit to go outside Kasur and probably there were some pleaders also who were not allowed to go on professional engagement. But he remembered that some pleaders were allowed to go.

Q: Was it a fact that those pleaders who were considered loyal were allowed to go and those who were considered to be seditious or agitators were not to go?

A: I don't think that was the case. Each application was considered on its merits, whether he was a pleader or not.

The name of the man who harangued outside the station was Kamaludin; he was sentenced to be hanged but subsequently his sentence was committed to seven years. He did not quite remember why the incriminating cry of the crowd was omitted by him from the report, the cry of 'The British Rule is at an end.' He heard that another villager was shot down on the ground that he threatened a soldier with a lathi. He thought all those persons who were in arrest for a long time without trial were brought to the railway station, and were present at the lecture. The flogging that was going on at the platform could be seen by the people outside, and at the time of flogging there were no other people except the station staff. No wire was cut after the 17th or 18th. After the 18th there was no other occurrence except that which happened on the 23rd. Except that a large number of persons were arrested on suspicion and flogged and punished under Martial Law, the presence of the soldiers in the district outside Kasur helped to keep the budmashes in order. There was still a large number of budmashes for when they were searching the houses of villagers they found weapons of some budmashes.

Q: If instead of inflicting punishment according to the Indian Penal Code or Criminal Procedure Code you take recourse to summary procedure for every offence and prescribe punishment

of flogging or shooting, do you think that the crimes will go down to a very large extent, and would that be reason for the enforcement and maintenance of Martial Law?

A: I looked at it and I don't find that the number of crimes is going down.

Q: Then, there is no necessity for Martial Law?

A: The presence of the troops was to keep them from showing those tendencies which they otherwise would show. For instance if there is 'hartal' to-morrow they would be very much emboldened to create some trouble.

Q: Then, do you mean that there is necessity for Martial Law even now? A: I think so.

Q: So in order to enforce order the maintenance of Martial Law is absolutely necessary?

A: No. I say the situation at any moment may prove to be dangerous.

Q: Even now the situation is the same?

A: Not the same, but still dangerous.

Witness continuing said that he was not against holding political meetings but against 'hartal,' practically the 'hartal' at Kasur was brought about by pressure from outside. Witness believed that 'hartal' was going to be absolutely indefinite so long as the Revolutionary Crimes Act was there.

Q: Throughout the whole of the Punjab no disturbances or wire-cutting took place after the 18th instant. A: That is so.

Panditji: Therefore I should like to know why if Martial Law was necessary in the first instance, it was necessary to continue it after that date.

A: Because the same causes which had caused the introduction of the Law were still in existence. The anarchical crimes are still in existence. Mr. Gandhi is still in existence.

Q: Yes, I have heard that revolutionary crimes are still in existence, Mr. Gandhi is not dead, Rowlat Act is not dead. And so far as India is concerned you are of opinion that for the maintenance of peace and order enforcement of Martial Law must be always kept ready?

A: It should be ready because ultimately all authority depends on force?

Panditji:—I know that philosophical proposition. Then so far as India is concerned you are of opinion that the maintenance of peace and order depends upon the use of force and the measures which the Government have not already availed itself of?

A: That is the case in every country.

Q: Have you ever found anywhere else that Martial Law was introduced in these circumstances?

A : I didn't say Martial Law. I only said that all authority depends on force.

Q : Are you in favour of Khilafat movement ; (Laughter.)

A : Khilafat movement ? How can I say that.

The President here intervened and the question was dropped.

Q : Do you know anything about Criminal Law Amendment Act III of (1908.)

A : No ; nothing about it. I had not come to India at that time (1908.)

Q : When did you come to India ? A : 1912. Witness did not know the provisions of the Criminal Law Amendment Act.

Q : Being a first class magistrate entrusted with the lives and liberties of the Indian public how is it that you did not know anything about the provisions of the Act with which you have to deal in every-day life and yet you blame at the same time that the pleaders were not quite conversant with the provisions of the Rowlatt Act ?

A : I was not making a speech about the Criminal Law Amendment Act, as the pleaders were doing on the Rowlatt Act.

