

The Message.

"To my countrymen.—

It is a matter of the highest satisfaction to me, as I hope to you, that I have received an order from the Punjab Government not to enter that province and another from the Delhi Government not to enter Delhi, while an order of the Government of India has been served on me immediately later which restricts me to Bombay. I had no hesitation in saying to the officer who served the order on me, that I was bound by virtue of the pledge to disregard it, which I have done, and I shall presently find myself a free man, my body being taken by them in their custody. It was galling to me to remain free whilst the Rowlatt Legislation disfigured the Statute Book. My arrest makes me free. It now remains for you to do your duty, which is clearly stated in the Satya-graha pledge. Follow it, and you will find it will be your *Kamadhenu*. I hope there will be no resentment about my arrest. I have received what I was seeking, either withdrawal of the Rowlatt Legislation or imprisonment. A departure from truth by a hair's breadth, or violence committed against anybody whether Englishman or Indian will surely damn the great cause Satyagrahis are handling. I hope the Hindu-Muslim unity, which seems now to have taken firm hold of the people, will become a reality and I feel convinced that it will only be a reality if the suggestions I have ventured to make in my communication to the Press are carried out. The responsibility of the Hindus in the matter is greater than that of Muhammadans, they being in a minority and I hope they will discharge their responsibility in the manner worthy of their country. I have also made certain suggestions regarding the proposal of the Swadeshi vow. Now I commend them to your serious attention and you will find that as our ideas of Satyagraha become matured the Hindu-Muslim unity is but parts of Satyagraha. Finally it is my firm belief that we shall obtain salvation only through suffering and not by reforms dropping on us from England, no matter how unstintingly they might be granted. The English are a great Nation but the weaker also go to the wall if they come in contact with them. When they are themselves courageous they have borne untold sufferings and they only respond to courage and sufferings, and partnership with them is only possible after we have developed an indomitable courage and a faculty for unlimited suffering. There is a fundamental difference between their civilisation and ours. They believe in the doctrine of violence or brute force as the final arbiter. My reading of our civilisation is that we are expected to believe in Soul Force or Moral Force as the final arbiter and this is Satyagraha. We are groaning under sufferings

which we would avoid if we could, because we have swerved from the path laid down for us by our ancient civilisation. I hope that the Hindus, Muhammadans, Sikhs, Parsis, Christians, Jews and all who are born in India or who made India their land of adoption will fully participate in these National observances and I hope too that women will taken therein as full a share as the men."

The Dawn of the Fatal Day

The arrest took place at Palwal station on the 9th afternoon. The Mahatma's carriage was detached and brought back under Police escort to Muttra where he was detained till morning and then despatched by special train to a destination not then made public but which subsequently proved to be Bombay.

Meanwhile the people, assembled at Delhi station to welcome the Mahatma, had gone back with a broken heart. On April 10th the news of the arrest was flashed all over the country. "Arrested and Deported"! that was the awful message which dazed, agonised the Indian people. The effect was terrific. To a people as the Indians are, it suddenly reminded the power of the Government. And in proportion as the Indian public was pushed into a sense of awe of that power, Anglo-India at once sprang up in boundless merriment over the arrest. They congratulated the Government for this wise action, and openly advocated a wholesale arrest and deportation of "Agitators." The atmosphere of Delhi and the Punjab was thick with rumours of further arrests of the leaders. The whole country wept in silence, silently Delhi went for the third time on *hartal*, mourning for a sight of their *Mahatma* snatched away from them to a destination unknown by the might of those who are mighty!

Small in look, humble in life, emaciated by austerities, this "saint of the people, the mystical apostle of the gospel of love, of suffering and of self-humiliation" who had once prevailed against the brute Powers of Darkness in South Africa, simply by his purity of life and sanctity of Ideals—Mahatmajī carried away nobody knows where!

At 9 in the morning Delhi people congregated on the banks of the Jumna for their *hartal* bath and a meeting was held where Mahatmajī's message was read, and prayers were offered in view of the Mahatma's very weak condition of health. For the next few days the town was on complete *hartal*.

Lahore—10th April.

News of the arrest of M. Gandhi reached Lahore at about 1-30 P. M. and it spread like a wild fire. Business was suspended immediately and shops began to be shut up by 7 o'clock. There was a general strike and shops were closed and entire business was suspended. People began to be seen walking in groups and talking about the arrest of Mr. Gandhi and by 7-30 a large crowd was seen moving bareheaded in a procession beating their breast with mourning cries of "Hai Hai" and "Mahatma Gandhi Ki Jai" towards the city. As the crowds passed through the lanes of the city, it began to grow in numbers and when it reached the Mochi Gate it swelled to several thousands.

The crowd then proceeded towards Anarkali Bazar and Upper Mall with shouts of "Hai Hai" and "Mahatma Gandhi Ki Jai." It crossed nearly a quarter of the Mall without any obstruction, but when it reached near the shop of Francis Harrison and Hathaway, the Police armed with guns prevented them from proceeding further and asked them to disperse and go away. The crowd, it is said, did not return and proceeded forward and when it came near the O'dwyer Soldiers' Club and the English warehouse, a collision occurred between the crowd and the Police. The police pressed back the crowd with their rifles but the crowd did not go back and made a demonstration. Order was now given to fire and more than ten shots were fired. The crowd now dispersed and several were wounded and removed to hospital.

Another collision occurred between the Police and the crowd near the city and several were killed and wounded. Armoured motor cars with machine guns and military were guarding with bayonets the telegraph office and the European quarters of the city.

Amritsar Ablaze—10th April.

The arrest and deportation of Mahatma Gandhi was at the instance of the Punjab Government. That Government had already threatened the Satyagraha movement. They now ordered further deportations. Drs. S. Kitchlew and Satyapal were invited by the Deputy-Commissioner (Mr. Miles Irving—see his evidence before Hunter Committee, p.49, App.) to his house and at once deported to an unknown destination. News of the arrest got about the city about 11-30 and at once all shops closed. A huge procession was at once organised by 12-30; it went in the direction of the Deputy-

Commissioner's bungalow with a view to make a representation for the release of the leaders. When they reached the foot bridge near the Railway Station they were obstructed by the police and not allowed to proceed.

They were fired on, stopped in the vicinity of the station and driven back by the mounted men of the 12th Ammunition Column under Captain Botting, the Somerset Light Infantry, and the police under Mr. Plomer (Deputy Superintendent). The approaches had been guarded by piquets of cavalry raised from the Ammunition Column and other sources and the infantry were held in reserve. Their progress, however, was hindered by the police piquet under Mr. Plomer and their further advance was barred by the other units mentioned above organising an effective resistance. The crowd were forced back over the bridge leading to the civil station and the bridge was piquetted with infantry.

Buildings Burnt.

While all this was happening another part of the huge crowd had gone to the business part of the city. They burnt the National Bank, the Chartered Bank, the Alliance Bank, the Town Hall, the Mission Church and the depot of the Punjab Religious Book Society and murdered Mr. Stewart and Mr. Scott of the National Bank and Mr. G. M. Thomson of the Alliance Bank. The telegraph office was attacked but a detachment of a Pathan regiment who were doing railway guard rushed to the spot and drove the rioters away. Special mention must be made of Mr. Pinto, at the telegraph office, who although overpowered, rescued by the guard, his instruments smashed and wires disconnected, stuck to his post, reconnected and obtained communication again with the outside world.

Mr. P. E. Jarman, Municipal Engineer had a thrilling escape from the city, together with three other men, Mr. J. W. Thomson and Mr. A. Ross of the Chartered Bank and Sergeant Parsonage of the S. and T. Corps. He says :—

"I was cycling into the city at 12-45 p. m. and met a crowd coming towards the Hall gate. They took no notice of me. I called at the National Bank and saw Mr. Stewart and Mr. Scott. No business was being done in the banks and there was obvious excitement in the air.

"I then went on to my office, which forms part of the Town Hall and is in the city. I heard a crowd come rushing back about one o'clock crying. "They have killed two of us. Bring lathis!" At this moment Mr. G. M. Thomson of the Alliance Bank called me up on the telephone and just as he said "What is all this *tamasha*

about?" the line crossed. I replied that we were crossed and would get another line and then the telephone went wrong.

"The crowd that had been shouting quickly returned in increased numbers. The first building demolished was the Post Office in the Town Hall. The Office was at the back of mine. They broke other windows, looted the place and set fire to it. They left the Post Office and came to my office and smashed the windows. I had a loaded revolver, but happily the police arrived on the scene under their very capable leader. I heard him give the order 'charge!' and the crowd went away.

"I was then advised to leave my office and go to the police quarters, the Kotwali close by and adjoining the Town Hall. This I very quickly did. I stayed there till 2.30 p.m. when I was advised to go to a private house for shelter.

"After leaving the Town Hall the crowd went to the National Bank. They went for Mr. Stewart and Mr. Scott and knocked them out with lathis. A Sikh headclerk was also there. After pulling a big almirah on top of the three of them they pulled the sikh out, pushed him out of the way and then attacked Mr. Stewart and Mr. Scott with lathis. The rioters looted the office, took all loose-cash (amounting to Rs. 500 or Rs. 600) and returned to their two European victims. They then poured oil or petrol on everything and set fire to the building. The safe was looted and at mid-night was still intact.

"The victims were horribly burnt. I have seen them and neither are recognisable.

"The rioters passed on to the Alliance Bank, while another crowd came along and looted the National Bank "Godown." At the Alliance Bank Mr. Thompson fired on the hooligans and killed several as his empty revolver afterwards showed. He was overpowered, however, and thrown over the verandah into the road. His remains were afterwards picked up and taken to the Kotwali. The looters laid their hands on anything of value, set fire to the papers and burnt the place out. They went on next to the Chartered Bank where were Mr. J. W. Thomas and Mr. A. Ross who were rescued by the police.

"About this time I was advised to leave the Kotwali. I was very kindly given shelter by an Indian friend in the city. I stayed there until about 4.30 p. m. when I was informed that Mr. Thomson and Mr. Ross of the Chartered Bank were at the Kotwali and I joined them and Sergeant Parsonage of the S. and T. there.

"The natives, meanwhile, went into the Town Hall, pulled down the portraits of the civic fathers, tore them up, trampled on

them and fired them. They treated every office in a similar manner, except mine curiously enough; but they burnt my bicycle.

"The four of us stayed in the Kotwali until midnight. We were fed by Indian friends. We left with an escort taking the body of Thomson, and picking up the bodies of Stewart and Scott from the National Bank. They were sent to the mortuary in the civil lines and we came via the station to the Fort arriving about 1-30 a.m. and wearing *pagris*.

"An accusation has been made by the Indians of wells being poisoned. They smashed all the stand posts in Hall bazar. I therefore gave orders that pumping should cease until I had had samples taken. Now I hear the city pipe layer sent word to the pumping station saying pumping should be resumed or the mob would take action. Pumping is going on, I understand, so I cannot take any further responsibility."

Dr. Easdon, the lady doctor in the Municipal Zenana Hospital in the west of the city, had an even more exciting experience than Mr. Jarman. About 1-30 p.m. she was attacked in the Hospital. She hid in a small closet for two hours whilst the mob searched high and low for her. At 3-40 p.m. she escaped in native dress by a side door and went to the house of an Indian friend. She stayed in the city until night and then again escaped in Indian dress and arrived at the Fort about 1 a.m.

Mr. A. Ross, who was with Mr. J. W. Thomson at the Chartered Bank in the centre of the city, some 100 yards from the Town Hall, gave the following narrative.

"The first we heard of anything was a telephone message from the Alliance and National Banks saying they could not understand the crowds that were passing through the city and thought there must be some trouble brewing.

"We next saw some of the wounded natives being brought back. The Indians were shouting, 'Burn and loot the banks' and eulogising Mr. Gandhi in the phrase *Gandhi ke Jai*. The next thing we knew was that the crowd was smashing the windows. Mr Thomson and I slid up a narrow dog-leg staircase and stayed there with an ink bottle in each hand. All the *baboos* went on top of the roof and told the crowd the *sahibs* were not inside. The crowd, however, broke through the doors, found our hats and tore them to bits. They tore up the majority of our books, wrenched off the handles of the safe, but could not open it. The *baboos* meanwhile were on the roof yelling for the police who were in the Kotwali, less than 100 yards away. The police soon arrived and cleared away the riotous

intruders. We stayed for an hour and the *oaboos** extinguished the fire which had been started.

"The police escort took us through the gardens to the police station about 4-12 p.m. We were left there under an escort of the Sussex Regiment and with Mr. Plomer, Deputy Superintendent of Police, and went to the Fort."

The Other Murders.

Sergeant Rowlands, cantonment electrician, was caught near the Rego bridge whilst making a dash for the Fort. He had been trying to mend the wires. His head was smashed and he was found in a tent on the horse fair ground near by.

The railway guard Robinson, an ex-Northumberland Fusilier, was beaten to death with lathis in the goods yard.

Nurse Sherwood of the Mission School who refused to leave when requested was badly cut about the head, but her injuries were not serious.

Military Forces.

The garrison of Amritsar when the outbreak occurred consisted of one company of Somerset Light Infantry in charge of Captain Massey (O. C. Station), half a company of Garrison Artillery and the 12th Ammunition Column. Whilst the riot was taking place a company of the 1-9th Gurkhas, passing through the station enroute for Peshawar, was detained and armed under the command of Captain Crompton who rendered valuable service in reinforcing the piquets. All positions were held until relief came from Lahore in the shape of one company of the 2-6th Sussex Regiment and a company of the 1-24th Baluchis under the command of Major Donald, who then became O. C. Troops, Amritsar. Further troops arrived from Jullundur, including the 25th Londons, and order was maintained. Captain MacMillan of the 2nd Lancers who was at Amritsar at the time rendered valuable service. The city on Friday was practically surrounded, all important positions and the approaches to the civil station being well guarded. The railway station was full of British and Indian troops. The ruined banks, Town Hall, etc., were held by the police. Brigadier General Dyer visited Amritsar on Friday night. Lieut. Shallow, R. G. A. was in command at the Fort.

At the Fort the women and children.

Practically the whole of the Europeans of the Civil Station were interned in the Fort. Captain Jarad of the Recruiting Office, con-

gregated all the women and children at the bungalow of Mr. Jeffring P. W. D. at 6-30 p. m. on Thursday night and took them into the Fort. The men joined them there. This little European colony was still domiciled there on Friday. The women slept on the floors and the men slept in the open. They were being fed on bully beef and bread. One and all, however, praise the police and C. I. D. for the splendid work they did, and they affirm that but for them many more Europeans would have lost their lives. The Municipal Secretary is one of those who narrowly escaped.

Punjab Government Communiqué

Lahore, April 13 :—As various exaggerated and misleading reports appear to be in circulation regarding the disturbance which lately took place in Amritsar and Lahore the following authoritative account is published :—

Early on the morning of the 10th orders under the Defence of India (Consolidation) Rule were served on Dr. Saifuddin Kitchlu and Dr. Satyapal, two local agitators, whose speeches and activities during the previous few weeks combined to bring about a state of general unrest in Amritsar. They were removed by motor and train. Shortly before 11 A.M., the news of these arrests rapidly spread throughout the City. A large crowd, numbering possibly 10 or 20,000, thereupon collected and endeavoured to rush the civil lines. In anticipation of possible trouble pickets were posted on the railway overbridge and level crossings connecting the city with the lines. Arriving at the overbridge the crowd refused to obey orders to disperse or retire, and stones were thrown at the men of the picket. The District Magistrate gave order to fire. The mob thus defeated in its immediate object turned back towards the city, divided itself into two portions first of these arming themselves with wooden rails and similar weapons attacked the railway station. Here part of the goods shed was burnt, and a railway subordinate, named Robinson, who attempted to check the advance of the crowd was murdered. Troops and police on the spot succeeded however in preventing damage being done to the Station itself. While these events were in progress, the other part of the mob attacked and burnt the Town Hall, banks and certain other buildings inside the city. British Officers of the, National Bank, Stuart and Scott, and one of the Alliance Bank of Simla, Thompson, were foully murdered. Other Europeans in the city succeeded in evading the rioters with the exception of Sergeant Rawlings, Cantonment Electrician, who was intercepted and overpowered while endeavouring to reach the fort. Smaller bodies of rioters broke away and endeavoured to destroy the permanent way at various points, and wrecked the small station Chahaharta on the main, and Bagtanwala on the Pathikana line. Trains were delayed for some hours on the 10th but normal traffic on the main lines was fully restored the following day. Local troops and the police reinforced by a company of Gurkha soldiers passing through Amritsar by train at the time succeeded in preventing any successful attack on civil lines and in restoring order at the Railway Station and other important points. Military reinforcements arrived in Amritsar during the course of the evening and by nightfall the mob was confined to the limits of the city which was practically surrounded. On the following evening detachments of troops entered the city itself and encountered no resistance. The total

number of killed among the crowd is believed between twenty and thirty. Relatives of the dead persons were permitted to dispose of the bodies outside the city, under conditions laid down by the Commissioner who arrived on the evening of the 10th.

