

A. That is so. If a person was brought before me by any railway official with the complaint that that person used threatening language or some thing of that kind, I enquired into the case and decided what was to be done.

Q. So, if a person used threatening language to a railway official, you sent him to work for a day or two in the goods shed in the manner you have described? A. Yes.

Q. How many people were made to put their forehead on the ground? Must be quite a large number? A. Yes.

Q. And the offence with which they were charged and convicted were of a varying degree and gravity? A. No.

Q. You dropped this punishment because people had come to a reasonable frame of mind? A. Exactly.

Q. Was this done in order to induce a reasonable frame of mind?

A. I don't say so. The main point was to impress upon the people that everybody was not his own master and that he had got to conform to the law and order.

Q. Was this not sufficiently done by convicting and sentencing them? A. Yes.

Q. Then why on the top of it did you inflict the punishment of putting their forehead on the ground?

A. I don't think that it must have been felt by them as a humiliation.

Q. Have you ever observed in ordinary life any person putting his forehead on the ground in the manner you insisted on their doing? A. I had observed this done to a wealthy Indian.

Q. Is that an ordinary thing? Have you seen it in ordinary life? I can well understand doing that before a religious leader, or a saint: but have you ever seen people in ordinary life doing this before any other person. A. I have.

Q. How often have you seen that, Captain?

A. I am unable to say.

Q. Then you speak of the lectures you gave at Kasur?

A. Yes.

Q. You say you had a straight talk with them. What sort of straight talk? A. It was all reported by the Police.

Q. Can we get a copy of it? A. It should be possible.

Q. Then with regard to whipping. You inflicted whipping in 40 cases? A. I think so.

Q. As regards reprisals against property, you visited six houses and in some places you burnt the clothes, destroyed vessels. Do you think that was justified by the Martial Law Order? A. Yes; I do.

Q. These houses were the houses of poor persons, not rich people? A. Certainly not rich people's.

Q. You know that gallows were put up at the railway station at Kasur? A. Yes.

Q. Was that done by your order? A. No.

Q. Was it done by G. O. C's order?

A. I can't tell you if it was done by the order of the General Officer Commanding.

Q. You were the Martial Law Administrator. Nothing could have been done without your knowledge?

A. I was not an engineer.

Q. I don't suggest that you should be an engineer. But I say nothing could have happened without your knowledge or order. I want to know how the gallows came to be erected?

A. A man came from Lahore and the thing was duly erected.

Q. He erected them without asking your permission?

A. I was perfectly aware of what was going on.

Q. But under whose order was it done?

A. The Military officer who has been watching the case on behalf of the Military informed the committee—"This was an order by the Commissioner under the orders of the Government."

Q. The Commissioner may or may not have ordered, but surely, Captain, you were the Administrator of Martial Law and as such, you should have known?

A. It was not my business to interfere with the erection of gallows.

Q. Were a large number of people arrested at Kasur?

A. A very large number.

Q. Where were they kept? A. In the prisoner's cage.

Q. You say that Martial Law was liked by the people?

A. I was so given to understand.

Q. So much so that they like Martial Law to be permanent in Kasur?

A. I gather that they preferred Martial Law to the ordinary administration and that they welcomed it as a permanent sort of administration.

Q. Did people actually come and tell you that they would prefer Martial Law to the ordinary administration?

A. They liked summary courts.

Q. They liked to be tried summarily without any right of appeal?

A. They preferred that to spending money on appeals.

Q. People do not like to spend money on appeals?

A. I merely tell you the opinion that were expressed to me personally.

Q. Then you say that they were so much pleased with the administration of Martial Law that they actually presented you with an address? A. Yes.

Q. Can you give me the date?

A. I can't give you the date. I forget it. I think in the beginning of June.

Q. Were the leading men present when the address was given?

A. They did not sign the address. I can't tell you, and I have not got it here.

Q. What did they say in the address?

Witness did not reply.

**"Willing Slaves."**

Q. Then referring to that you say that they were "willing slaves." What do you mean by that term?

A. The term is not used literally. "Willing slaves" means willing to work in the way you require.

Q. Did you think that they very much liked Martial Law?

A. I Don't know. I am not sure.

Q. May it not indicate the contrary—that they were so much afraid of Martial Law that they were prepared to do anything and everything?

A. It is the cheerful way of doing thing.

Witness was then examined by the Hon'ble Pandit Jagatnarain.

Q. What Dhanpat Rai and Mohiuddin told you, you took that to be genuine?

A. I had no reason to believe to the contrary.

Q. Would a man having commonsense take it as genuine if a man who was innocent, but who was arrested, handcuffed and roped and kept in confinement for a great length of time, against whom no charge was ever brought, if he comes and speaks in praise of British Justice?

A. I did not think it was not genuine.

Q. Is it not a fact that the people were so much terror-stricken and had lost so much of their self-respect that they came to kiss the hand that licked them and instead of expressing resentment they made that profession of admiration for British Justice?