Q : Therefore you mean that a man who is making a speech should be more careful than a man who deals with the lives and liberties of the people ? (Laughter.)

A : Your logic seems to be defective.

CAPTAIN DOVETON.

Examined by Lord Hunter said that he administered Martial Law in Kasur for some days. In connection with the punishments administered under Martial Law witness did invent some minor punishments, but they were in the case of those who in any way resisted authority. He started punishment about the end of May and continued until the Martial Law was removed. It was less severe than the ordinary Martial Law punishment.

Q : There is a suggestion that you ordered a Sadhu to be whitewashed ? A : That is simply wrong.

Witness then explained that there was a particular piece of work to be done at the goods shed and the Sadhu was asked to load and unload lime there. And as it was a rainy day, it was quite possible that the Shadhu had been covered with lime and then he got wet.

Q : It is further suggested that you ordered some men, by way of punishment, to draw lines on the ground with their noses ?

A : That is incorrect.

Q : Can you account for such a rumour being started ?

A : I can't. The most that I did was to order the convicted men to put their forehead on the ground before me. It was simply to make the people acknowledge the authority, but not a punishment.

Q : Did you ever hear it made as a complaint? A : Yes.

Q : When was the general order relaxing the Martial Law orders issued? A : They were relaxed by degree.

Q : I suppose the public of Kasur would have been considerably inconvenienced by some of those orders? A : Yes.

Q : Particularly in the case of the order about travelling?

A : That was relaxed before any other order?

Q : Did you yourself deliver lectures to the people of Kasur?

A : Yes. I delivered lectures on the general situation and tried to make them see things in their true perspective. In fact, it was more in the nature of advice.

Q : Had you made yourself familiar with the provisions of the Rowlatt Act?

A : I would not have been an authority on that. But the main point of my lectures was to show that there was really no great hardship in passing the Rowlatt Act, and that whatever hardship it involved, did not justify the action (disturbance) which took place.

Q : Generally you discussed the Rowlatt Act with a view to removing the suspicion as to the provisions that had arisen in the people's mind owing to the rumours? A : Yes that was so.

Q : I think that at one of your lectures you had the assistance of one of the pleaders?

A : Yes. When I finished my lecture I asked Maulvi Ghulam Mohiuddin to make a few remarks.

Q : Do you know why he was arrested? A : I understand he was arrested without any charge being made against him.

Q : Did he make a speech according to your satisfaction?

A : Satisfactory in every way.

Q : Were you present at the time of whipping?

A : Yes : in nearly all cases.

Q : Do you know that some people succumbed to the injury?

A : Not to my knowledge.

Q : Do you know of any case of collapse? A : I did not see.

Q : During your time there was no whipping in the public at all?

A : It was entirely private. There were three boys, quite children, who were sent down by the Special Tribunal at Lahore to be punished and I thought that it would be better if the school boys at Kasur were present to witness the whipping.

Q. In one case you administered a considerable number of lashes and also two years' rigorous imprisonment?

A. The maximum imposed was 2 years, 30 lashes and Rs. 30 as fine.

Q. You suggest that "the people generally did not object to Martial Law." How do you say that?

A. Generally, the people expressed themselves like that. In fact, I was told that the people appreciated Martial Law more than any other.

Q. Did you ask anybody to do skipping?

A. As regards the skipping, it was suggested to me by an accused person. He came and told me he would do skipping if he was excused the punishment. The skipping was 20 times without breaking.

Q. He made that offer and you took him at his word?

A. Yes.

Q. And after that you inflicted this skipping punishment on those who did not ask for it?—A. Yes.

Q. Of what ages were the people who were made to skip?

A. I should say people of middle age.

Q. How much? A. 20 without break.

Q. How many people do you think were given this punishment?—A. At least 20.

Q. You will agree with me that it rather tended to bring the proceedings under contempt?

A. I don't know that it brought the proceedings under contempt. It acted as a deterrent.

Q. Apart from skipping was there any punishment like climbing the ladder and other forms of manual labour? A. Yes.

Q. It was alleged that some Sadhus were ordered to be whitewashed by you as a special punishment?

A. That is not true. Among those who were sent to work in the goods shed were some Sadhus and, as they had to work at lime, they were covered with lime like that.