Disturbances of a similar character though with less unfortunate results occurred in Lahore when the news of Amritsar riot was received on the evening of the 10th. Shops in the city and the vicinity were quickly closed and the noisy crowd endeavoured to force its way towards the civil lines. The crowd was met by a small police detachment near the High Court and on refusal to abandon its progress was dispersed under orders of the District Magistrate by musket fire. At a later hour in the evening, the police again was compelled to fire on the disorderly crowds which attacked them with missiles in the vicinity of Lahori Gate. Two persons were killed in this day's firing and about four others wounded. Military precaution has early been taken to render any recurrence of such events impossible and on the 11th no collisions occurred between the police or the troops and the mob either in Amritsar or Lahore. Though shops remained closed on the morning of the 12th, troops passed through Lahore city itself and occupied certain commanding points. At one point only the crowd obstructed the passage of the troops and brickbats were thrown. Under orders of the District Magistrate they dispersed the crowd with a few musket shots, two being killed and as many more wounded. At Amritsar the day passed off quietly, troops marched round and into the city and found the streets almost deserted.

Martial Law Ordinance.

Simla April 14 :—The following Communique was issued by the Home Department, Government of India :—

As the Governor-General-in-Council is satisfied that a state of open rebellion against the authority of the Government exists in the districts of Lahore and Amritsar, he has been pleased to bring into force in those districts the provisions of Section 2 of the Bengal State Offences Regulations 1804 for the trial by Courts Martial instead of the ordinary criminal courts of persons taken in arms in open hostility to the British Government or in the act of opposing by force of arms the authority of the same, or in the actual commission of an overt act of rebellion against the state or in the act of openly aiding and abetting the enemies of the British Government.

25th, 1919]

IN THE PUNJAB

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**THEN CAME THE MARTIAL LAW ORDINANCE,
SIMLA, APRIL 15th.**

Ordinance No. 1 of 1919

(1) This Ordinance may be called the Martial Law Ordinance, 1919.

(2) It shall come into operation at midnight between the 15th and the 16th April, 1919.

(3) (i) Every trial held under the Bengal State Offences Regulation 1804 (hereinafter called the said Regulation) shall instead of being held by a Court Martial be held by a Commission consisting of three persons appointed in this behalf by the Local Government, (ii) The Local Government may appoint as many commissions for this purpose as it may deem expedient. (iii) At least two members of every such commission shall be persons who have served as Sessions Judges or Additional Sessions Judges for a period of not less than the three years or persons qualified under Section 101 of the Government of India Act, 1915, for appointment as Judges of High Court. The Local Government shall nominate one of the members of the Commission to be President thereof.

(14) A Commission shall be convened by the Local Government or by such officer as the Local Government may authorise in this behalf.

(15) A Commission shall have all the powers of a general Court Martial under the Indian Army Act 1911, and shall, subject to the provisions of this ordinance, in matters follow so far as may be, the procedures regulating trials by such Courts Martial prescribed by or under the said Act, provided that where, in the opinion of the convening authority, a summary trial is necessary in the interests of the public safety, such authority may direct that the Commission shall follow the procedure prescribed for a summary General Court Martial by order or under the said Act, and the Commission of this Ordinance follow such procedure accordingly, provided further that Sections 78, 80 and 82 of the said Act shall not apply to any trial under this Ordinance.

(16) The finding and sentence of a Commission shall not be subject to the confirmation by any authority.

(17) Nothing in this ordinance shall affect any trial held or begun to be held by Court Martial under the said Regulation prior to the commencement of this Ordinance save as provided by Section 6. The provisions of this Ordinance shall apply to all persons referred to in the said regulation who are charged with any of the offences thereon described, committed on or after the 13th,

April 1919.

(Sd.) Chelmsford,
Viceroy and Governor-General.

A Gazette of India Extraordinary published the following resolution of the Home Department, dated Simla, 14th April 1912.

The present situation arising out of the agitation against the anarchical and revolutionary Crimes Act (commonly called the Rowlatt Act) renders it imperative on the Governor-General in Council to define the attitude of the Government on the subject of that agitation and the serious disorders which have resulted therefrom and intimate the nation of the concerted action which it is now necessary to take for the preservation of law and order.

When the Bill was under discussion its opponents declared publicly that if it passed into law a campaign of agitation against it on a scale hitherto unattempted would be organised throughout India, and a section of them indicated that they would support that campaign by resort to what is known as passive resistance. No one cognizant of the conditions of India could have been ignorant at the time of the dangers of initiating a widespread movement of this nature. They were clearly pointed out by many public men of moderate views and the representatives of Government did not fail during the debates on the Bills to emphasize the serious consequences to the public peace which would follow from an agitation such as was then threatened. These warnings were unheeded, and to the agitation which has succeeded the passing of the Act must be directly attributed the open breaches of the public peace, the defiance of authority, and the criminal attacks on life and property which have lately been witnessed in certain parts of India.

The agitation has followed a double line of action, namely, direct criticism of the Act by means of public speeches and publications, and the initiation of the threatened movement of passive resistance. The latter movement, was ushered in by a demonstration consisting of the observance of a day of fasting and the closing of shops and places of business. Such a demonstration was not in itself illegal, but there is ample evidence to prove that in more than one place those locally responsible for organisation overstepped the limits of lawful persuasion, and resorted to direct interference with the business of many who were not interested in the movement and to forcible obstruction of the traffic in the public street. But the indirect consequences of this aspect of the agitation have been far more mischievous in that it prompted, a sense of unrest and of excitement which was bound to react and has reacted on the more ignorant and inflammable section of the population. The campaign of criticism has involved in many quarters the use of most flagrant misrepresentations regarding the character of the Act. It is clear that large numbers of ignorant people have been deliberately led to believe that the new law gives the police unfettered authority to

interfere with public meetings, not only of a political but of a religious and social nature, and to arrest summarily persons engaged in political work, and that it empowers the executive authority to imprison without trial any person criticising the action of the Government.

The Rowlatt Act Explained.

The Governor-General in Council thinks it necessary to reiterate here the following salient facts concerning this Act :—It is specifically directed against revolutionary and anarchical crime and can only be brought into force in any locality where it has been proved to the satisfaction of the Governor-General-in-Council that such crime or movements tending to such crime exist. It has not so far been brought into operation in any part of India. Its first part merely provides for the speedy trial of certain grave offences. In the second and third parts provision is made for preventive action similar to, but much more restricted in scope than, that now provided by Rules under the Defence of India Act against persons suspected of revolutionary or anarchical crime. Action cannot, however, be taken against any individual without the previous order of the local Government. There is nothing, therefore, which can justify the wide spread rumours, for which the promoters of the agitation must be held responsible, that unusual or even extended powers have been given to the police, nor is there anything which need cause fear or apprehension to any person other than the revolutionary or the anarchist. Not only the terms of the Act definitely exclude its use in any case not falling within the definition of anarchical or revolutionary conspiracy, but Government has given the most categorical pledge which the Governor-General in Council takes the opportunity to (reiterate), that the tenor and intention of the Act will be scrupulously safeguarded, should occasion arise to put it into operation.

The Punjab Disturbances.

The Governor-General in Council considers it unnecessary to detail here the deplorable occurrences resulting from the agitation against this act. The offences which have occurred at Delhi, Calcutta, Bombay and Lahore have one common feature, the unprovoked attempt of violent and unruly mobs to hamper or obstruct those charged with the duty of maintaining order in public places. At Amritsar and Ahmedabad they have taken a far graver form, a murderous attack on defenceless individuals and a wholesale and wanton destruction of private and public property. The Governor-General-in-Council thinks it right to state that at Amritsar the loss of life might have been greater but for the protection afforded by unofficial Indians to those who were threatened by the mob, and he takes this opportunity of expressing the gratitude of the Government for this conspicuous example of loyalty and humane feeling.

Powers of Repression

It remains for the Governor-General in Council to assert in the clearest manner the intention of the Government to prevent by all means, however drastic, any recurrence of these excesses. He will not hesitate to employ the ample military resources at his disposal to suppress organised outrage, rioting or concerted opposition to the maintenance of law and order, and has already sanctioned the application of State Offences Regulation 1804 in a modified form to certain districts of the Punjab. He will further use all preventive measure provided by the statutes to check disorder at its source, and in Regulation 3 of 1818 and the corresponding Regulations applicable to Bombay and Madras and in the rules under the Defence of India Act, he has powers which will enable him to deal effectively with those who promote disorder. He has sanctioned the extension of the provisions of Seditious Meeting Act to the District of Lahore and Amritsar in Punjab, and will authorize a similar extension to other areas in which local Governments see reason to require it. The Police Act of 1861 enables a local Government to quarter additional police on any locality which is guilty of organised offences against the public peace at the charge of the inhabitants, and to levy from the latter compensation for those who have suffered from injury to their property. The Governor General in Council will advise Local Governments to make a free use of those provisions where necessary.

The Governor-General feels that many of those who inaugurated this agitation must regret the lamentable consequences which have ensued, the loss of life and property and the damage to the reputation of India. He now appeals to all loyal subjects of the Crown and to all those who have an interest in the maintenance of law and protection of property, both to dissociate themselves publicly from the movement, and to exert themselves in quieting unrest and preventing disorder. To all those who render such assistance to the cause of the public and the state and to those servants of the Government who are charged with the onerous responsibility of suppressing excesses against public peace and tranquility, the Governor General in Council extends the fullest assurance of countenance and support.

Ahmedabad Riot.

April 10th & 11th..

The report that Mr. Gandhi had been arrested arrived here at about 10 o'clock on Thursday 10th morning and side by side with it a report that Bai Anusiya, sister of Mr. Ambalal Sarabhai who associated with Mr. Gandhi during the great mill strike last year and had worked for the amelioration of the hard life of the labourers, had also been arrested. The first manifestation of popular excitement was the closing of shops. The city presented a rather deserted appearance until three o'clock in the afternoon when the mill hands turned out in large numbers and proceeded from the three gates towards the railway station. On the way they made various kinds of demonstrations. People were asked to get down from motor cars and were deprived of umbrellas and shop-keepers who had not suspended business were compelled to close their shops. Feeling ran high against the European passers-by, particularly mill officials, and on seeing Mr. Sagor and Mr. Staple, Mill Engineer and Weaving Master in motor cars they went for them brandishing sticks and handled them very roughly. Finding themselves surrounded by an angry crowd these two hurried to the flour mill at Prem Darwagea known as Bapalal's Mill and went inside for protection. When the mob arrived they found the doors closed against them and shouted in vain for the surrender of the two men. Eventually they brought a tin of kerosine oil, poured the oil over the wooden frame work of the mill and set fire to it. The police tried to prevent the mischief but were overpowered by the large crowd. Eventually troops were sent for. Mr. G. E. Chatfield, Collector, Lieutenant Colonel G. S. Fraser, Officer Commanding 97th Indian Infantry and Mr. R. Boyd, Superintendent of Police who were quickly on the scene tried to persuade the mob to go away but finding them determined to do mischief and not the least inclined to move, order to fire was given. The men dispersed, after several had been shot and others more or less severely injured. The Mill was burnt down. In the same afternoon when two Europeans belonging to the Government Central Dairy were driving in a motor lorry a mob of mill hands stopped them and told them "alight, go on foot and join the people in their mourning for the arrest of Mr. Gandhi." On their refusing to do anything of the kind the crowd attacked them.

In the evening the local Satyagrahis held a meeting on the bed of Sabarmati river which was largely attended. Speeches

were made denouncing Mr. Gandhi's arrest, but calling upon people not to create disturbance or to suspend work.

Next day, the 11th April, the people closed their shops and the mill hands came out bent on further mischief. They terrorised those who had opened their shops into closing them. They were armed with bamboo sticks and lathis and not satisfied with getting shops closed, stoned the doors and windows of the people's houses and compelled them to shut themselves indoors. The crowd which was about four thousand in number at first began to swell and visited different localities of the city. Coming to Lal Darwaja, where a Mandap had been erected for holding matriculation and school final examinations they set fire to it and destroyed it. The city firebrigade which consists of one large fire engine and three smaller ones was brought into requisition, but could not render any service as the mob cut the hose of the large engine and in other ways disabled it. They also attacked the lascars who ran away. They next turned their attention to Collector's Head quarters where there is a group of public offices. Of these Collector's corresponding office, account office, Treasury Office, Income Tax Office, City Magistrate's Office, Excise Office, the lock up for under trial prisoners, Sub-Registrars office and Office of Mamlatdar were set on fire and destroyed. The police again found themselves unable to deal with the large mob which had divided itself into several groups to carry out their work of destruction simultaneously at different places and the remaining small fire engines which were also broken up by rioters were useless. The buildings were wrecked. Their contents were almost destroyed. The wood work was like charcoal, and bare walls alone gave evidence of the kind of structures they once were. There were about fifty under trial prisoners in the lock-up, all of whom escaped. The mob also raided Ahmedabad Electrical Company's Installation which supplied electric light to the city, cut the wires and caused considerable damage to the plant. They also smashed Electric lamps in the streets. While raiding these works the mob assaulted Mr D. E. Brown, Superintendent of the Company. They also cut the telephone wires in the city. Shortly before eleven o'clock in the forenoon the rioters set fire to the telegraph office almost entirely destroying its instruments, and machinery and its wooden frame work. Several wires connecting Ahmedabad with other centres were cut on Friday. It was possible to send messages to Bombay via Agra, but that connection was no longer available as the connecting wire had since been cut. Every day there were reports of wires being cut in places round about Ahmedabad, and it was hence arranged to give a military escort to

the telegraph men who do repairs. A number of police chowkeys in the city met with the same fate. The rioters set fire only to those located in the Government buildings. If they happened to be private buildings they took out their records and other moveable articles and destroyed them. As the police was outnumbered every where small military parties were told off to different localities and at a number of places firing was resorted to in order to stop excesses and personal violence of riotous mobs. At night on Friday several country liquor shops which had been closed were forced open by the rioters who took away the liquor. On Friday Europeans, particularly officers, were picked out for assault. Mr. Chatfield had a narrow escape, at three gates when he was proceeding in motor car, the sticks with which he was attacked fortunately falling on the car. Inspector Acton and Sub-Inspector D. D. Kothawalla were stoned. Police Sergeant Fraser was so severely beaten by sticks by the rioters that he died from his injuries shortly afterwards. It was estimated that about 150 persons had been injured during the riots. The number of killed is not definitely known but is believed to be about a dozen.

On Saturday it was thought desirable in view of the previous day's disturbances to keep military posts at all road junctions in the city to prevent crowds collecting. Notice in Gujarati was issued warning the people that they would be liable to be fired upon whenever they were in the crowd of more than ten persons, and if any body was seen outside his house between hours of 7 P.M. and 6 A.M. and did not stop when called upon to do so. This arrangement had the desired effect in putting a stop to disturbances. The city was quiet throughout the day. Streets seemed deserted and all shops were closed. News of Gandhi's return to Bombay was received in Ahmedabad only on Saturday afternoon, and messengers were sent round different localities by the local Satyagraha Sabha making the announcement. This contributed to preservation of peace on Saturday. Rioters on Friday heard of the troops arriving from Bombay and some one derailed the train. They were in at one in the morning of Saturday. Fortunately none was injured.

The whole affair was essentially a campaign carried on against Englishmen generally and against English officials and certain unpopular Indians in particular. It was also clear that some clever heads were assisting the Mill hands from behind. As a precautionary measure all English residents in the town were removed to Shabi Baug for their personal safety on the night of April 11th and during the following days. Whenever they had to come to the city they had to travel by Dholka railway, crossing the river. From highest to the

lowest English officers in the city with a few exceptions were treated roughly, a most lamentable example being that of a Police Sergeant Fraser who was each time intercepted while out cycling, dragged from the house where he took refuge and cut to pieces with swords. Among Indian officials who were ill-treated was Mr. Bulckhidas, Personal Assistant to the Collector. The mob prepared to burn his house. When the neighbours dissuaded them they broke it open, forced the safe and stole notes and sovereigns. Khan Bahadur Harsen Khan Dhanekhan, retired Police Inspector and now Honorary Magistrate, was similarly treated. He and his family ran away on hearing of it. The mob afterwards took possession of his house, took out his things and set them on fire. Many of the rioters came from Kaira District. Some possessed swords. It was reported that the temple of Swami Narayan and Jain Religious institutions were robbed of their weapons. Before these incidents took place one culvert of Sabarmati Bridge was removed so that the train carrying Europeans to Shabi Baug might be wrecked. Further particulars from Viramgaum go to show the object of the idle mill hands and other rioters were to terrorise European residents and officials only. They molested an English Mill Officer and Mr. Michael Wright, Traffic Inspector B. B. and C. I. Railway. The station staff and Station Master intercepted, when the mob attacked the station, brought kerosine oil and grass and set fire to the station house and looted the waggons in the yard. Before troops arrived they disappeared. In Viramgaum town they perpetrated various kinds of outrages, one of which was to burn alive Mr. Madhaval, Aval Karkun, and third class Magistrate of Viramgaum who had a reputation of dealing severely with criminals.

M. Gandhi back at Bombay.

April 11th 1919.

When news about M. Gandhi's arrest reached Bombay the two most important cloth markets, the Colaba Cotton market and the Moolji Jethia market suspended business, and so too the majority of shops in the Indian quarters, but there was no excitement, as such an action at the hands of the Punjab Government.

was quite expected. Several young men and College students signed the satyagraha pledge. The Mahatma's message to his countrymen were read and discussed everywhere. Crowds collected here and there eagerly enquiring about the Mahatma's whereabouts; his health specially was a matter of great concern to the people. Satyagraha literatures were bought and read amongst small groups. Mrs. Naidu sold a copy of the *Hind Swaraj* for Rs 1000 and a few others were taken for Rs. 500 each. The commotion went on till midnight when Mrs. Naidu, Messrs Jamnadas Dwarkadas, Umar Sobhani and other lieutenants of M. Gandhi arrived on the scene and after speeches the crowd dispersed quietly. Next day, 11th April, the shops continued to be closed and some trouble was caused in the town without however any serious consequences. The Stock Exchanges, the Cotton markets, the Javahir bazar remained closed. The younger and more head strong elements of the crowd occupied themselves in making noise and trying to make other people join them in their rowdyism. They stopped trams, held up vehicular traffic, and on more than one occasion came in collision with the police. The Police charged and brickbats were thrown and at one time the military had to be called in and on their sight the crowd dissolved. Several people were arrested by the police. Arrangements were made to hold 2 meetings in the afternoon but these had to be cancelled on the sudden arrival of Mahatmaji.

The special Express conducting him under police escort from Muttra reached Bombay at 1-30 p. m. on the 11th April. The Mahatma preferred to alight at the Marine Liners station as he wanted to avoid any demonstration. At Baroda Railway station he was met by an official deputed by the Government who served on him an order of the Bombay Government interning him within the Bombay Presidency; he was not to travel outside the Presidency!

His arrival was not known to the public till 4 p. m. in the afternoon. The news spread rapidly and by 5 p. m. a huge crowd collected at the Sands to meet him. The meeting was arranged by the Satyagraha Sabha.

M. Jamnadas Dwarkadas in a preliminary address before Mr. Gandhi's arrival, pointed out how people in Bombay by their action that day, such as throwing stones at tram-cars and hindering their traffic and coercing other people in petty ways to observe mourning for Mr. Gandhi's arrest had caused immense and deep grief to M. Gandhi. All such demonstrations were against the principle of Satyagraha. The arrest of M. Gandhi was a matter for rejoicing and not one for mourning. Half the battle was won by

M. Gandhi's arrest. He strongly exhorted all Satyagrahis and their sympathisers to observe the letter and spirit of M. Gandhi's instructions and to act with a resolute will not to break out into outward demonstrations.

The crowd conducted itself in an orderly manner and patiently awaited M. Gandhi's arrival.

M. Gandhi arrived at the meeting at seven o'clock in the evening; a message from him was read from different platforms. In his message M. Gandhi acknowledged the kindness of his treatment by officials during his two days detention, saying that he had more comforts then than when he was free. Regarding the recent disturbances he said:—"I have not been able to understand so much excitement and disturbance that followed my detention. **It is not Satyagraha. It is worse than Duragraha.** Those who joined Satyagraha demonstrations were bound one and all to refrain at all hazard from violence, not to throw stones or in any way whatsoever to injure any body; but in Bombay, we have been throwing stones and we have obstructed tram-cars by putting obstacles in the way. This is not Satyagraha. We have demanded the release of about fifty men who have been arrested for deeds of violence. It is a breach of religion or duty to endeavour to secure the release of those who have committed deeds of violence. We are not therefore justified on any grounds whatsoever for demanding the release of those who have been arrested. I have been asked whether a Satyagrahi is responsible for the results that follow that movement. I have replied that they are. I therefore suggest that if we cannot conduct this movement without the slightest violence from our side the movement might have to be abandoned or it may be necessary to give it a different and still more restricted shape. It may be necessary to go even further. **The time may come for me to offer Satyagraha against ourselves.** I would not deem it a disgrace that we die. I shall be pained to hear of the death of a Satyagrahi but I shall consider it to be a proper sacrifice given for the sake of the struggle but is those who are not Satyagrahis, who shall not have joined the movement, who are even against the movement, if they receive any injury at all, every Satyagrahi will be responsible for that sinful injury. My responsibility will be a million times heavier. I have embarked upon the struggle with a due sense of responsibility. I have just heard that some English gentlemen have been injured. Some may even have died from such injuries. If so it would be a great blot on Satyagraha for me. Englishmen too are our brethren. We can have nothing against

them and for me sins such as I have described are simply unbearable. But I know how to offer Satyagraha against ourselves. As against ourselves what kind of Satyagraha can I offer? I do not see what penance I can offer excepting that it is for me to fast, and if need be, by so doing to give up this body and thus prove the truth of Satyagraha. I appeal to you to peacefully disperse and to refrain from acts that may in any way bring disgrace upon the people of Bombay."

M. Gandhi in his short speech then expressed thanks to the Governor and the police for all absence of the use of rifle fire or gun the people to remember that they should learn to keep perfect and exhorted peace and **to undergo intelligent suffering**, and that without those attributes there was no Satyagraha.

After M. Gandhi's message had been read from different platforms in Gujrati the meeting dispersed in an orderly manner.

On 12th April **Sir Rabindra Nath Tagore** addressed the following letter to Mahatma Gandhi, and its publication created a stir in the country.

Dear Mahatmaji,—

Power in all its forms is irrational, it is like the horse that drags the carriage blindfolded. The moral element in it is only represented in the man who drives the horse. Passive resistance is a force which is not necessarily moral in itself; it can be used against truth as well as for it. The danger inherent in all force grows stronger when it is likely to gain success, for then it becomes temptation.

I know your teaching is to fight against evil by the help of the good. But such a fight is for heroes and not for men led by impulses of the moment. Evil on one side naturally begets evil on the other, injustice leading to violence and insult to vengefulness. Unfortunately such a force has already been started and either through panic or through wrath, our authorities have shown us their claws whose sure effect is to drive some of us into the secret path of resentment and others into utter demoralisation.

In this crisis you, as a great leader of men have stood among us to proclaim your faith in the ideal which you know to be that of India, the ideal which is both against the cowardliness of hidden revenge and the cowed submissiveness of the terror-stricken. You

have said, as Lord Buddha has done in his times and for all time to come :

"Akkodhena jine kodham asadhum sadhuna jine" "Conquer anger by the power of non-anger and evil by the power of good."

This power of good must prove its truth and strength by its fearlessness, by its refusal to accept any imposition, which depends for its success upon its power to produce frightfulness and is not ashamed to use its machines of destruction to terrorise a people completely disarmed. We must know that moral conquest does not consist in success, that failure does not deprive it of its dignity and worth. Those who believe in spiritual life know that to stand against wrong which has overwhelming material power behind it is victory itself ; it is the victory of the active faith in the ideal in the teeth of evident defeat.

I have always felt, and said accordingly, that the great gift of freedom can never come to a people through charity. We must win it before we can own it. And India's opportunity for winning it will come to her when she can prove that she is morally superior to the people who rule her by their right of conquest. She must willingly accept her penance of suffering, the suffering which is the crown of the great. Armed with her utter faith in goodness, she must stand unabashed before the arrogance that scoffs at the power of spirit.

And you have come to your motherland in the time of her need to remind her of her mission, to lead her in the true path of conquest, to purge her present day politics of its feebleness which imagines that it has gained its purpose when it struts in the borrowed feathers of diplomatic dishonesty.

This is why I pray most fervently that nothing that tends to weaken our spiritual freedom may intrude into your marching line, that martyrdom for the cause of truth may never degenerate into fanaticism for mere verbal forms, descending into self-deception that hides itself behind sacred names.

With these few words for an introduction allow me to offer the following as a poet's contribution to your noble work :—

1

Let me hold my head high in this faith that thou art our shelter, that all fear is mean distrust of thee.

Fear of man? But what man is there in that world, what king, O King of kings, who is thy rival, who has hold of me for all time and in all truth?

What power is there in this world to rob me of my freedom? For do not thy arms reach the captive through the dungeon walls, bringing unfettered release to the soul?

And must I cling to this body in fear of death, as a miser to his barren treasure? Has not this spirit of mine the eternal call to the feast of everlasting life?

Let me know that all pain and death are shadows of the moment; that the dark force which sweeps between me and thy truth is but the mist before the sunrise; that thou alone art mine for ever and greater than all pride of strength that dares to mock my manhood with its menace.

II.

Give me the supreme courage of love, this is my prayer,—the courage to speak, to do, to suffer at thy will, to leave all things or be left alone.

Give me the supreme faith of love, this is my prayer,—the faith of the life in death, of the victory in defeat, of the power hidden in the frailness of beauty, of the dignity of pain that accepts hurt but disdains to return it.

Delhi after the Arrest.

The following account of Delhi between 11th April to 19th April last is given in the language of Swami Shradhananda. It is taken from his evidence before the Hunter Committee:

"Mr. Mahadeva Desai wrote out Mahatma Gandhi's 'message to my countrymen' and we got it typed in the night. It was sent round to the papers. On the morning of April 10th there was again a complete *Hartal*. As there was no time for circulating notices, I left my lodging at about 7.30 in the morning. People

assembled in large numbers in the way and the news spread within half an hour that Mahatma Gandhi's message was to be read on the banks of the Jumna River to the assembled people. At 9 A. M. about 20 thousand people (ladies and gentlemen) had reached the place of the meeting. The message, which is now a classical document, was read and explained by me and prayers were offered to the Almighty for his long life and the success of Satyagraha.

"In the evening there was another huge gathering numbering about seventy thousand people. The principal resolution put forward, said: "This mass meeting of the citizens of Delhi calls upon every Indian to do his duty to his country and following the noble and inspiring example set by Mahatma Gandhi at Palwal, to seek the withdrawal of the Rowlatt legislation or his own imprisonment."

Another C. I. D. Attempt at Disturbance.

"When the resolution was about to be put to the vote a strange incident occurred. A man who was standing at the farthest corner of the audience said in a shrill, piercing voice "Stop; what are you doing at Palwal? 300 goras (British Soldiers) have been killed and a thousand Jats with lathis are bringing Gandhiji here. How dare you pass this resolution?" The audience was thunderstruck and the chairman was at a loss what to do. I at once got up and said loudly: I have definite information that Gandhiji was taken to Mathura last night and his carriage was attached to the Bombay Mail this morning. This appears to be a C. I. D. man, do detain him." But the man disappeared. Suspicions about his being a C. I. D. man was confirmed because at least one Inspector, two Deputy Inspectors and a dozen other C. I. D. men were present and nobody tried to arrest the man who was spreading such horrible, untrue rumours.

"The Hartal continued on the 11th and on the 12th, although the leaders of the people tried to have the shops opened. But whenever we tried to get business resumed the people were ready with the answer that they would not end the Hartal until Gandhiji was set free. On the morning of April 12th I received a wire from Bombay, which ran as follows:—

"Just arrived and discharged from custody...Will inform later. Regret loss life some places. Absolutely necessary people restrain themselves and avoid violence. Please report this Lahore, Amritsar etc. Gandhi' On this I wired the following message to Lala Duni Chand at Lahore and Lala Kanhaya Lal at Amritsar:—

"Just received wire from Bombay. Mahatma Gandhi released. He regrets loss of life; counsels restraint and avoiding violence. It too strongly urge calm restraint. Will wire further particulars when received. God and Truth guide you all." Armed with this authority I gave public notice of this in the local Newspapers and called upon the people to end the Hartal. But just as my appeal was going round another notice appeared under the signature of Colonel Beadon saying that he had commenced inquest in proceedings and calling upon people not to be led away by outsiders and to come and make their statements before him.

"On the morning of the 13th Principal Rudra received a wire from Mahatma Gandhi in which he sent a message telling people to end the Hartal. On learning this I, with the local leaders, went about the city and we had induced some persons to open their shops when, as fate would have it, Lt. Colonel Beadon came on horseback with a strong guard and on seeing him all the shops closed again. A meeting was, however, held in the evening of April 13th, 1919 when I exhorted about 35 thousand people (assembled in meeting) to obey Mahatma Gandhi and to restore normal conditions the next day. A single resolution was passed that day, a copy of which was wired to the Private Secretary to the Viceroy at Simla. "Citizens of Delhi passed following resolution at mass meeting held this evening. "The mass meeting of Citizens of Delhi protests against investigation instituted by Delhi Executive of incidents of March 30th on ground that being party to destruction of lives of harmless people and wounding of innocent citizens they cannot by any principle of justice and equity be allowed to sit as judges on their own actions. Meeting however invites Imperial Government to depute few officials from outside Delhi Province in order to co-operate with Non-official commission appointed by people of Delhi for investigation of causes that led to tragedy.

"While we were assembled in meeting news spread like wild-fire that the Delhi Leaders were about to be arrested, that they had been called by the Deputy Commissioner ostensibly for holding consultation but in reality for being spirited away to some unknown destination. When I entered the Motor car with Dr. Ansari and Lala Pearey Lal, people rushed and stopped the Car and began to shout :—"Please do not go to Colonel Beadon. You will be arrested. If you go, allow us all to accompany you." I knew nothing about any such meeting having been called and I assured them that I was not going. On my giving repeated assurances they left us and the Motor car flew towards Kashmere gate. In the way Dr. Ansari and Lala Pearey Lal informed me that they had been really called by Colonel Beadon and that there was no time to lose. I

compelled them to drop me at my lodging before they proceeded to Colonel Beadon's place.

Lathis Began To Appear.

"From the very morning of 14th April 1919, lathis began to appear. At noon, the Chief Commissioner called a meeting of local leaders and they all went to the Town Hall. I heard that men with lathis were going to the Town Hall. Between 3 and 4 in the afternoon one man on a Tonga and another on foot went running towards the Sadar Bazar crying that Swamiji (meaning me) had been taken to the Railway Station and a special train was waiting to take him to an unknown destination. Some hundreds of the Sadar people armed themselves with lathis and were running towards the railway station when they learnt that I was at home. Then thousands came running and boarded my humble lodging and I had to show myself to all by going downstairs before they could trust that all was right.

"In the meanwhile Hakim Ajmal Khan and other Leaders had returned from the Town Hall and after seeing them safe at Hakim Sahib's place the people went and held a meeting in the Edward Park where a C. I. D. Inspector and a Hd. constable were assaulted.

"At 6 P. M., in the night on that very date I received a letter from the Chief Commissioner asking me to join the conference at the Town Hall in the morning.

The Hon'ble Mr. Barron's strength of mind saves the Situation.

On the 15th of April I and Hakim Sahib made a tour of the city and after trying to induce the butchers to open shops we reached the town hall after 10 and saw all the other leaders there. The Chief Commissioner with the Deputy Commissioner and police and military were also there. As I went in shouts of "Gandhiji ki jai" "Hindu Musalman ki jai" were raised outside on the Chandni Chowk Road. I was asked by the authorities to go and calm the people. I went out and asked them to be quiet and they at once became silent. But there was again a stir and the reason was plain.

I looked behind and saw Col. Beadon coming out. I exhorted the people to keep quiet and took Col. Beadon in. I noticed at that time that Lathis were becoming more prominent in the crowd. After an hour's consultation it was resolved that the chaudhries and other prominent men from the city should also be called for final decision at 4 p. m. that day.

I and Hakim Ajmal Khan induced the butchers to commence business about 4 p. m. and when we reached the Town hall we saw about fifty citizens in consultation with the Chief Commissioner and other officials. On the road in front of Queen Victoria's statue some 15 to 20 thousand people were standing, out of whom more than one half had "Lathis" in their hands. On the Railway road side also 3 or 4 thousands were assembled. The people were telling me plainly that they were there to guard their leaders and if any thing went wrong they would lay down their lives to defend them (the leaders). I tried to calm them and told them that they were mistaken. They told me in reply that I was mistaken and not they, but promised to obey me in keeping quiet.

I found the Deputy Commissioner, Mr. Scott of the Police, and the military officers all very nervous. But the reason of the excitement of the people was plain. One room of the Town hall was full of armed British soldiers, more than a dozen military officers armed cap-a-pie revolvers in hand, were sitting in the conference, one machine gun was mounted on the highest roof of the Hall, and to crown all an aeroplane was flying over the city. It was rumoured that the aeroplane would suddenly alight over the Town hall roof and would take away the leaders to an unknown destination. Therefore as in the morning so in the evening of April 15th the people shouted "Gandhi ji ki jai," "Hindu Musalmin ki jai," every time the aeroplane came over their heads.

Every official appeared to be excited but there was one calm figure and that was the honorable Mr. Barron, Chief Commissioner of Delhi. No sooner he learnt, from the people's representatives, that the Hartal on April 10th commenced in order to show grief at the arrest of Mahatma Gandhi and that it was continued because the people feared that their leaders would be harmed, he at once rose equal to the occasion and wrote out his memorable proclamation, ten thousand copies of a Hindusthani translation of which were distributed the next morning. It was a memorable occasion. If the Head of the province had lost his head at that time the result would have been disastrous. There is no exaggeration, then, in saying that Mr. Barron alone saved the situation that day. I hold in my possession the draft of the translation signed by Mr. Barron which, together with a printed copy of the same I produce marked as exhibit D.

"It was growing dark and the crowd outside was becoming impatient when Mr. Barron put the draft proclamation in my hand. I at once went out and, without waiting for the door of the Queen's garden to be opened, jumped over the railing and was at once

encircled by a surging crowd of more than twenty thousands. At that time every man appeared to be carrying "Lathi". I told them to follow me to Dr. Ansari's compound (far away on the farthest corner of the city) and left on foot. The people were so much excited that they began to beat with their "Lathis" the wired drums for holding sweepings of the bazar and electric globes. I at once stopped and said in a loud voice "I will not go with you. Allow me to leave back. You promised non-violence to person and property and to fight with spiritual weapons alone and here you are breaking your vow." The vast crowd became silent for a moment and then all "Lathis" came down and a shout went forth "We admit our fault. We will not use carnal weapons, we will not; it is the spiritual force alone which we will use" and then they walked more than half a mile, to the place of meeting, without any further mischief. There was a gathering of some fifty thousand people and I read out and explained the proclamation. Dr. Ansari spoke it through a megaphone so that every word of it was heard by that huge audience. Then we dispersed.