Q. How many? A. I think four or five.

Q. What were these people guilty of for which they were punished to work in the goods shed?

A. I am unable to tell you that.

Q. It must be for being truculent or defiant and in addition owing something to the railway company? A. Not necessarily.

Q. They may have committed some other offence?

A. I think it quite possible.

Q. Then you say in your statement that "similar treatment was meted out to all persons who threatened railway officials..... and made a show of violence....."?

A. That is so. If a person was brought before me by any railway official with the complaint that that person used threatening language or some thing of that kind, I enquired into the case and decided what was to be done.

Q. So, if a person used threatening language to a railway official, you sent him to work for a day or two in the goods shed in the manner you have described? A. Yes.

Q. How many people were made to put their forehead on the ground? Must be quite a large number? A. Yes.

Q. And the offence with which they were charged and convicted were of a varying degree and gravity? A. No.

Q. You dropped this punishment because people had come to a reasonable frame of mind? A. Exactly.

Q. Was this done in order to induce a reasonable frame of mind?

A. I don't say so. The main point was to impress upon the people that everybody was not his own master and that he had got to conform to the law and order.

Q. Was this not sufficiently done by convicting and sentencing them? A. Yes.

Q. Then why on the top of it did you inflict the punishment of putting their forehead on the ground?

A. I don't think that it must have been felt by them as a humiliation.

Q. Have you ever observed in ordinary life any person putting his forehead on the ground in the manner you insisted on their doing? A. I had observed this done to a wealthy Indian.

Q. Is that an ordinary thing? Have you seen it in ordinary life? I can well understand doing that before a religious leader, or a saint: but have you ever seen people in ordinary life doing this before any other person. A. I have.

Q. How often have you seen that, Captain?

A. I am unable to say.

Q. Then you speak of the lectures you gave at Kasur?

A. Yes.

Q. You say you had a straight talk with them. What sort of straight talk? A. It was all reported by the Police.

Q. Can we get a copy of it? A. It should be possible.

Q. Then with regard to whipping. You inflicted whipping in 40 cases? A. I think so.

Q. As regards reprisals against property, you visited six houses and in some places you burnt the clothes, destroyed vessels. Do you think that was justified by the Martial Law Order? A. Yes; I do.

Q. These houses were the houses of poor persons, not rich people? A. Certainly not rich people's.

Q. You know that gallows were put up at the railway station at Kasur? A. Yes.

Q. Was that done by your order? A. No.

Q. Was it done by G. O. C's order?

A. I can't tell you if it was done by the order of the General Officer Commanding.

Q. You were the Martial Law Administrator. Nothing could have been done without your knowledge?

A. I was not an engineer.

Q. I don't suggest that you should be an engineer. But I say nothing could have happened without your knowledge or order. I want to know how the gallows came to be erected?

A. A man came from Lahore and the thing was duly erected.

Q. He erected them without asking your permission?

A. I was perfectly aware of what was going on.

Q. But under whose order was it done?

A. The Military officer who has been watching the case on behalf of the Military informed the committee—"This was an order by the Commissioner under the orders of the Government."

Q. The Commissioner may or may not have ordered, but surely, Captain, you were the Administrator of Martial Law and as such, you should have known?

A. It was not my business to interfere with the erection of gallows.

Q. Were a large number of people arrested at Kasur?

A. A very large number.

Q. Where were they kept? A. In the prisoner's cage.

Q. You say that Martial Law was liked by the people?

A. I was so given to understand.

Q. So much so that they like Martial Law to be permanent in Kasur?

A. I gather that they preferred Martial Law to the ordinary administration and that they welcomed it as a permanent sort of administration.

Q. Did people actually come and tell you that they would prefer Martial Law to the ordinary administration?

A. They liked summary courts.

Q. They liked to be tried summarily without any right of appeal?

A. They preferred that to spending money on appeals.

Q. People do not like to spend money on appeals?

A. I merely tell you the opinion that were expressed to me personally.

Q. Then you say that they were so much pleased with the administration of Martial Law that they actually presented you with an address? A. Yes.

Q. Can you give me the date?

A. I can't give you the date. I forget it. I think in the beginning of June.

Q. Were the leading men present when the address was given?

A. They did not sign the address. I can't tell you, and I have not got it here.

Q. What did they say in the address?

Witness did not reply.

"Willing Slaves."

Q. Then referring to that you say that they were "willing slaves." What do you mean by that term?

A. The term is not used literally. "Willing slaves" means willing to work in the way you require.

Q. Did you think that they very much liked Martial Law?

A. I don't know. I am not sure.

Q. May it not indicate the contrary—that they were so much afraid of Martial Law that they were prepared to do anything and everything?

A. It is the cheerful way of doing the thing.

Witness was then examined by the Hon'ble Pandit Jagatnaran.

Q. What Dhanpat Rai and Mohiuddin told you, you took that to be genuine?

A. I had no reason to believe to the contrary.

Q. Would a man having commonsense take it as genuine if a man who was innocent, but who was arrested, handcuffed and roped and kept in confinement for a great length of time, against whom no charge was ever brought, if he comes and speaks in praise of British justice?

A. I did not think it was not genuine.

Q. Is it not a fact that the people were so much terror-stricken and had lost so much of their self-respect that they came to kiss the hand that licked them and instead of expressing resentment they made that profession of admiration for British justice?

A. They certainly did not resent.

"Mercifully Flogged."

Q. These men who were so mercifully flogged by you in order to save them from other serious punishments, if they had

expressed any resentment or objected to express their gratitude would they not have made matters worse and would have had another flogging?

A : Nobody expressed any resentment at all.

Q : You do not think that this was the result of abject terror?

A : I did not see any sign of it.

Q : Was there any need to send those prostitutes under escort?

A : Very much.

Q : If these prostitutes had gone without any escort there would be some danger?

A : I cannot say that definitely but I was given to understand that they were at the bottom of a very large amount of trouble in Kasur.

Q : Is it not a fact that when you asked Golam Mohiuddin to address the people on the Rowlatt Bill your idea was to put him in a tight corner?

A : No, I wanted to clear him.

Q : Your idea was in your presence he would prove himself to be a turn-coat?

A : I wanted to give him a chance to clear himself.

Q : In your report at page 13 you say, "If he is guilty of the things of which we suspect, he must have proved a turncoat before the audience"?

A : That is so.

Q : About two dozens of people were not found in their houses and you gave them three or four days time to return and after that their property was destroyed. I want to know whether there was a proper proclamation—whether any evidence was recorded or heard by you or not before you destroyed?

A : It was sufficient for me that the people were not present.

Q : Had you any information that these persons had information of your order.

A : The relatives were warned to communicate immediately with the absentees.

Q : No evidence was taken by you as to whether the relatives had been able to communicate with them or not?

A : I do not remember.

Q : Therefore these steps were taken by you without satisfying yourself as to whether they were aware of these regulations or whether they were communicated with or not?

A : There was no time for any lengthy procedure. It was time for action—for rounding up people.

Q. You considered yourself justified in doing what you did without satisfying yourself whether these men were deliberately keeping themselves away or not?

At this stage General Barrow said to President: My lord, may I point out he is an officer who did his duty under very trying circumstances. He is not an ordinary criminal.

Pandit Jagatnaraian: Simply because a witness says I have done it and I am justifiable, it is not my simple duty to accept it and not to sift it, and not to find out what were the grounds on which he felt himself justified—I do not think it is my duty to accept everything that the witness states, but my duty is to sift the grounds upon which he justifies his action.

The President did not interfere but made sign to the Hon. the Pandit to go on.

Witness: There was no time to do any such thing. I had got to act.

Continuing witness said he could not give any name of persons who expressed gratitude in connection with Martial Law. It was a general expression of opinion.

Q. I do not know how the people of other countries feel, but, so far as Indians are concerned, they have an absolute horror of being flogged.

A. I do not think it is confined to India.

Q. Notwithstanding this fact that the normal punishment was flogging you thought people were quite happy and were expressing their gratitude?