Colonel Beadon again spoils matters.

On the morning of the 16th April all the leaders became busy in getting the shops at the Chandni Chowk opened. The work had hardly proceeded through half the Chandni Chawk when suddenly Col. Beadon, with Mr. Scott of the police and a strong guard again came riding from the clock-tower to the Fatehpuri side. That was the signal for all the shops to close again. We tried our best to persuade people to end the Hartal but the people said; "The man who calls us Badmashes will say that he succeeded in ending the Hartal. He will not compel us to do so." After trying till noon, we gave up the attempt for that day and met in consultation at Hakim Ajmal Khan's house.

"At about 3 P. M., intelligence reached us that all the additional police piquets were being withdrawn from the city and that even half of the ordinary police was being sent away. The people rose equal to the occasion and hundreds of volunteers came forward to guard the city and to keep night-watch. There was not a single report of an offence that night. In fact during the days of the Hartal crimes were conspicuous by their absence; even gambling dens and drinking shops remained almost empty.

"During half the night of April 16th the people's representatives sat in consultation because response had to be made to Mr. Barron's

sympathetic attitude. I did not join the night meeting as full 18 days abnormal pressure had told on my health. After 12 in the night Hakim Ajmal Khan, R. B. Sultan Singh and Dr. Ansari came to my lodging and woke me up. They told me that the Deputy Commissioner (Col. Beadon) had phoned offering us the help of the police for the next morning and asked my advice about it. I told them in reply that if the police interfered I would have nothing to do with the opening of the Hartal and would not join in their work on April 17th. They promised to phone to Col. Beadon my opinion and promised that they would send a conveyance for me only if police help was not to be taken.

"The next day, in spite of opposition from some misguided people, we succeeded in having all business places opened by noon. But in flat contradiction of his promise, at 11 A. M., the Deputy Commissioner sent dozens of parties of policemen with big bludgeons who began parading the streets. We telephoned the District Magistrate and the police Superintendent to call away the police and to keep them back for two hours but all to no purpose. However, having got the last shops opened we were returning back when we saw great commotion near the clock-tower. As we approached people shouted :—

"You have ruined us. You are getting the shops opened while our men are being dragged by the police to the Town hall bleeding from bayonet wounds." On enquiry we found that a youth of twenty was taken in custody because he was asking the people to close their shops. I drove to Hakim Ajmal Khan's and tried three times to speak to the Town hall by telephone, but nobody replied. Then the sound of firing was heard and I again left for the Town hall. I had not proceeded more than fifty paces when the wounded were seen being brought by people on their shoulders. I returned back and began receiving wounded bodies. Dr. Hari Shanker was phoned and he came at once and after dressing the wounds took them away.

"While I came to Hakim sahib's he himself went with Dr. Ansari to the Town hall. He asked Col. Beadon to show the arrested young man (Gauri Shanker aged about 20 years) to them. They said that there were no wounds on his body and asked Col. Beadon to allow them to take away the boy and by showing the people that he was not wounded to calm them. Hakim sahib told me that as Col. Beadon thought that the prestige of the Sirkar would suffer, he did not allow it and they were at once startled on hearing the sound of firing.

"I at once wired the whole situation that day to the Viceroy, but again no notice was taken of it.

"On April 18th there was again Hartal because one of the wounded died and about 50 thousand people followed his bier to the cremation ground. There I exhorted the people to resume business the next morning and they did so, and on the morning of April 19th normal conditions were restored.

Calcutta Protest

and

Military Shooting of Demonstrators

12th April, 1919

From early in the morning of the 12th April the public of Calcutta showed unmistakable sign that they would observe the day as a mark of sorrow and protest against Mahatma Gandhi's arrest. No shops were opened, no business done in the busy quarters of Harrison Road, Colootola, Chitpore or Mechua Bazar. From early morning Marwari volunteers were posted at various places of Barabazar, Sinduria Patty, Mechua Bazar, and Chitpore, to maintain peace and tranquility of the town. Passengers going by tram cars were politely requested to alight from the cars and forego the luxury of a drive and with them joined the street urchins who boarded the foot boards of the tram cars and asked the passengers with vociferous shouts of "Bande Mataram" and "Mahatma Gandhiji Ki Jai" to get down from the cars. By 7.30 or 8 o'clock in the morning all cars stopped plying along Harrison Road and Chitpore Road.

A procession composed of Hindus, Mussalmans, Marwaris etc. started from Harrison Road at about 7 A. M. and proceeded to the Ganges singing national songs and taking their bath in the holy waters. On their way back they came singing national songs amidst shouts of "Bande Mataram" and "Hindu Musalman Ki Jai" and ultimately dispersed at the Indian Home Rule League Office at about 11 A. M. There were about 60 volunteers despatched to the various quarters of the town to see that the crowd did not get anywhere out of hand and there was no cause of apprehension on that score. The crowd began to disperse at their request. They worked strenuously from Friday night and patrolled the streets all through night from 12 to 5 A.M. and maintained peace and order in the city.

When the procession was dispersing news came that 4 men had been arrested at Bow Bazar and one killed by the police. Feeling ran high at that time and a huge crowd consisting

of 2000 men proceeded to Bow Bazar to see what the matter was. They proceeded along the Chitpore Road calmly and when they arrived at Lal Bazar the police opposed them and arrested 10 or 12 from the crowd. One of them was a Musalman, two were Marwaris and five Bhatias. There was no disturbance save that they cried 'Bande Mataram' and 'Mahatma Gandhiji Ki Jai.' As this news of arrest reached Harrison Road, Babu Padam Raj Jain telephoned the matter to Mr. B. Chakravarty whose statement is given on p. 114.

About this time two motor cars with armed police arrived at the junction of Harrison Road and Chitpore Road. Every one was surprised at their sudden appearance and some excitement was marked in the crowd. Shortly after another posse of Police numbering about fifteen with rifles headed by a Sergeant came to the spot. The crowd again became excited at the sight of the police. Babu Padam Raj Jain and other volunteers began to pacify the mob. Then came two other cars with 12 European soldiers. There was an Indian officer with them. The motor cars were stopped at the crossing of the Harrison Road and Chitpore. This time the huge crowd who assembled there became very much excited. Each time the police arrived on the spot they were greeted with vociferous cheers of "Mahatma Gandhiji Ki Jai" and "Bande Mataram." Babu Madho Prasad Sukul went to an Indian officer of the police and told him that the sight of the armed police were causing excitement. He said further that there was no trouble on Friday and Saturday as there was no interference of the police in their peaceful demonstration. He asked the officer to kindly take away the police from the spot otherwise it would be difficult to keep this crowd under control. But the officer said that they heard there would be a trouble in the town, so they would not take away the police force.

At about 1 or 1.30 p.m. a large crowd assembled at the Strand Road at the foot of the Howrah Bridge. As motor cars were passing along the Strand, they were stopped and the passengers were requested to get down and walk on foot. One motor car with two Europeans came from the direction of the Howrah Station. The crowd shouted out to stop the car. The driver did not mind them. Thereupon the car was forcibly stopped and the Europeans who abused the crowd were set upon. One of the Europeans escaped to the Howrah Station and the other took refuge under the building of Messrs Joseph and Co. At this a European sergeant who was posted there asked a constable to disperse the mob. It was said that the man (the constable) refused to obey orders and was shot by the Sergeant, wounded at the back and fell unconscious on the ground. Some among the crowd fell upon the sergeant and began to belabour

him. But the sergeant managed to make good his escape. The infuriated crowd turned the petrol tank over the car and then burnt it. The people then placed the unconscious constable on a bench and carried him in procession amidst shouts of "Desha Bhakta ki Jai" "Mahatma Gandhi Ji ki Jai," along the Harrison Road. People surrounded the wounded constable in order to have a peep at him. Some were crying "Hai Hai." When the mob carried him to the junction of Chitpore Road and found Mr. B Chakrabarty who had already come there. They showed him the wounded man and narrated how the poor man was shot by the sergeant. Mr. Chakrabarty took the 'chapras' of the constable and said that he would report the matter to the Governor. It was found that the number of the constable was 14. The mob then took him to the Marwari Hospital at Harrison Road.

At the sight of the wounded constable and when the sad story of his wound got abroad the mob became quite excited. Baboo Iswari Prasad was asked by an officer of the army to disperse the mob whereupon the former took some volunteers with him and began to disperse the crowd towards the Howrah Bridge. The crowd obeyed them and for some time the mob left the main road and stood on the footpath.

At this time a fresh party of Police with sergeants and Mr. Wilson, the Deputy Commissioner of Police came to the spot and stopped near the burnt motor car. By this time the crowd began to disperse. The officer in charge of the party called Babu Saraju Prasad Singh, member of the Executive Committee of the India Home Rule League, and gave him two minutes' time to disperse the crowd. "if you fail, I will open fire." Babu Saraju and some other volunteers formed a cordon by joining hands and began to press back the crowd steadily. The sergeant was not satisfied. He came before the crowd and began to push them back. Babu Saraju Prasad intervened and said to the Sergeant "please do not get the crowd more excited by pushing them in such a way. I am dispersing them peacefully." At this the Sergeant flew into a rage and addressed him again: 'disperse the mob in two minutes or I will fire upon them.' Babu Saraju Prasad said, "you are again and again threatening us by saying that you will fire upon the crowd, but this is only exciting them all the more. Again, if you open fire, 200 or 300 people may be killed but this will not restore peace. There will be more excitement. You will create that very mischief which you are trying to prevent." Thereupon the officer went away. At this time Mr. B Chakrabarty came to the place and hearing all went to see the Governor.

Meanwhile a **Machine gun** had come and was pressing upon the crowd at the Harrison-Chitpore Road junction. Suddenly it

wheeled near the house of Rai Badri Das Bahadur facing the Howrah Bridge and a volley was discharged at the upper story of the house of Protap Narayan De ; another fusillade followed and a girl in the upper story was wounded. The reason was that stones were said to be pelted at the soldiers from the crowd and the soldiers thought that the showers came from the building. Then followed a horrible scene. Murderous fires were opened and volleys after volleys discharged. When the smoke disappeared it was found that 7 men lay dead weltering in a pool of blood. They were stone dead, 13 were wounded and some of them were lying unconscious. It is not possible to estimate the number of the wounded.

At the foot of the Howrah Bridge a machine gun was also placed facing towards the Harrison Road. A strong corps of European and Indian soldiers were guarding the place. Motorcars with armed soldiers were patrolling the Harrison Road, and at places there were posted armed soldiers.

Statement of Mr. B. Chakravarti.

The following account of the Calcutta disturbance was given by Mr. B. Chakravarty, the leader of the High Court Bar and of Bengal Nationalists, and was published by the Patrika of Calcutta.

Friday, the 11th April.

"At about 12 noon on Friday last, the 11th April, while I was in the High Court I heard for the first time that most of the shops in Barabazar and other northern parts of the town had been closed and that others were closing up at the news of Mr. Gandhi's arrest and that the Stock Exchange had also been closed. With a view to satisfy myself that everything was proceeding peacefully I sent out my friend Mr. S. N. Haldar, a fellow member of the Bar who accompanied by Mr. Provat Sen and Mr. Surendra Nath Sen went in a ticca gharry round the Northern part of the Town. They came back and reported that all was quiet and peaceful, the shops had been closed and that they received no complaints of any kind from any quarter. About 2 o'clock some friends from outside saw me in the Bar Library with a view to hold a public meeting the same afternoon at the Beadon Square at which the message of Mr. Gandhi would be explained and the people would be exhorted to conduct themselves absolutely in accordance with the terms of that message. A meeting was accordingly arranged to be held at 5-45 p. m. It was also suggested that I should go round the different parts and see for myself how things were going on. Shortly after 2 o'clock I started from the High Court in a Taxi Cab with my friend Mr. Moudak

Rahman, a fellow member of the Bar, and some other friends. We went along Chitpore Road from Lal Bazar. At the Nakhoda Mosque in Chitpore road we were requested to get down and attended a meeting which we were told was being held within the mosque. Both Mr. Mouded Rahman and myself attended the meeting accompanied by the friends who went with us. At the meeting I was asked to speak and I spoke and exhorted the audience to keep their promise not to disturb peace and order and rather submit to abuse, violence and insult and suffering and never to use anything of that nature themselves. From the Nakhoda Mosque we went all round Barrabazar and found everything quiet and the police in no way interfering with the people who were out. We came back to the Bar Library by about 4-30 p. m. At about quarter to six I started with a few friends from Clive Street and went straight to the Beadon Square where the public meeting was to be held. At the Beadon Square we found a very large gathering. We had to arrange an overflow meeting. Throughout the meeting I found the people in every good temper and humour and no one present at the meeting had the slightest apprehension about any disorder or disturbance. Every body was highly pleased with the conduct of the police. The nice police arrangements were really the talk of the town. All the speakers at the meeting—the Hindus and the Mahomedans—exhorted the people to be peaceful, law-abiding and self-controlled. After the meeting, I returned home with a few friends via Beadon Street, Cornwallis Street, College Street, Wellington Street, Wellesley Street and Gamac Street. Throughout the streets I noticed the orderly conduct of the public and excellent relations between them and the members of the Police Force. At one or two places we were respectfully requested to get down from my car leaving it to me and my friends to decide whether I should do so or not. Those who approached us were requested not to use any force in this connection. They were all Bengali Bhadrolaks.

Saturday, the 12th April.

"In the morning and up to about 11 a. m. I had several reports which said that everything was going on well. Then about 11-40 a. m. a gentleman called on me with a letter from Mr. Clarke, the Commissioner of Police, in which I was requested to see His Excellency the Governor at Government House. As I was getting ready to start for the Government House, I received two telephonic communications from the northern part of the town informing me that European Sergeants armed with firearms with posse of constables had arrived in several parts of Harrison Road and

friction between the Police and the people was very likely. I at once phoned to some friends in the Northern part of the town to be on the spot immediately and do everything in their power to prevent any collision. I also phoned to my friend Mr H. D. Bose at the Bar Library to the same effect and he with one or two friends arrived at Harrison Road, as he informed me, by 1 o'clock. Mr. S. N. Haldar and Mr. B. K. Lahiri accompanied me to Harrison Road in my motor car and we arrived there shortly after 1 p. m. At the junction of Chitpore and Harrison Roads I saw one or two Europeans armed with revolvers in the middle of the crossing and a number of policemen in khaki bearing rifles. We got down from the car near the crossing and we met our friends who had already arrived there as also Mr. J. C. Galstaun. I addressed the people to be orderly and peaceful. They complained of the treatment received by them since the arrival of the armed police and they stated that a crowd was fired upon at the junction of the Strand and Harrison Roads, that one constable had been seriously wounded by a shot from a Sergeant. They also complained that several people had been arrested by the Police and taken away for no fault of their own. Then we walked up to the junction of Strand Road and Harrison Road when we saw the wounded constable mentioned above being carried to the Hospital by the Marwari volunteers. We noticed the crowd was somewhat excited there on account of the injury caused to the constable. It was stated that the constable was shot by one of the Sergeants, thereupon the crowd got excited and beyond control for the time being, attacked one of the Sergeants, and set fire to one of the taxi cabs. Throughout our walk over Harrison Road from Chitpore Road corner to Strand Road corner we never saw any pelting or showering of missiles. It is not a fact that bricks, stones or bottles were being showered from any house at the corner of Strand Road and Harrison Road so long as we were there. Then we turned back and motored again to Chitpore Road corner asking the crowd to restrain itself and get away from the neighbourhood of the disturbance.

The Governor's Action.

"I then motored to the Government House and interviewed His Excellency about 2 p. m. His Excellency told me that he had kept back the Police but on the complaints made by some Indian gentlemen about the inconvenience caused to the members of the public travelling in tram cars and gharries His Excellency was obliged to resort to force. His Excellency also informed that two police men had been injured earlier in the day and consequently His Excellency had directed that measures should be taken and

force used where necessary. Thereupon I narrated to His Excellency my experience of that day and the day previous. I pointed out the peaceful celebration on the previous Sunday and the absence of all friction the day before, and drew His Excellency's attention to the fact that the satisfactory result was principally due to the policy of police non-interference directed by His Excellency. I further submitted that if the European armed Police were removed, the maintenance of order would not be difficult specially when the "Hartal" was being brought to an end at a meeting to be held that afternoon in Beadon Square consequent upon the release of Mr. Gandhi. I offered to undertake the maintenance of order if the European armed police were either withdrawn or kept at a place not within the view of the public but available at a moment's notice. His Excellency thereupon pointed out the humours of the crowd and did not see his way to accede to my request. I further begged His Excellency either to accompany me or to go by himself in order to get a correct appreciation of the situation. But His Excellency did not approve of it. The interview ended with a request from His Excellency that I should do the best I could to keep peace and order and I promised I would do so.