A. Law-abiding people had nothing to fear from flogging.

Q. There was absolutely no certainty as to who was loyal and who not?

A. Of course there was.

Q. You mean to say that the Indian people would be very grateful if the British Government amended the Indian Penal Code so as to substitute whipping for every offence?

A. I have never said that.

Q. I do not understand why they should feel happy?

A. It is not flogging that made them happy. It was the mere fact that things had settled, that people had not to waste their money in lengthy litigation, people were on the whole better off—I am talking of people as a whole and not about individuals.

Q. It appears to me that your fame and the fame of Martial Law was not confined to Kasur alone, you say that a large number of people from outlying villages were in the habit of bringing their wrongs and grievances to be righted by the administrator of Martial Law i.e. by yourself?

A. It was within Kasur area—yes it was myself.

Q. Whom did they admire—the man or the method?

A. I think you ask somebody else.

Q. The majority of them went away disappointed, but that did not deter others from coming to you, such was their faith in Martial Law?

A. That is so.

Q. May I take it they were complainants or accused also?

A. I take it both accused just as the others. Of course the accused is not keen on receiving swift punishment.

Examination By The Hon pandit Jagatnarain.

Q. I do not imply that at all. My point is a large number of these persons were passengers and they were detained under that sentence.

A. Yes, that is so.

Q. Under which regulation you so punished them?

"I Issued My prerogative"

A. I used my prerogative.

Q. You cannot do it if that is not punishable under martial law?

A. It was up to me to preserve law and order and I was to exercise my will.

Q. Have you shown all those convictions for breach of law and order on record?

A. I stated yesterday. I did not show these. These were minor punishment?

Q. Did you try any kidnapping case?

A. I did not.

Q. Is it true that you tried a kidnapping case in which the parties were represented by pleaders, the trial was held at the railway station, some woman complained that her daughter had been kidnapped?

A. Yes, I remember that case. This happened when martial law was in existence over Kasur area.

Q. You considered that you could try the case under martial law regulation?

A. I did not try it for kidnapping but actually for good order and public safety; because if such a thing could happen under ones very nose what else could not happen.

Q. Therefore any offence against person and property you were authorised to try?

A. Anything which in any way affected the administration of martial law I tried, I had to use my discretion. I was the man on the spot.

Q. He was made to pay for the expenses?

A. He told me he was quite prepared to pay the expenses.

Continuing witness said he remembered the case of one Sundar Das who had purchased from somebody. He was given two months imprisonment and a fine of Rs. 50 but witness did not know if that particular man had stripes or not. Witness did not know that the man died the very day he came out of jail. The offence of this man was that he received that stuff (wheat) from another man and was in fact working in conjunction with and conniving at the offence for which the other man was punished. Moreover he made a false statement before witness.

Q. Apart from the address was any poetry composed in your praise?—A. Yes.

Q. By a Mahomedan? The punishment you prescribed to him was to compose a poem?

"Compose a Poem in my Praise."

A. Yes; When he was brought before me he expressed appreciation of my justice in such flowing terms that I suspected him to be a poet and I asked him "if you are a poet, you can compose a poem."

Q. In your praise?—A. Exactly.

Q. As regards the drawing line with the nose on the ground: the name of the man was Lala Kehodas?

A. I do not know. This punishment was never inflicted.

Q. He was punished for purchasing four rupees worth of rice and you thought it was a quantity larger than what he ought to have?

A. I do not remember the name.

Q. You punished certain persons of that name?

A. It is not true.

Q. Another man was Durgadas who was fined and arrested for not paying rent?

A. That is entirely wrong.

"Dances with a fool's cap on his head."

Q. Did you ask any Mahomedan to dance with a fool's cap on his head?

A. No, but I can tell you what happened. The man was standing on the footboard of a running train and so I made him stand for certain length of time by way of punishment.

Q. It was done with the accompaniment of dancing?

A. No.

Witness was then examined by Sahebzada Sultan Ahmed.

Q. When you took over charge on the 23rd April were you given any written or verbal instruction as regards your authority?