"In the meantime as I learnt later the military had been called out and the crowd had been fired upon resulting in several regrettable casualties. I received intimation of this shortly after 4 p. m. and at once started for Harrison Road with a view to prevent further bloodshed and loss of life if possible. I was accompanied by Messrs H. D. Bose, Hirendra Nath Dutta, S. P. Rai, S. N. Haldar, B. K. Lahiri, Nalini Nath Sett. After we had proceeded for some distance along Chitpore Road we found that the Road was lined across by a number of English Soldiers rifle in hand so as to prevent through passage and a number of other soldiers were standing in groups near the line all rifle in hand. The car had to be stopped and it was immediately surrounded by a group of people—some of whom were rather in an excited mood and they pointed out to the dead body of a Bengalee lying on the east foot path and shot through. Some one in the crowd handed up to Mr. B. K. Lahiri, who was in the car, a letter which was found in the pocket of the particular gentleman showing that the gentleman shot down was a mere passerby. While this was going on, some people brought up on a bamboo stretcher improvised for the occasion the body of a Marwari gentleman with his head hanging down and the body besmeared with blood. The man appeared to have received several wounds and was on the point of death. He was being carried to the Hospital. Some of the people who had assembled round us complained to me that

Muslim unity, the cutting off of electric and water-supplies from Indian houses, the removal of fans from Indian houses and giving them for use by Europeans, the commandeering of all vehicles owned by Indians and giving them for Europeans for use, the feverish disposal of cases with the object of forestalling the termination of Martial Law, are some of the many incidents of the administration of Martial Law, which created a reign of terror in the Panjab and have shocked the public. It is a strange feature of the mental constitution of those military officers that they should have imagined that the steps they took were a remedy for the sullenness of the people and a means for promoting the popularity of the Government. We are naively told by General Sir William Benyon that, instead of being unduly severe, the administration erred on the side of leniency and that he and Sir Michael O'Dwyer approved of General Dyer's exploit. (Sir P. S. Sivaswamy Iyer in his introduction to "Martial Law in Panjab" issued from Madras Liberal league).

THE JHALLIANWALLA BAG MASSACRE.

Much of what occurred in Amritsar after the 10th remained a mystery for some time as the Panjab was a sealed book for the outside public. No news were allowed to be transmitted save that passed by the Govt. censor. It was only after the cessation of Martial Law that the public outside Panjab came to know of its horrors. The following is a short and connected account gathered from the official evidence before the Hunter Committee (See Appendix).

Mr. Miles Irvine, the Deputy Commissioner of Amritsar, received order from Sir Michael O'Dwyer's Govt. for the arrest and deportation of Drs. Satyapal and Kitchlew on 8th April. On the 9th Capt. Massey, the officer commanding at Amritsar, was summoned by Mr. Irvine and was informed of the order and was told to be in readiness. The deportation was to be on the following morning. It was decided that the Drs. were to be invited to the Deputy Commissioner's bungalow and removed without notice in motor cars with escorts to Dharmasala, a hundred miles away from Amritsar. Preparations were accordingly made. The Dy. Com. issued orders that whereas he had reasons, to fear that crowds would collect at the Civil Station on the 10th nobody should cross the Railway line to reach the civil station on the other side. Picquets were disposed in anticipation of trouble. Orders were passed privately on the 3 European Magistrates that crowds at all costs be dispersed, persuasion first and then armed

force if necessary. The military under Capt. Massey were kept ready at convenient dispositions.

Next morning Drs. Satyapal and Kitchlew were sent for and they came at about 10 A. M. They were at once shown the order. In half-an-hour they were packed up in a motorcar and despatched with military escort to Dharamsala. The people who accompanied them were kept back for some time so that the deportees might have a good start before the town came to know of the event. As apprehended the news spread like wild fire in the town and crowds began to collect at about noon. And then began the awful rush of the mob, the fire by the military and police, and the acts of incendiarism narrated before (p. 83). The authorities were prepared for all this but, as says Mr. Irvine he provided for 3 times but unfortunately ten times happened" !

Quiet prevailed in the evening. Mr. Kitchen, the Commissioner of the Lahore Division (which included Amritsar) with the Deputy Inspector General of Police came over from Lahore. The headquarters of the Officials and the Military were at this time the Railway station. European Residents of the Town were being escorted to the fort. Communication with the City Kotwali Police was cut off. At about 11 o'clock at night re-inforcements arrived from Lahore in command of Major McDonald. A military party was sent into the city and as it was feared that they would have to fight their way in, no Civil Magistrate accompanied the party. Police emissaries were also sent into the city to tell the people that the military was in command of the situation.

11th April 1919 Amritsar was in the hands of the Military. The Civil Administration admitted their incompetence. In the morning certain people saw Mr. Kitchen regarding the burial of the dead and he accorded the necessary permission and prohibited all sorts of demonstration. He also issued instructions stopping third class Booking for Amritsar from the neighbouring stations. The Electric power and water supply of the town were cut off with a view to punishing the whole town; and this was continued for several days. A rumour was current that the water had been poisoned. The electric supply was cut off and the whole town was left in darkness on the plea of preventing crowds roaming through the night. The city was declared to be in a state of rebellion. The European population was collected in the Civil Station and proper arrangements were made for their protection.

On the evening of the 11th General Dyer came with fresh reinforcements. From this moment Amritsar was under the

heels of this man now known all over the world for his exploits in Jallianwala Bag.

General Dyer was in command of the 45th Brigade at Jullundur, and in response to a request for help from Amritsar on the 10th April, he had sent one hundred British and two hundred Indian soldiers to that city. The number he sent was 100 in excess of what was asked for, and his reason for doing so was that he had heard there was serious danger, and "as he had a large force under him, no harm was done by sparing a 100 men more." On the 11th April, he received a telegram which said that the City also belonged to his command, and proceeding by motor-car he arrived at Amritsar at about 9-30 p.m. When he arrived he had a conference with the Deputy Commissioner, the Superintendent of Police and other officials present. The Deputy Commissioner told him that he could not deal with the situation and that he should take matters in hand. On the night of his arrival, he proceeded to the Kotwali inside the city and saw Asraf Khan, Police Inspector, and brought him back to the railway station where a further conference was held. Later on, during the night, he reorganised the troops, and also changed the Headquarters to the Rambagh garden. On the morning of the 12th April, he went round and through the city with a column consisting of 120 British troops, and 320 Indian soldiers, and two armoured cars. At one place in his route the mob had collected and he had difficulty in dispersing them. There he actually wanted to fire but did not do so thinking that he would better give them warning. There was an aeroplane hovering over head. It was not under his command, but used to give him news of what was going on. During the 12th April, arrests were made right and left by the police under military protection. That evening, a proclamation was prepared, and read warning people against damage to property and violence and against collecting more than four in number in the streets.

On the 13th morning Genl. Dyer marched through the city with troops and issued a second proclamation (the Seditious Meetings Act) warning the people against assembling and holding meetings which were declared liable to be dispersed by force of arms: "*Golce so chater bittar daga*,"—that was the punishment held out. The proclamation was read from different places accompanied by beat of drum and it took several hours to parade through the city. At about 1 P. M. he heard that a meeting was to be held in the afternoon at the Jhallianwala bagh. At first he did not believe it but nonetheless made proper disposition of his troops. At 4 P. M. he got definite news that a

crowd had collected at the bagh and a meeting was going to be held. Immediately he marched off with 25 British rifles, 40 Gurkhas, 25 Indian rifles, and two armoured cars with machine guns. He dropped off a few men as pickets *en route* and arrived at the bagh at about 5 P. M.

It was the *Baisakhi* day of Amritsar. Thousands annually meet here on this day to hold an annual fair and come over from long distance. Thousands of Sikhs and Jats had assembled here from distant places innocent of riots and proclamations. Thousands also of Amritsar people had collected not knowing that the proclamation in the morning included also a non-political national *mela*. The *mela* people numbered between 16 to 20 thousand; they were all collected inside the bagh which is a square plot of land surrounded on all sides by houses and high walls with only 4 very narrow entrances allowing not more than 2 persons to walk abreast.

Such was the pin-hole, more congested now than the mythical Black hole, in which was enacted the most horrible massacre of modern history. On arriving at the scene the General entered with his troops through one of the entrances but had regretfully to leave the armoured cars outside because of its narrowness, and forthwith proceeded to a high ground, deployed his troops to the right and the left, and within 30 seconds opened fire. The firing was individual and not volley-fire. It continued for 10 minutes; from time to time he directed it against where the crowd was thickest. It continued till ammunition ran short. Altogether 1,650 rounds were fired. Some 5 to 6 hundred were killed outright, and three times the number lay wounded! People ran as soon as the firing commenced. There was no warning, no demonstration. The unarmed innocent people, most of them villagers, sat at that time squatting on the ground, knew not what was happening. They fled and fell. They tried to climb up the high walls and fell. They cried, they shrieked, panick-stricken, terror-stricken, were "*golle sa chittar-bhittare*"—their plight can better be imagined than described !!!

Before the Hunter Committee the General confessed that he could have dispersed the crowd easily without firing but then, he said "they would have come back and laughed at me, and I would have made myself, what I consider, a fool of myself." His object was to go on firing till the crowd dispersed and as, he said, a little firing would not have been sufficient, he considered it his duty to fire and fire well. After that awful carnage, the General went away with his troops and did not care for the medical or any relief for the dead and wounded lying on the

field of his exploit ! 'That was not his job', he said. They were left there unattended for full two days and nights, and no relief came. "They could go to the hospital" was the General's opinion, and no body from the hospital or elsewhere could go to them. Children, babes in arms, women, boys and elders lay weltering there in their blood and mangled limbs, with the April Sun of Amritsar blazing fully on their face and not a water for the parched lips !

What happened next, how Amritsar and other places of the Punjab fared under Martial Law, will require another volume for recording the touching tales of woe and suffering inflicted on the miserable people. Suffice here to chronicle that the gallant hero of Jhallianwalla kept Amritsar under his dutiful care for about a month more. His view was that martial law came into existence *ipso facto* from the time he took command, although it was actually proclaimed on the 15th. On the 14th he held a durbar and compelled people to open shops. He visited the whole district with a mobile column, and demonstrated more effectively than by word of mouth the supreme might of the British Raj. He issued orders compelling Indians to crawl on all fours in the street, he made all Indians in whatever station of life "Salaam" every European, for 'India is a land of Salaams'. He flogged people too numerous to mention in the open streets for trivial offences against Martial Law orders. He arrested almost all the respectable people of the place, and made special constables of all legal practitioners.

Martial Law at Lahore

Towards the evening on that day news of the occurrences at Amritsar had come through. The authorities immediately took precautions, picketing the Telegraph Office with forty men, the Gymkhana Club with forty-five men, Government House with fifty men, Faletti's Hotel with twenty-five to thirty men and the Punjab Club with twenty-five men. At dusk they heard a report that a mob was coming out by the Lahore Gate down the Anarkhali up to the Mall. The mob approached the Telegraph Office and turned away on seeing the picket and went up further. Soon after they were barred by a small police force and on the crowd refusing to disperse Mr. Fyson, Deputy Commissioner, ordered the police to open fire. After a few shots the crowd was pressed back and eventually dispersed. The place where the firing took place was about a thousand yards away from the Gymkhana Club

where a large number of European ladies and children were collected. At ten o'clock the same night, the police fired a second time at Anarkali. No shot was fired by a soldier. During the course of the night the police evacuated the city thinking it dangerous to remain in it any longer. The next day the 11th April the 43rd Brigade headquarters arrived in Lahore and pickets were posted at the railway station, railway bridges, water works, electric station, and central gaol. On the 12th, April the military under Col. Frank Jhonson was ordered to go into the city taking with him a force of eight hundred men. He entered the city by the Delhi Gate and was supported by four aeroplane overhead. On arrival at the Delhi Gate, he issued certain warning to the crowd that had collected there through Mr. Fyson. The mob appeared to be solemn and bad tempered, not to say savage. In the course of his march when he reached Hira Mandi, the police force which constituted his rear guard was pelted with stones. The police opened fired killing and wounding several. He entered the city at 9-30 in the morning and came back at 1-30 in the afternoon. He left three detachments inside the city giving orders that no detachment should move about unless it consisted of at least two hundred men.

On the 13th and 14th April there were no actual disturbances but "hartal" continued in a more organised form. It paralysed the life of the city which was in that condition when martial law was proclaimed on the morning of the 15th April. Lahore was constituted into a separate area under martial law, and Col. Frank Jhonson was in command. At 11 a.m. on the 15th April he issued his first proclamation acquainting the people that martial law had been introduced. The proclamation was printed at the Government Press in English and the vernaculars and was posted at several places.

From this date begins the Martial Law administration of Lahore under Col. Frank Jhonson, and it continued till the end of May. Some of the salient features of this period are the numerous Martial Law orders issued by the Colonel a few of which are given in the following pages by way of illustration, the arrest and deportation of many leading public citizens well-known for their large hearted philanthropic and public activities, the closing of *Langer Khanas* or places of congregation of the poorer people to have their frugal daily meals; the requisitioning of all cars, carriages and vehicles owned by Indians for the use of Europeans generally, and the cruel punishments inflicted upon thousands of innocent school and college boys because of the verile ebullitions of a few against the military. Third class

booking at the Railway Station was stopped on the plea of limiting the activity of the people from overflowing into the neighbouring places. Martial Law orders were passed for the immediate raising of the *hartal* and opening shops on pains of their being forced open and the goods distributed by the Soldiers. This was at first applied to the Anarkali Bazar and was gradually applied to the rest of the town. Orders were also passed fixing the price of all commodities, including milk to stop adulteration and profiteering. Even religious places did not escape the tender attentions of the Colonel. The Badshahi Mosque was closed for the public for 6 weeks for there was held the Hindu-Moslem fraternisation and the burning of the C. I. D. Police rugree on the 12th which was regarded as seditious. Thousands of pious Mahomedans went without their prayers. For dealing with contraventions of the Martial Law orders Summary Courts were established superseding the ordinary civil courts and about six hundred cases were decided, without record, without evidence, without any of the usual safe guards of Law Courts. Flogging was resorted to right and left, 66 persons were flogged, each getting 50 lashes in the average.

At the Sanatan Dharma College a Martial law order was posted on the outer wall but was found torn. For this Col. Frank Jhonson arrested all the students and Professors, 500 in all and had them marched to the fort, three miles away, with all their beddings on their head. They were kept under arrest for two days. Other orders on students of other colleges were passed requiring them to walk 16 miles a day in the hot month of May to attend roll calls. During the March many students used to faint away but none was killed. On alleged disfiguring of pictures of British soldiers, the whole student inhabitant of Lahore was want only punished. The revered Indian Principal of the Dayal Singh College was fined Rs. 250, and humiliated by being held up by soldiers with drawn swords till he paid the fine. His fault was that a poster on the wall of his College was torn—it afterwards transpired by police spy! A marriage party of villagers with its priest was arrested and flogged in public for the offence of being more than 10 in number! A rigid censorship was kept on all correspondence of the Indian population. Lawyers from outside Punjab were not allowed to enter Lahore in the innumerable Martial Law trials held during the period.

The Bengal Regulation of 1804.

The important provision in the old Bengal State Offences Regulation, 1804, promulgated by the Viceroy in the Martial Law Ordinance, runs as follows. —

“The Governor-General in Council is hereby empowered to suspend, or direct any public authority or officer the suspension of, wholly or partially, the functions of the ordinary Criminal Courts of Judicature within any *zilla*, district, city or other place, within any part of the British territories subject to the Government of the Presidency of Fort William and to establish Martial law therein, for any period of time which the British Government in India shall be engaged in war with any Native or other Power, as well as during the existence of open rebellion against the authority of the Government in any part of the territories aforesaid; and also to direct the immediate trial, by courts martial, of all persons owing allegiance to the British Government, either in consequence of their being born, or of their being residents, within its territories and under its protection, who shall be taken in arms in open hostility to the British Government, or in the act of opposing by force of arms the authority of the same, or in the actual commission of any overt act of rebellion against the State, or in the act of openly aiding and abetting the enemies of the British Government within any part of the said territories.

“Any person born or residing under the protection of the British Government within the territories aforesaid, and consequently owing allegiance to the said Government, who, in violation of the obligations of such allegiance, shall be guilty of any of the crimes specified in the preceeding section and who shall be convicted thereof by the sentence of a court martial during the suspension of the functions of the ordinary Criminal Courts of Judicature and the establishment of the martial law, shall be liable to the immediate punishment of death, and shall suffer the same accordingly by being hung by the neck till he is dead.

“All persons who shall in such cases, be adjudged by a court martial to be guilty of any of the crimes specified in this Regulation shall also forfeit to the British Government all [redacted] and effects, real and personal, which they shall have [redacted] within its territories at the time when the crime of which they may be convicted shall have been committed.

“The Governor-General in Council shall not be precluded by this Regulation from causing persons charged with any of the offences described in the present Regulation to be brought to trial, at any time, before the ordinary Courts of Judicature, instead of causing such persons to be tried by court martial, in any cases wherein the latter mode of trial shall not appear to be indispensably necessary.”

Martial Law Orders.

The following are some of the more important and typical Martial Law Orders issued by Capt. Frank Jhonson, the Martial Law Officer at Lahore,

Order No. 1, 15-4-19.

Whereas the Government of India has for good reasons proclaimed Martial Law to the districts of Lahore and Amritsar and whereas superior military authority has appointed me to command troops and administer Martial Law in a portion of the Lahore district, now known as the 'Lahore Civil' command, whose boundaries may be described as follows :—

The Civil Lines ;

The Municipality and City of Lahore ;

The Fort ;

The Mogulpura Works ;

and any other area not included in the above, between the Ravi river and Lahore branch of the Badri Doab canal inclusive within three miles of the Central Telegraph Office, Lahore, and whereas Martial Law may be briefly described as the will of the Military Commander in enforcing law, order and public safety—

I make known to all concerned that until further orders by me the following will be strictly carried out :—

1. At 20⁰⁰ hours each evening a gun will be fired from the Fort, and from that signal till 05⁰⁰ hours on the following morning no person other than a European or a person in possession of a military permit signed by me, or on my behalf, will be permitted to leave his or her house or compound or the building in which he or she may be at 20 hours. During these prohibited hours no person other than those excepted above will be permitted to use the streets or roads, and any person found disobeying the order will be arrested and if any attempt is made to evade or resist, that person will be liable to be shot.

This and all other orders, which from time to time I may deem necessary to make, will be issued on my behalf from the water-works station in the city whether every ward will keep at least four representatives from 6 A.M. till 17⁰⁰ hours daily to learn what orders if any are issued and to convey such orders to the inhabitants of their respective wards. The onus of ascertaining the orders issued by me will rest on the people through their representatives.

2. Loyal and law-abiding persons have nothing to fear from the exercise of Martial Law.

3. In order to protect the lives of his Majesty's soldiers and police under my command, I make known that if any firearm is discharged or bombs thrown at them the most drastic reprisals will instantly be made against property surrounding the scene of the outrage. Therefore it behoves all loyal inhabitants to see to it that no evil-disposed agitator is allowed on his premises.

4. During the period of Martial Law I prohibit all procession, meeting or other gatherings of more than 10 persons without my written authority and any such meetings, gatherings or processions held in disobedience of this order will be broken up by force without warning.

5. I forbid any person to offer violence or cause obstruction to any person desirous of opening his shop or conducting his business or proceeding to his work or business. Any person contravening this order will be arrested, tried by a summary court and be liable to be shot.

6. At present the city of Lahore enjoys the advantage of electric lights and a water-supply; but the continuance of these supplies will depend on the good behaviour of the inhabitants and their prompt obedience to my order.

Order No. 2.

All tongas and tum-tums whether licensed for hire or otherwise, will be delivered up to the Military Officer appointed for that purpose at the Punjab Light House ground by 17'00 hours to-day, Tuesday the 15th April; drivers will receive pay and horses be rationed.

Order No. 3.

All motor-cars or vehicles of any description will be delivered to the Military Officer appointed for that purpose at the Punjab club by 17'00 hours this day.

Order No. 4. 15 April.

By virtue of the powers vested in me I have prohibited the issue of third or intermediate class tickets at all railway stations in the Lahore Civil Command, except only in the case of servants travelling with their European master or servants or others in the employ of the Government.

Order No. 5. 15th April.

Whereas, from information received by me, it would appear that shops, generally known as Langars, for the sale of cooked food, are used for the purpose of illegal meetings, and for the dissemination of seditious "propaganda," and whereas I notice that all other shops (particularly in Lahore city) have been closed as part of an organized demonstration against his Majesty's Government, now, therefore, by virtue of the powers vested in me under

MARTIAL LAW ORDERS.

Martial Law, I order that all such Langars or shops for the sale of cooked food in the Lahore civil area, except such as may be granted an exemption in writing by me shall close and cease to trade by 10'00 hours to-morrow, Wednesday, the 16th April 1919.

Disobedience to this order will result in the confiscation of the contents of such shops and the arrest and trial by summary procedure of the owner or owners.

Order No. 6.

Whereas I have reason to believe that certain Munshis, Agents, Dalals and Chuprasses employed by legal practitioners in Lahore are engaged in disseminating seditious "propaganda" therefore by virtue of the powers vested in me under Martial Law, I make the following orders :

(1) No such Munshi, Agent, Dalal or Chuprassee shall leave the Lahore Civil command without a permit signed by me or on my behalf.

(2) Every legal practitioner resident in this command will submit to me through the Deputy Commissioner of Lahore by 16'00 hours to-day a complete list of every Munshi, Agent, Dalal or Chuprassee directly employed by him.

Order No. 7.

Whereas I have reason to believe that certain students of the D. A. V. College in Lahore are engaged in spreading seditious "propaganda" directed against his Majesty's Government, and whereas I deem it expedient in the interests of the preservation of law and order to restrict the activities of such students, I make the following order :—

All students of the said college now in this Command area will report themselves to the Officer Commanding Troops at the Bradlaugh Hall daily at the hours specified below and remain there until the roll of such students has been called by the Principal or some other officer approved by me acting on his behalf, and until they have been dismissed by the Officer Commanding Troops at Bradlaugh Hall.

07'00 hours

11'00 hours

15'00 hours

19'30 hours

Order No. 8.

Whereas some evilly-disposed persons have torn down or defaced notices and orders which I have caused to be exhibited for information and good government of the people in the Lahore (Civil) Command —

In future all orders that I have to issue under Martial Law will be handed to such owners of property as I may select and

it will be the duty of such owners of property to exhibit and keep exhibited and undamaged in the position on their property selected by me for all such orders.

The duty of protecting such orders will therefore devolve on the owners of property and failure to ensure the proper protection and continued exhibition of my orders will result in severe punishment.

Similarly, I hold responsible the owner of any property on which seditious or any other notices, proclamations or writing not authorised by me are exhibited.

Order No. 27

As the Officer Commanding has reason to believe from information laid before him that a large number of students at the King Edwards Medical College, Lahore, have openly given expression to seditious sentiments and cries, he therefore makes the following order :—(1) No student on the rolls of the said College at present residing in the area under my command shall leave such area without a permit signed by me or on my behalf. (2) All students of 1st, 2nd, 3rd and 4th years of the M. B. B. S. class of the said College now residing in the area under my Command, except those as to whose loyalty I am satisfied and to whom on the recommendation of the Principal I may grant exemption, will from the promulgation of this order report themselves to the Officer Commanding troops at Patiala House daily at 7 a.m., 11 a.m., 3 p.m., 7 p.m., and remain there—until the roll of such student has been called by an officer appointed by the Principal and approved by me, and until they have been dismissed by the officer Commanding. Fourth year students are exempted from attendance at the 7 a.m., roll-call. (3) At 11 a. m. on Saturday 29th April, in lieu of the roll-call at Patiala House such roll-call will take place at Fort Lahore and every such student in possession of a cycle will there and at that hour deliver it to the officer appointed by me, and thereafter during the continuance of martial law, or until since time as I rescind or modify this order, any such student in possession of a cycle shall be deemed to have contravened martial law and I warn all such students that absence from any roll-call without reasonable excuse will be severely punished.

Order No. 29

From and after 5 p. m. on the 25th April until further notice it shall be a contravention of Martial law for any dealer in atta to (1) refuse to sell atta when requested to do so, and (2) to supply less than 6½ (six and a half) seers per rupee, which will allow such retail dealers the excellent profit of annas 5 per

MARTIAL LAW ORDERS.

maund or say 5 per cent, per diem of h's capital involved. The current retail price for atta was 5 seers per rupee, whilst atta can be purchased by retail shopkeepers at Rs. 5-13 per maund so that such shopkeepers were making a profit of Rs. 17-4 per maund, which is approximately equivalent to 25 per cent. per diem. Disobedience to this order will result in prompt and severe punishment under Matial law.

Order No. 30.

Whereas it has been proved to me that certain students in Lahore Colleges are in the habit of defacing with obscene and filthy comments, pictures appearing in illustrated papers of members of His Majesty's Naval and Military Forces, Civil or other Services,

And whereas such obscene and filthy comments are calculated to promote disaffection and bad feeling, and to be prejudicial to good order,

Now, therefore, I warn all concerned that it shall be deemed to be a contravention of Martial Law for any person to deface or mark any picture or letterpress purporting to represent or refer to British subjects by signs, drawings or words calculated to bring contempt, ridicule or dislike on such British subjects.

And such prohibition is also extended to the use of words, signs or gestures directed at, addressed or referring to any such British subjects.

And I shall hold responsible for such outrages on illustrations all who are inmates, owners and (or) occupiers, students and teachers, of the premises in which such damaged or defaced picture or literature is discovered.

Order No. 32.

From 2 P.M. Wednesday 30th April salt other than imported table salt shall be supplied at a price not exceeding anna one per seer, a price which I shall shortly further reduce after I consider sufficient time has been allowed to enable small dealers holding stocks purchased at high rates to dispose of or reduce such stocks.

I further order that from and after 2 P.M. Wednesday not less than 7½ seers of wheat shall be supplied for a rupee. I warn all concerned that adulteration on small measure of all articles whether a controlled article like utta, milk, salt and wheat or otherwise will be deemed an offence against Martial Law and dealt with by me accordingly.

Whereas by Martial Law Order No. 14 of 17th April, 1912, I warned dealers in the area under my command against charging exorbitant prices for their goods.

And whereas I deem the present prices charged for milk viz.

3 annas per seer for cow's milk, and 4 annas per seer for buffalo's milk to be unjustifiably exorbitant, and to press heavily on the poorer people—now, therefore, by virtue of the powers vested in me by Martial Law I order that from and after 17'00 hours this day and until further notice it shall be a contravention of Martial Law for any person who yesterday was a dealer in milk—

- (1) to refuse to sell milk when in possession of milk and requested to do so;
- (2) to adulterate milk, or
- (3) to charge more than Annas 2½ per seer for cow's milk and Annas 3 per seer for buffalo's milk.

And I warn concerned all that any disobedience of this Order will result in prompt and severe punishment under Martial Law.

Order No. 33.

Whereas it has come to my knowledge that attempts are frequently made to extract money from persons with a view to either saving them from penalties for intentional or other breaches of Martial Law or for purpose of removing them from the restrictive incidence of such Martial law or other laws, and whereas I deem such conduct gravely detrimental to the good order and the governance of the area under my command: I therefore by virtue of the powers vested in me under Martial Law Regulation No. 15, declare it an offence under Martial Law for any person in the said area to offer or receive money or other valuable consideration or to act as agent or go-between in any transaction or proposed transaction by virtue of which the person paying such money or giving such considerations seeks or is promised to evade any penalties of proceedings or to obtain any benefit of any kind whatsoever under Martial or other laws or orders, and I warn all concerned that any person convicted of any breach of this order on said area is liable to two year's imprisonment or fine and whipping.

Order No. 36.

Whereas by the Martial Law Order No. 27 of the 25th April 1919, I ordered that certain action is to be taken against all students on the roll of the King Edward Medical College, Lahore, on account of the seditious conduct of certain of them and whereas the Principal of the said College has now reported to me that he has inflicted the following punishments, that is to say (1) to be forthwith expelled from and permanently removed from the roll of the College: one First Year Student one Second Year Student, two Third Year Students and six Fourth Year Students, (2) two suffer loss of one year's seniority: two First Year students, three Second Year students

MARTIAL LAW ORDERS.

and three Fourth Year students; (3) to forfeit their scholarships two First Year students, two Third Year students and two Fourth Year students, (4) to have their scholarships suspended for three months; four First Year students, four Second Year students, four Third Year students, and four Fourth Year students.

And whereas I consider the aforesaid punishment although very merciful to be sufficient to restrain the remaining and future students from being misled into disloyal and seditious action, I direct that adequate disciplinary action having thus been taken against the College from the promulgation of this order, students shall be relieved of all restrictions and liabilities imposed by the Martial Law Order No. 27.

Order No. 44.

Whereas by various Martial Law Orders I ordered certain action to be taken with a view to restraining seditious activities of students of certain colleges and whereas the Principals of some of the colleges of Lahore have now reported to me that they have inflicted the following punishments, that is to say. (1) Dayal Singh College; (A) expulsion from college of one fourth year student, one third year student, three second year students, two first year students, (B) to rusticate for one year two fourth year students, two second year students, one first year student, (C) to be put back by one year, two fourth year students, twelve first year students, (D) to be suspended for three months four first year students, (E) to be deprived of their scholarships for three months; two first year students. (F) fines Rs. 20 each, four fourth year students, two second year students. (G) fines Rs. 10 each, two hundred nineteen students. (H) to find security of Rs. 25 each two hundred forty-five students (I) all students who failed to appear for examination on the 11th April 1919, to be declared to have failed in the subjects of such examination.

(2) Sanatan Dharma College:—(A) to find security of Rs. 20 each: eighteen students (B) to find security of Rs. 10 each: fifty three students (C) to find security of Rs. 5 each: seven students.

(Note) The students of this college were also interned for a period in the fort.

(3) Forman Christian College:—(A) Expelled: one-sixth year student; (B) rusticated for one year: two third year students; (C) detained for one year and not allowed to live in any hostel, belonging to the college: one sixth year student; (D) detained for one year: one third year and one fourth year student; (E) fined Rs. 25 each: two fourth year students; (F) fined Rs. 10 each: three third year students; (G) every resident of 2 hostels of the college who did not attend college on the 11th and 12th without due reason fined Rs. 5 each.

THE
Rowlatt Bills.

THE CRIMINAL LAW AMENDMENT BILL AND EMERGENCY
POWERS BILL.

THE
Indemnity Bill

*Proceedings of the Imperial Legislative Council,
Delhi and Simla 1919.*

Part II.

The Criminal Law Amendment Bill

BILL NO. I OF 1919.

ROWLATT BILL NO. II.

A Bill to provide for the amendment of the Indian Penal Code and the Code of Criminal Procedure, 1898.

Whereas it is expedient to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, in order to deal more effectively with certain acts dangerous to the State ; it is hereby enacted as follows :—

1. This Act may be called the Indian Criminal Law (Amendment) Act, 1919.

2. In Chapter VI of the Indian Penal Code after section 124 A the following section shall be inserted, namely :—

“124-B. Whoever has in his possession any seditious document intending that the same shall be published or circulated shall, unless he proves that he had such document in his possession for a lawful purpose, be punishable with imprisonment which may extend to two years or with fine or with both.”

Explanation.—For the purposes of this section the expression “seditious document” means any document containing any words, signs or visible representations which instigate or are likely to instigate whether directly or indirectly—

(a) The use of criminal force against His Majesty or the Government established by law in British India, or against public servants generally or any class of public servants or any individual public servant, or

(b) The commission or abetment of any thing which is an offence against sections 121, 121-A, 122 or 131.

3. After section 196 A of the Code of Criminal Procedure, 1898, hereinafter referred to as the said Act, the following section shall be inserted, namely :—

“196-B. In the case of any offence referred to in section 196 or 196-A, the District Magistrate or the Chief Presidency Magistrate may, notwithstanding anything contained in those sections or in any other part of this Code, order a preliminary inquiry by a police

officer not below the rank of an Inspector in which case such police-officer shall have the powers referred to in section 155 (3)."

4. To section 343 of the said Code, the following proviso shall be added, namely

"Provided that a promise of protection to an accused person against criminal force or any promise properly incidental to a promise of such protection, shall not be deemed to be the use or influence within the meaning of this section."

5. After section 510 of the said Code, the following section shall be inserted, namely :—

"510 A. On the trial of an offence under Chapter VI of the Indian Penal Code, the following facts shall be relevant, namely :—

(a) that the person accused has previously been convicted of an offence under that Chapter, and

(b) that such person has habitually and voluntarily associated with any person who has been convicted of an offence under that Chapter :

Provided that such facts shall nevertheless not be admissible in evidence under the provisions of this section, unless written notice of the intention to call evidence thereof has been served on the accused at least seven days before the commencement of the trial, together with reasonable particulars of the conviction or association intended to be proved."

6. After section 565 of the said Code, the following section shall be inserted namely

"565-A. (1) When any person is convicted of an offence punishable under Chapter VI of the Indian Penal Code, the Court may, if it thinks fit at the time of passing sentence on such person, order him, on his release after the expiration of such sentence, to execute a bond with sureties for his good behaviour so far as of offences under Chapter VI of the said Code are concerned, for such period not exceeding two years as it thinks fit."

(2) An order under sub-section (1) may also be made by an Appellate Court or by the High Court when exercising its powers of revision.

(3) If the Court makes an order under subsection (1), it shall further direct that, until the person who is the subject of the order furnishes the required security, such person shall notify to the Local Government or to such officer as the Local Government may by general or special order appoint in this behalf, his residence and any change of residence after release for the period for which security is required.

(4) Where any person is under an obligation to notify, in accordance with the provisions of sub-section (3), his residence and any change of residence after release, the Local Government may by order in writing direct that such person—

(a) shall not enter, reside or remain in any area specified in the order,

(b) shall reside or remain in any area in British India so specified, and

(c) shall abstain from addressing public meetings for the furtherance or discussion of any subject likely to cause disturbance or public excitement, or of any political subject or for the distribution of any writing or printed matter relating to any such subject.

(5) Any person refusing or neglecting to comply with any direction under sub-section (3) or any order under sub-section (4), shall be punishable as if he had committed an offence under section 176 of the Indian Penal Code.

(6) If the conviction is set aside on appeal or otherwise all orders made under the provisions of this section shall become void.

Explanation.—In this sub-section the expression “public meeting” has the same meaning as is assigned to it by section 3 of the Prevention of Seditious Meetings Act 1911.

7. In Schedule II of the said Code in the entries relating to Chapter VI, after the entry relating to section 124A, the entry contained in the Schedule shall be inserted.

THE SCHEDULE.

1 Section	2 Offence	3 Whether Police may arrest without warrant or not	4 Whether warrant or sum- mons shall ordinarily issue	5 Whether Bailable or not	6 Whether compound- able or not	7 Punishment	8 By what Court triable
124B	Possession of seditious Documents	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 yrs and fine	Ditto

The Criminal Law

Emergency Powers Bill

THE MAIN ROWLATT BILL

THE SECOND BILL.