A. Some instructions came to me by post, some I think came direct from Lahore division and some came from Ferozepore.

Q. When did they arrive—on the same day as you arrived in Kasur?

A. I was given some telegraphic instructions before I proceeded to Kasur. It is a simple statement of powers.

Q. I want to know what they were?

A. About maximum punishment that was to be imposed—30 lashes, Rs. 1,000 fine and two years rigorous imprisonment.

Q. I want to know whether you were given general authority to do what you thought best in the circumstances or any limitation was put as regards punishment?

A. The orders I received were brief and anything outside the orders I did on my own responsibility. I used my discretion.

Q. Were you told that you could use your discretion?

A. There was nothing in the orders to say that I could use discretion. One is in the habit of using discretion in the army if a new situation arises.

Q. After your arrival at Kasur did you get any detailed instructions by post or otherwise?—A. Yes.

Q. Did you get the proclamation issued by General Beynon on the 10th April?

A. I had several copies.

Q. May I take it that you considered that to be your authority?

A. Anything in that proclamations might be modified by orders issued locally to suit local situation.

Q. Issued by whom?

A. By the Officer Commanding Kasur. Col. MacRae.

A. Your authority contained in the general proclamation issued by General Beynon and the local orders issued by Col. MacRae?

A. Yes, so long as he was there.

Q. When he was not there?

A. It devolved upon me.

Q. Were you to issue these local orders consistently with General Beynon's proclamation or could you also go outside the scope of the general orders?

A. None of the local orders went against the General's proclamation.

Q. My question is whether they were consistent with that?

A. I think so.

Q. Therefore I take it that your authority was limited and defined by the General's proclamation?

A : What do you mean by 'limited'.

Q : Can you go beyond that proclamation? My question is whether your local orders were to be consistent with the general instructions or whether you could give any orders which were not consistent with the proclamation?

A : I believe that under certain local conditions I could to a certain degree go outside the authority.

Q : What was the limitation?

A : These again I had to use my discretion.

Q : Do I understand that whenever you thought it necessary in the interests of law and order at Kasur to give any orders that might not be within the authority given to you by the proclamation you gave these orders? A : Quite so.

Q : Therefore I do not see the object of the proclamation of General Beynon at all. It might have said that officers can do what they think best?

A : You would not say that a General's operation orders were absolutely no use simply because local commanding officers had to use discretion in emergencies and under certain conditions. I took the soldier's point of view.

Q : And you did not regard it as being inconsistent with the General's proclamation?

A : I think it is quite consistent.

Q : Did it not strike you that it looked like a miniature edition of General Dyer's order of crawling at Amritsar?

A : No.

Q : Supposing anyone refused to obey that order, what punishment would you have given?

A : I do not know. It never happened.

Q : Supposing it had arisen, how would you have enforced it?—A : I really do not know, I had no idea.

Q : You would have ordered some punishment?

A : I do not think I would have ordered some punishment. I should have got somebody to assist him to do that.

Q : You have spoken in paragraph 19 about straight speaking. What do you mean by straight speaking? Can you give us a couple of that?

A : It was a speech explaining to the people that they made fools of themselves, that they were misled and got themselves into trouble and those responsible got off set free.

Q : On reading some of the paragraphs of your report one is led to believe that the administration of martial law in Kasur was such as to make Kasur a land of peace and plenty, overflowing with milk and honey and that ever since its withdrawal the place has been turned into a land of tears and sorrow?

A. As people got to understand the real object of Martial Law they were really happy.

Q. You thought they would be happy if it continued for a long time?

A. My opinion is that the form of summary courts for some offences would be welcomed.

Continuing witness said that he was intimate with the people and they used to cheerfully help him and did not do it in the same spirit in which they did to a despot.

Q. Would you think it very ungrateful of the Kasur people not to have petitioned the Government to restore to them the blessings of Martial Law?

A. No, I do not think so.

Q. When you arrived at Kasur on the 23rd April was it in a state of turmoil?

A. There was no open disturbance, but the attitude of the people was ugly.

Q. In what manner was it shown?

A. It is a thing which one can feel better than define. It is in the atmosphere.

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