The second Bill which is intended to make provision in special circumstances to supplement the ordinary Criminal Law, and for the exercise of emergency powers by Government, runs thus :

BILL NO. II OF 1919.

Whereas it is expedient to make provision that, in special circumstances, the ordinary criminal law should be supplemented and emergency powers should be exercisable by the Government ;

and, whereas the previous approval of the Secretary of State in Council has been accorded to the making of this law ; it is hereby enacted as follows :—

1. (1) This Act may be called the Criminal Law (Emergency Powers) Act, 1919.

(2) It extends to the whole of British India.

2. (1) In this Act, unless there is anything repugnant in the subject or context,—

“Chief Justice” means the Judge of highest rank in a High Court ;

“The Code” means the Code of Criminal Procedure, 1898 ;

“High Court” means the highest Court of Criminal appeal or revision for any local area :

“Offence against the State” means any offence under Chapter VI of the Indian Penal Code, and any attempt or conspiracy to commit, or any abetment of, any such offence ; and

“Scheduled offence” means any offence specified in the Schedule.

(2) All words and expressions used in this Act and defined in the Code, and not herein before defined, shall be deemed to have the meanings respectively attributed to them in the Code.

Part I.

3. If the Governor General in Council is satisfied that scheduled offences are prevalent in the whole or any part of British India, and that it is expedient in the interests of the public safety to provide for the speedy trial of such offences, he may, by notification in the "Gazette of India," make a declaration to that effect, and thereupon the provisions of this Part shall come into force in the area specified in the notification.

4. (1) Where the Local Government is of opinion that the trial of any person accused of a scheduled offence should be held in accordance with the provisions of this Part, it may order any officer of Government to prefer a written information to the Chief Justice against such person.

(2) No order under sub-section (1) shall be made in respect of, or be deemed to include, any person who has been committed under the Code for trial before a High Court, but, save as aforesaid, an order under that sub-section may be made in respect of any scheduled offence whether such offence was committed before or after the issue of the notification under section 3.

(3) The information shall state the offence charged and so far as known the name, place of residence, and occupation of the accused, and the time and place when and where the offence is alleged to have been committed and such other facts within the knowledge of the prosecution as shall be reasonably sufficient to enable the accused to meet the accusation.

(4) The Chief Justice may by order require any information to be amended so as to supply further particulars of the offence charged to the accused, and shall direct a copy of the information, or the amended information as the case may be, to be served upon the accused in such manner as the Chief Justice may direct.

5. Upon such service being effected, and on application duly made to him, the Chief Justice shall nominate three of the High Court Judges (hereinafter referred to as the Court) for the trial of the information and shall fix a date for the commencement of the trial :

Provided that when the total number of Judges of the High Court does not exceed three, the Chief Justice shall nominate not more than two such Judges, and shall complete the Court by the nomination of one or, if necessary, two persons of either of the following classes, namely :—

(a) persons who have served as permanent Judges of the High Court ; or

- (b) with the consent of the Chief Justice of another High Court, persons who are Judges of that High court.

6. The Court may sit for the whole or any part of a trial at such place or places in the province as it may consider desirable

Provided that the Governor General in Council if he is satisfied that such a course is expedient in the interest of justice, may, by notification in the "Gazette of India" direct that the Court shall sit for the whole or any part of a trial at such place or places as he may specify in the notification,

7. The provisions of the Code shall apply to proceedings under this Part, in so far as they are not inconsistent with the provisions therein contained, and such proceedings shall be deemed to be proceedings under the Code, and the Court shall have all the powers conferred by the Code on a Court of Sessions exercising original jurisdiction.

8. The trial shall be commenced by the reading of the information and thereafter the Court shall, subject to the provisions of this Part in trying the accused, follow the procedure prescribed by the Code for the trial of warrant cases by Magistrates.

9. If a charge is framed the accused shall be entitled to ask for an adjournment for ten days or any less period that he may specify and the Court shall comply with his request.

10. The Court shall be required to make a memorandum only of the substance of the evidence of each witness examined and subject to the adjournment provided for by section 9, shall not be bound to adjourn any trial for any purpose, unless such adjournment is in its opinion necessary in the interests of justice.

11. The Court, if it is of opinion that such a course is necessary in the public interest or for the protection of a witness, may prohibit or restrict in such way as it may direct, the publication or disclosure of its proceedings or any part of its proceedings.

12. (1) No questions shall be put by the Court to the accused in the course of trial under this Part until the close of the case for the prosecution. Thereafter, and before the accused enters on his defence, the Court shall call upon him to state whether he intends to give evidence on oath or not, and shall at the same time inform him that if he does so, he will be liable to cross-examination. Unless the accused then states that he intends to give evidence on oath, the Court may at any time thereafter question the accused generally on the case in accordance with the provisions of section 352 of the Code.

(2) If, when so called upon, the accused states that he intends to give evidence on oath, the Court shall not at any subsequent stage put any question to him.

Provided that if the accused does not so give evidence, then after the witnesses for the defence have been examined, the Court may question the accused generally on the case in accordance with the provisions of the said section.

(3) If the accused gives evidence on oath, the following rules shall be observed in regard to his cross-examination, namely:—

(a) He may be asked any question in cross examination notwithstanding that it would tend to criminate him as to the offence charged.

(b) He shall not be asked, and if asked shall not be required to answer, any question tending to show that he has committed or been convicted of, or has been charged with, any offence other than that with which he is then charged, or has a bad character unless—

(i) proof that he has committed or been convicted of such other offence is admissible in evidence to show that he is guilty of the offence with which he is then charged, or

(ii) witnesses for the prosecution have been cross-examined with a view to establish his own good character, or he has given evidence of his character, or the nature or the conduct of the defence is such as to involve imputations on the character of the witnesses for the prosecution, or

(iii) he has given evidence against any other person charged with the same offence.

13. If the accused or any one of the accused calls and examines any witness, the right of final reply shall lie with the prosecution, but in all other cases with the accused :

Provided that the examination of an accused as a witness shall not of itself confer the right of final reply on the prosecution.

14. In the event of any difference of opinion between the members of the Court the opinion of the majority shall prevail.

15. If in any trial under this Part it is proved that the accused has committed any offence, whether a scheduled offence or not, the Court may convict the accused of that offence although he was not charged with it.

16. The Court may pass upon any person convicted by it any sentence authorised by law for the punishment of the offence of which such person is convicted, and no order of confirmation shall be necessary in the case of any sentence passed by it.

17. The judgment of the Court shall be final and conclusive and, notwithstanding the provisions of the Code or of any other law for the time being in force, or of any thing having the force of law, by whatsoever authority made or done, there shall be no appeal from

ROWLATT BILL NO. I.

[IMP COUNCIL]

any order or sentence of the Court, and no High Court shall have authority to revise any such order or sentence to transfer any case from such Court, or to make any order under section 491 of the Code or have any jurisdiction of any kind in respect of any proceedings under this Part :

Provided that nothing in this section shall be deemed to affect the powers of the Governor-General-in Council or of the Local Government to make orders under section 401 or 402 of the Code in respect of any person sentenced by the Court.

18. (1) Notwithstanding anything to the contrary contained in the Indian Evidence Act, 1872 where—

(a) the statement of any person has been recorded by a Magistrate, and such statement has been read over and explained to the person making it, and has been signed by him, or

(b) the statement of any person has been recorded by the Court but such person has not been cross-examined, such statement may be admitted in evidence by the Court if the person making the same is dead or cannot be found or is incapable of giving evidence, and the Court is of opinion that such death, disappearance or incapacity has been caused in the interests of the accused.

(2) Depositions recorded under section 512 of the Code may, in the circumstances specified in that section, be given in evidence at the trial under this Part of an accused.

19. The Chief Justice may from time to time make rules providing for—

(1) The appointment and powers of a President of the Court and the procedure to be adopted in the event of any judge of the Court being prevented from attending throughout the trial of an accused.

(2) Any matters which appear to him necessary for carrying into effect or supplementing the provisions of this Part preliminary or ancillary to trials.

PART II.

20. If the Governor General-in-Council is satisfied that movements which are in his opinion likely to lead to the commission of offences against the State are being extensively promoted in the whole or any part of British India, he may by notification in the "Gazette of India" make a declaration to that effect and thereupon the provisions of this Part shall come into force in the area specified in the notification.

21. (1) Where in the opinion of the Local Government, there are reasonable grounds for believing that any person is or has been

actively concerned in such area in any movement of the nature referred to in section 20 the Local Government may, by order in writing containing a declaration to that effect, give all or any of the following directions, namely : that such person—

(a) shall, within such period as may be specified in the order, execute a bond with or without sureties to be of good behaviour for such period not exceeding one year as may be so specified ;

(b) shall notify his residence and any change of residence to such authority as may be so specified ;

(c) shall remain or reside in any area in British India so specified, provided that, if the area so specified is outside the province the concurrence of the Local Government of that area to the making of the order shall first have been obtained ;

(i) shall abstain from any act so specified which, in the opinion of the Local Government, is calculated to disturb the public peace or is prejudicial to the public safety ; and

(e) shall report himself to the police at such periods as may be so specified.

(2) Any order under clauses (b) to (c) may also be made to take effect upon default by the person concerned in complying with an order under clause (a)

22. An order made under section 21 shall be served on the person in respect of whom it is made in the manner provided in the Code for service of summons, and upon such service such person shall be deemed to have due notice thereof.

23. The Local Government and every officer of Government to whom a copy of any order made under section 21 may be directed, by or under the general or special authority of the Local Government, may use any and every means to enforce compliance with the same.

24. An order made under section 21 shall only continue in force for a period of one month, unless it is extended by the Local Government as hereinafter provided in this Part.

25. (1) When the Local Government makes an order under section 21, such Government shall, as soon as may be, forward to the investigating authority to be constituted under this Act, a concise statement in writing setting forth plainly the grounds on which the Government considered it necessary that the order should be made and shall lay before the investigating authority all material facts and circumstances in its possession in support of its action.

(2) The investigating authority shall then hold an inquiry in camera for the purpose of ascertaining what, in its opinion, having

regard to the facts and circumstances adduced by the Government, appears against the person in respect of whom the order has been made. Such authority shall in every case allow the person in question a reasonable opportunity of appearing before it at some stage of its proceedings and shall, if he so appears, explain to him the nature of the charge made against him and shall hear any explanation he may have to offer and may make such further investigation (if any) as appears to such authority to be relevant and reasonable :

Provided that the investigating authority shall not disclose to the person whose case is before it any fact the communication of which might endanger the public safety or the safety of any individual :

Provided further that nothing in this sub-section shall be deemed to entitle the person in question to appear or to be represented before the investigating authority by pleader nor shall the Local Government be so entitled.

(3) Subject to the provisions of sub section (2) the inquiry shall be conducted in such manner as the investigating authority considers best suited to elicit the facts of the case ; and in making the inquiry such authority shall not be bound to observe the rules of the law of evidence.

(4) On the completion of the inquiry, the investigating authority shall report in writing to the Local Government the conclusions at which it has arrived.

(5) If the investigating authority has not completed the inquiry within the period for which the duration of the order is limited by section 24, such authority may recommend to the Local Government that the period of duration of the order shall be extended for such period as it may consider necessary, and on such a recommendation the Local Government may extend the duration of the order accordingly.

26. (1) On receipt of the report of the investigating authority, the Local Government may discharge the order made under section 21, or may pass any order which is authorised by the terms of that section :

Provided that—

(a) any order so passed shall recite the finding of the investigating authority ; and

(b) a copy of such order shall be furnished to the person in respect of whom it is made.

(2) No order made under subsection (1) shall continue in

force for more than one year from the date on which it was made, but the Local Government may, if it is satisfied that such a course is necessary in the interests of the public safety, on the expiry of any such order again make any order in respect of the person to whom it related which is authorised by section 21.

(4) No order made under sub-section (1) shall continue in force for more than one year from the date on which it was made, but on its expiry may be renewed by the Local Government for a further period not exceeding one year :

Provided that any order so made or renewed may, at any time, be discharged, or may be altered by the substitution of any other order authorised by section 21, and in that case no further reference to the investigating authority shall be necessary.

27. If any person fails to comply with, or attempts to evade, any order (other than an order to furnish security) made under the provisions of section 21 or section 26, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

28. The provisions of section 514 of the Code shall apply to bonds executed under the provisions of this Part, with this modification that the powers conferred by that section on the Court shall be exercisable by any District Magistrate or Chief Presidency Magistrate, on application made on behalf of the Local Government.

The Investigating Authority.

29. (1) The Local Government shall appoint one or more investigating authorities for the purposes of this Part.

(2) Every investigating authority shall be appointed by order in writing, and shall consist of three persons, of whom one shall be a person having held judicial office not inferior to that of a District and Sessions Judge, and one shall be a person not in the service of the Crown in India.

(3) The Local Government may by a like order appoint persons to fill casual vacancies occurring by reason of death, resignation of office or otherwise on any investigating authority, but in so doing shall observe the provisions of sub-section (2).

30. The Local Government shall by order in writing appoint such persons as it thinks fit to be Visiting Committees for the purposes of this Part and shall by rules prescribe the functions which these Committees shall exercise :

Provided that, in making such rules provisions shall be made for periodical visits to persons under the provisions of this Part.

Provided further that a person in respect of whom an order has

been made under section 21 or section 26 requiring him to abstain from any specified act, or to report himself to the police, shall not be deemed to be under restraint for the purposes of this section.

31. (1) The Local Government may make rules providing for the procedure to be followed regarding the notification of residence and reports to the police by persons in respect of whom orders have been made under section 21 or section 26.

(2) All rules made under sub-section (1) shall be published in the local official Gazette, and on such publication shall have effect as if enacted in this Part.

Part III

32. If the Governor-General in Council is satisfied that scheduled offences have been or are being committed in the whole or any part of British India to such an extent as to endanger the public safety he may by notification in the "Gazette of India," make a declaration to that effect, and thereupon the provisions of this Part shall come into force in the area specified in the notification.

33. (1) Where in the opinion of the Local Government, there are reasonable grounds for believing that any person has been or is concerned in such area in any scheduled offence, the Local Government may make in respect of such person any order authorised by section 21, and may further by order in writing direct—

(a) the arrest of any such person without warrant ;

(b) the confinement of any such person in such place and under such conditions and restrictions as it may specify ; and

(c) the search of any place specified in the order which, in the opinion of the Local Government, has been, is being, or is about to be, used by any such person for any purpose prejudicial to the public safety.

(2) The arrest of any person in pursuance of an order under clause (a) of sub-section (1) may be effected at any place where he may be found by any police officer or by any other officer of Government to whom the order may be directed.

(3) An order for confinement under clause (b) or for search under clause (c) of subsection I may be carried out by any officer of Government to whom the order may be directed, and such officer may use any and every means to enforce the same.

34. Any person making an arrest in pursuance of an order under clause (a) of section 33 (1) shall forthwith report the fact to the Local Government and, pending receipt of the orders of the Local Government, may by order in writing commit any person so arrested to such custody as the Local Government may by general or special order specify in this behalf :

Provided that no person shall be detained in such custody for a period exceeding fifteen days.

35. An order for the search of any place issued under the search provisions of clause (c) of section 33 (1) shall be deemed to be a warrant issued by the District Magistrate having jurisdiction in the place specified therein, and shall be sufficient authority for the seizure of anything found in such place which the person executing the order has reason to believe is being used or is likely to be used for any purpose prejudicial to the public safety, and the provisions of the Code so far as they can be made applicable shall apply to searches made under the authority of any such order and to the disposal of any property seized in any such search.

36. Where an order (other than an order for arrest or search) has been made under section 33, the provisions of section 22 to 26 shall apply in the same way as if the order were an order made under section 21, save that on receipt of the report of the investigating authority, the Local Government may, subject to the conditions prescribed by section 26, make any order which is authorised by section 33, and sections 22 to 26 and 28 to 31 shall be deemed to be included in this Part.

37. If any person fails to comply with, or attempts to evade any order made under section 33 or section 36 other than an order to furnish security, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Part IV.

38. (1) On the expiration of the Defence of India (Criminal Law Amendment) Act, 1915, every person in respect of whom an order under rule 3 of the Defence of India (Consolidation) Rules, 1915, was in force immediately before the expiration of that Act, and who has in the opinion of the Local Government been concerned in any scheduled offence, or who is on such expiration in confinement in accordance with the provisions of the Bengal State prisoners Regulation, 1918, shall be deemed to be a person resident in an area in which a notification under section 32 is in force and the provisions of Part III shall apply to every such person accordingly, save that no reference to the investigating authority shall be necessary.

(2) On the expiration of the Ingress into India Ordinance, 1914, as continued in force by the Emergency Legislation Continuance Act, 1915, any person in respect of whom an order was in force immediately before such expiration under section 2 of the Ordinance read with clause (b) or clause (c) of sub-section (2) of section 3 of the Foreigners Ordinance, 1914, shall be deemed to be a person resident in an area in which a notification under section 20

is in force and the provisions of Part II shall apply to every such person accordingly, save that no reference to the investigating authority shall be necessary.

PART V.

39. When a notification issued under section 3 or section 20 or section 32 is cancelled, such cancellation shall not affect any trial, investigation or order commenced or made under this Act, and such trial, investigation or order may be continued or enforced, and on the completion of any such investigation, any order which might otherwise have been made or may be made and enforced, as if such notification had not been cancelled.

40 (1) An order made under Part II or Part III directing a person to remain or reside in any area in British India outside the area in which such Part is in force shall be as valid as and enforceable in like manner as if such Part were in force throughout British India.

Provided that, if the arrest is made outside the province of the Local Government which made the order, the report required by section 34 shall be made to that Local Government and the period of detention limited by proviso to that section shall be extended to thirty days.

41. No order under this Act shall be called in question in any Court, and no suit or prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

42. All powers given by this Act shall be in addition to, and not in derogation of, any other powers conferred by or under any enactment, and all such powers may be exercised in the same manner and by the same authority as if this Act had not been passed.

THE SCHEDULE.

(See section 2.)

(1) Any offence under Chapter VI and section 131 and 132 of the Indian Penal Code :

(2) Any of the following offences, if, in the opinion of Government, such offence is connected with any movement endangering the safety of the State, namely :—

(a) any offence under sections 148, 153A, 302, 304, 307, 308, 236, 327 329 332 333, 385 386 387 392 393 394 395 396 397 398 399 400, 401 402 431 435 436 437 438 440, 454 455 457 458 459 460, and 506 of the Indian Penal Code ;

(b) any offence under the Explosive Sub-sections Act, 1908 ;

(c) any offence under section 20 of the Indian Arms Act 1878

(3) Any attempt or conspiracy to commit or any abetment of any of the above offences.

The Rowlatt Bill.

(Criminal Law Emergency Bill)

Debate in the Imperial Legislative Council.

Delhi—6th February 1919.

On the Motion to Refer the Bill to Select Committee.

The Hon'ble Sir William Vincent—"My Lord, my task in explaining the reasons for introducing this Bill has been considerably lightened by the discussion on the Resolution brought by the Hon'ble Mr. Khaparde last Session and I will endeavour to avoid repeating to-day what I then said. At the same time it will be my duty to place before the Council salient facts connected with this measure.

"As the Council are aware for some time before the war the Government of India were faced with the difficulty of dealing with a number of revolutionary conspiracies of which there were several sub-divisions. The intention of these conspiracies was by dacoity, murder and other crimes of violence to promote a rising against the British Government and to render the administration of this country impossible. Owing to lack of any effective measures for dealing with this conspiracy, the movement gained considerable strength, and either before the war or shortly after the inception of the war, the difficulty of the situation was complicated because it received material assistance from the King's enemies. It attained indeed such serious proportions that it was really subversive of all good government in parts of this country.

"It was impossible to cope with this movement under the normal law, and if Hon'ble Members will read the Report of the Rowlatt Committee, upon which the present legislation is based, they will find confirmation of this not only in the findings of the authors of the Report, but also in the figures which they cite. It will be seen that from 1909 up to the date of the Report there were no less than 311 offences, and attempts at offences connected with this revolutionary movement, in which 1,038 persons were known to be implicated.

Out of that number, 64 only were convicted. In 1915, the Defence of India Act was passed, mainly in connection with certain violent outbreaks of crime in the Punjab. It was not however, used to

any great extent in Bengal though it may have been used to a small extent there. The result was that the revolutionary movement gained further strength, and in 1915 and 1916 there were 64 outrages including 14 murders, 8 of the murdered people being policemen.

The Act was then enforced. I think that the specific reason for enforcing it was particularly the murder of Deputy Superintendent Basanta Chatterji. I am not positive on the point as I speak from memory. The result was that the outrages were at once reduced and from January 1917 to February 1918, I believe the total number was 10. I think I am right in saying also that during the last quarter of 1918 there were no revolutionary outrages at all. The obvious conclusion from this is that the measures taken by the Bengal Government (I am citing the Bengal Government because the movement was particularly prevalent there and illustrates the position) have been effective. The Council will see indeed that the Bengal Government has been singularly successful in dealing in this way with revolutionary crime; the success of these efforts may also further be gauged from letters which revolutionaries have themselves written. Here is one :—

“Armed rising was imminent in other provinces. We could not lag behind. Government got the scent and was on the alert. Some of our best men were lost. Unfortunately at last we had to drop the idea of an immediate rising. Those local organisations are still intact and can be developed if required.

“In another letter which I have here, one of these revolutionaries says :—

“The condition here beggars all description. Trusted friends can no longer be trusted with secrets. No one wants to see us. The guardians hate us more than the enemies. (I am not surprised at that.) The students are anxious to avoid us. Those who were eager to talk to us now avoid us.

“I cite these letters and figures to show that the movement was effectively scotched by the Government under the powers conferred on it by the Defence of India Act. I am glad also to say that the Bengal Government have at once taken advantage of the situation to release a very large number of men whom they had under restriction. A recent report of a debate in the Bengal Council indicates that out of 1,062 detainees 677 have already been released on guarantee. Of the rest, 385 are subject to restrictions of domicile only, 125 being domiciled in their own homes.

Confession of failure of Govt.

“Well, my Lord, during the progress of these operations, the Rowlatt Report, as it is commonly called, was published. In it certain recommendations were made for legislation to enable the Government of India effectively to cope with the disorder. The position as it appeared to the Government of India was this. We

had been unable effectively to cope with this movement under the normal law. We had been foiled in all our efforts. We then took restrictive measures, and we have been, or really the Local Government has been, singularly successful in dealing with it. I think if you read the Report the vital propositions are that under pre-war conditions the machinery of law and order was unfitted to cope with lawlessness of a particular type; that the ending of the war with its emergency legislation really saved the peace of India by providing machinery which could deal with this lawlessness; and that it is unsafe for us now to revert to the previous condition of affairs, in which these anarchical forces were allowed unrestricted license to prosecute their designs. It is on the basis of this Report that we have undertaken this legislation. But before I explain exactly what the details of the Bill are, I think I ought to make one point quite clear, and that is, that this Bill is in no sense aimed at political movements properly so called. It is definitely and distinctly intended and framed to cope with seditious crime, and it differs very materially also in its scope from the Defence of India Act. It is not, if I may say so, nearly as wide as that Act; and, so far as I am able to interpret it, it cannot be used against any activities other than seditious activities, even though they may endanger or tend to endanger the public safety. I think it is necessary to emphasise this fact, because there seems to be in some quarters a misapprehension on the point.

Provisions of the Bill.

"The Bill itself is divided into five parts. The first part provides for the speedy trial of offences. It can only be used or brought into operation when the Governor General in Council is satisfied that scheduled offences are prevalent in the whole or any part of British India, and that it is expedient to provide for their speedy trial. Put very shortly, the part enables such offences to be tried by a strong Court consisting of three High Court Judges expeditiously without commitment and with no right of appeal. The first part also makes provision for trials being held in case of need in the locality or near the locality where the offence was committed, and also for trials *in camera*. Another point of importance in this part of the Bill is contained in clause 17, which allows the statements of persons not examined as witnesses to be used in evidence in certain circumstances. We know that witnesses have, after their statements have been recorded, been murdered and we seek to remove at least the temptation to murder these witnesses and to preserve their testimony. Another point of great importance in this part of the Bill is that we now propose to allow accused persons to give evidence on their own behalf. They are not forced to do so. They may do so or not as they like, so that those who are innocent

may have full opportunity for clearing themselves. This last provision of the Bill is in accordance, I believe, exactly with the law which prevails in England.

"Part II of the Bill deals with preventive measures and with Part III is probably the part which will attract more attention. It can only be brought into operation if the Governor General in Council is satisfied that movements which are in his opinion likely to lead to the commission of offences against the State are being extensively promoted. Now if the Members of this Council will look at the Report itself, they will see that it is admitted that punitive measures alone can be of little effect in the repression of this sedition; and it is for that reason that they have recommended these preventive measures. The powers of the local Government where this part is brought into operation can be exercised only in respect of persons reasonably believed to be or to have been actively concerned in such area in any movement of the nature referred to in section 20, that is, a movement likely to lead to the commission of offences against the State. In such cases the Local Government may either order the person so concerned to furnish security or to notify his residence, or to reside in a particular area or to abstain from any act specified or finally to report himself to the police. In order to ensure that the powers of Government are not exercised without reason, the Bill provides for a safeguard in the constitution of an investigating authority which is to examine the material upon which orders against any person are framed. This investigating authority is to include one judicial officer and one non-official Indian. Further, in order that the interests of any person subjected to an order may be adequately protected, the Bill provides for the constitution of Visiting Committees to see to the welfare of such persons.

"Part III is more drastic. It can, however, only come into operation when the Governor General in Council is satisfied that scheduled offences have been or are being committed to such an extent as to endanger the public safety. In such circumstances, the Local Government, where there is reasonable ground for believing that a person, has been concerned in a scheduled offence, may direct the arrest of such person, his confinement in such place and under such conditions as may be prescribed. There are again the same safeguards as under Part II for an investigating authority and for a Visiting Committee. The period of orders under Parts II and III, I ought to have explained, is limited to one year in the first instance and to three years in all.

"Part IV applies the provisions of Part III automatically to persons known to have been concerned in revolutionary crime at present and who are under restriction under the Defence of India Act by reason of that connection-

"I do not think that at present there is anything in Part V to which I need draw attention. It is mainly ancillary and is a matter in great measure, I think, for Select Committee. But if there is any point on which Hon'ble Members seek for information I will do my best to furnish it.

Why Govt. introduces the Bill

'Well, my Lord, I have now explained the provisions of this Bill, and it remains for me to say that the Government have not undertaken this legislation lightly or without anxious consideration. We have no desire to restrict the liberty of persons further than a compelling sense of duty forces us to do. At the same time we are responsible for the public peace in this country, and it is our duty to take such measures as may be necessary to secure that. No other remedy has been suggested in regard to this form of crimes as yet for attaining that object. If, however, any effective remedy is proposed the Government of India will be only too glad to consider it. There seems, however, to me to be some misunderstanding as to the nature of the disruptive forces of this anarchism. There are those apparently who look upon these men as innocent patriots, guilty of nothing save an excess of possibly mistaken zeal. My Lord, I ask the Council to get rid of this delusion. These men are not patriots; they are really enemies of civilisation, they are enemies of progress and enemies of any form of organised government, whether European or Indian. It may be suggested, as it has been suggested before, that all their activities will be reduced by the introduction of the Reforms Scheme. My Lord, I say that these men are as much opposed to the Reform Scheme as to anything else. During Mr. Montagu's visit last year, I myself saw a circular which was addressed to a prominent citizen of Calcutta where it was openly stated that these men were not concerned with Mr. Montagu's coming or going, and that their object was first and last to spread terror and make the Government impossible. My Lord, I think if these facts were more fully realised we should hear less of that veiled sympathy with desperate men which really encourages them to further efforts and hinders the work of many who have the progress of this country at heart; and I suggest that it is the duty of all sober-minded men to combat this dangerous confusion of crime with patriotism, remembering what the effect of any such encouragement is. The Bill which I now seek to introduce is not aimed at patriots; it is aimed at criminals; it is not aimed at the suppression of politics at all; it is aimed rather at the purification of politics. What we seek to do is to prevent anarchy and disorder, and I think that many here will realise the importance at this juncture of combating these forces of disorder so rampant in many parts of the world when they consider the

effect of anarchy both in Russia and in other countries. My Lord, if ever there was a time when it was necessary to check revolutionary and anarchical tendencies, I think it may be safely said that it is the present.

"My Lord, at the same time, if I may say so, I realise very acutely the difficulties in which Hon'ble Members in this Council are placed. I realise their reluctance to accept a repressive law aimed at the suppression of a revolutionary movement. I realise their regret that any such measures should be necessary and their constitutional dislike of any legislation which interferes with the liberty of the subject. Government is exactly in a similar position. We also recognize the constitutional objections to these interferences with liberty, but we realise the danger which has to be combated, and for that reason we are forced, though with the greatest reluctance and only after anxious consideration, to introduce this present Bill. We ask the Members of this Council to face the facts in this matter courageously and honestly.

"If the findings of the Rowlatt Committee are accepted, and I submit that they must be accepted by every reasonable man, there is no getting out of that, that is to say the facts apart from the recommendations, then is it not essential that Government should be vested with some reasonable machinery to deal with this evil? And is it not the duty of the Members of this Council to assist Government in this matter? I ask the Council very earnestly to realise their own responsibility in this matter. There are many here who claim responsible government for the country, some sooner some latter; are they willing to accept the responsibility which responsible government inevitably connotes; are they willing to face the hostile criticism which must frequently be expected when action is taken in the public interest? My Lord, there are many who are watching the conduct of this Council on this occasion with great interest; it will be regarded by many as a test of capacity—whether the Members of the Council have the courage to do what is right in assisting the Government in its first duty, the maintenance of the public tranquillity. Will the Members be found wanting, and give a right to anyone to say that their attitude on this question indicates their unfitness for responsible government? I earnestly hope that no such occasion and no such material will be furnished to those who are opposed to political progress in this country.

"My Lord, with these words I commend the Bill to the Council. The details, if the motion is carried, will be considered in Select Committee, and the Government is perfectly open to consider such modifications as will not render the machinery ineffective for dealing with the evil which they seek to combat.

"I now introduce the Bill and move that it be referred to a

Select Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Pandit M. M. Malaviya, the Hon'ble Mr. Shafi, the Hon'ble Mr. Muddiman, the Hon'ble Mr. Sastri, the Hon'ble Nawab Saiyad Nawab Ali Chaudhuri, the Hon'ble Mr. Kincaid, the Hon'ble Mr. Khaparde, the Hon'ble Mr. Banerjee, the Hon'ble Mr. Fagan, the Hon'ble Mr. Patel, the Hon'ble Sir Verney Lovett, the Hon'ble Sir James DuBoulay, the Hon'ble Mr. Emerson and myself, with instructions to report on or before the 6th March, 1919."

The Hon'ble Mr. V. J. Patel :—"Your Excellency, I beg to move,

"That the consideration of this Bill be deferred till six months have elapsed after the expiry of the term of office of this Legislative Council."

"In moving this amendment, I must say at the outset that no sensible Indian could be charged with having any the slightest sympathy with anarchists or anarchism. In every country, my Lord, revolutionary crime is really the outcome of what I may call political and administrative stagnation; if the political advancement of a country is really very slow and does not keep pace with the times, this sort of crime is bound to raise its head and disturb the peace of the country. What is then the remedy? The remedy, I submit does not lie in repressive measures, but I am strongly of opinion that the remedy lies in the removal of the standing grievances which bring revolutionary crime into existence. We are all very glad that the Reforms are coming. The very publication of them has a good deal to do with the creation of a smooth atmosphere to some extent, and I am absolutely certain, my Lord, that when these reforms actually do come, revolutionary crime will almost disappear. The amendment which I have proposed before this Council is that the consideration of this Bill should be postponed for some time. At present, as I have already pointed out, circumstances have entirely changed; even the Rowlatt Committee which made the Report did not contemplate that their recommendations should be put into effect in all and under any circumstances. As a matter of fact, in their recommendations regarding legislation to deal with the difficulties that might arise in dealing with the conspiracies, the Committee say :—

"This as expressed appears to us to be applicable to the state of circumstances under which the difficulties referred to are encountered. These difficulties have, however, been circumvented for the time being by special temporary legislation and they have not been in operation at the time of our inquiry. When this legislation lapses circumstances may have altered and the position may be better or worse. We do not think it is for us to speculate nicely on these matters. We must of course keep in view that the present war will have come to an end, but we cannot say with what result or with what ulterior consequential effects or possibilities of consequential effects upon the situation."

So the Rowlatt Committee itself did not contemplate that their

recommendations should be put into effect under any circumstances. As a matter of fact, the circumstances have altered. Revolutionary crime had ceased to exist at the time when they made their report, and since then cessation has continued. Then, again, after the Rowlatt Report, the Reforms Report has been published, the functions and the Franchise Committees have met in India; they will shortly, as your Excellency pointed out in your opening speech, submit their Report to Parliament, and a Bill of Reforms will also be passed into law. That being so, I personally think that the passage of this measure at this juncture will materially affect the reception of the reforms in India.

"My Lord, I cannot disguise the fact that the whole country from one end to the other is entirely opposed to this measure, and the passage of this Bill will stir up, in fact the introduction of it has already stirred up, a tremendous and unprecedented agitation in the country at the time when great changes are in sight. Surely Government intends that the reforms should be given a fair trial, and I am afraid that the intention of Government will not be fulfilled if at this juncture this measure is passed. I must say that I am not at all surprised that the Government have thought it proper to introduce this measure at this juncture. It is one of those blunders which a Government not responsible to the people is likely to commit in moments of excitement. What I am, however, surprised at really is that a Bill of this kind should have been brought forward at a time when people really expected the introduction and discussion in this Council of measures which would bring them more contentment, measures which really would conduce to the greater well-being of the people in matters industrial. At a time like this when the war has ended triumphantly for us, at a time when the Peace Conference is sitting to devise measures for the peace of the world, at a time when we are within sight of great constitutional reforms in India, at a time when one of the Indian is made a Member of the British Cabinet, at such a time instead of bringing forward measures which would really conduce to the well-being of Indians, a measure of this character should have been brought forward.

"I may be asked why I want the postponement of the consideration of this measure for the period named in the amendment. My idea is that a measure of this kind should be discussed, if at all, by the Council which would come into existence under the Reforms Scheme. I do not mean to say that this Council is in any way incompetent to deal with this question or will not do justice to it, but I do maintain that so far as this Council is concerned, its very existence is entirely at the mercy of the Executive. You can extend its life or, if you like, you can terminate it. As your Excellency