A. They certainly did not resent.

**"Mercifully Flogged."**

Q. These men who were so mercifully flogged by you in order to save them from other serious punishments, if they had expressed

any resentment or objected to express their gratitude would they not have made matters worse and would have had another flogging?

A. Nobody expressed any resentment at all.

Q. You do not think that this was the result of abject terror?

A. I did not see any sign of it.

Q. Was there any need to send those prostitutes under escort?

A. Very much.

Q. If these prostitutes had gone without any escort there would be some danger?

A. I cannot say that definitely but I was given to understand that they were at the bottom of a very large amount of trouble in Kasur.

Q. Is it not a fact that when you asked Golam Mohiuddin to address the people on the Rowlatt Bill your idea was to put him in a tight corner?

A. No, I wanted to clear him.

Q. Your idea was in your presence he would prove himself to be a turn-coat?

A. I wanted to give him a chance to clear himself.

In your report at page 13 you say, "If he is guilty of the things of which we suspect, he must have proved a turncoat before the audience"?

A. That is so.

Q. About two dozens of people were not found in their houses and you gave them three or four days time to return and after that their property was destroyed. I want to know whether there was a proper proclamation—whether any evidence was recorded or heard by you or not before you destroyed?

A. It is sufficient for me that the people were not present.

Q. Had you any information that these persons had information of your order.

A. The relatives were warned to communicate immediately with the absentees.

Q. No evidence was taken by you as to whether the relatives had been able to communicate with them or not?

A. I do not remember.

Q. Therefore these steps were taken by you without satisfying yourself as to whether they were aware of these regulations or whether they were communicated with or not?

A. There was no time for any lengthy procedure. It was time for action—for rounding up people.

Q. You considered yourself justified in doing what you did without satisfying yourself whether these men were deliberately keeping themselves away or not?



At this stage General Barrow said to President: My lord, may I point out he is an officer who did his duty under very trying circumstances. He is not an ordinary criminal.

Pandit Jagatnarain: Simply because a witness says I have done it and I am justifiable, it is not my simple duty to accept it and not to sift it, and not to find out what were the grounds on which he felt himself justified—I do not think it is my duty to accept everything that the witness states, but my duty is to sift the grounds upon which he justifies his action.

The President did not interfere but made sign to the Hon. the Pandit to go on.

Witness: There was no time to do any such thing. I had got to act.

Continuing witness said he could not give any name of persons who expressed gratitude in connection with Martial Law. It was a general expression of opinion.

Q. I do not know how the people of other countries feel, but so far as Indians are concerned, they have an absolute horror of being flogged.

A. I do not think it is confined to India.

Q. Notwithstanding this fact that the normal punishment was flogging you thought people were quite happy and were expressing their gratitude?

A. Law-abiding people had nothing to fear from flogging.

Q. There was absolutely no certainty as to who was loyal and who not?

A. Of course there was.

Q. You mean to say that the Indian people would be very grateful if the British Government amended the Indian Penal Code so as to substitute whipping for every offence?

A. I have never said that.

Q. I do not understand why they should feel happy?

A. It is not flogging that made them happy. It was the mere fact that things had settled, that people had not to waste their money in lengthy litigation, people were on the whole better off—I am talking of people as a whole and not about individuals.

Q. It appears to me that your fame and the fame of Martial Law was not confined to Kasur alone, you say that a large number of people from outlying villages were in the habit of bringing their wrongs and grievances to be righted by the administrator of Martial Law i.e. by yourself?

A. It was within Kasur area—yes it was myself.

Q. Whom did they admire—the man or the method?

A. I think you ask somebody else.

Q. The majority of them went away disappointed, but that did not deter others from coming to you, such was their faith in Martial Law?

A. That is so.

Q. May I take it they were complainants or accused also?

A. I take it both accused just as the others. Of course the accused is not keen on receiving swift punishment.

**Examination By The Hon pandit Jagatnarain.**

Q. I do not imply that at all. My point is a large number of these persons were passengers and they were detained under that sentence.

A. Yes, that is so.

Q. Under which regulation you so punished them?

**"I used my prerogative"**

A. I used my prerogative.

Q. You cannot do that if it is not punishable under martial law?

A. It was up to me to preserve law and order and I was to exercise my will.

Q. Have you shown all those convictions for breach of law and order on record?

A. I stated yesterday. I did not show these. These were minor punishment.

Q. Did you try any kidnapping case?

A. I did not.

Q. Is it true that you tried a kidnapping case in which the parties were represented by pleaders, the trial was held at the railway station, some woman complained that her daughter had been kidnapped?

A. Yes, I remember that case. This happened when martial law was in existence over Kasur area.

Q. You considered that you could try the case under martial law regulation?

A. I did not try it for kidnapping but actually for good conduct and public safety; because if such a thing could happen under one's very nose what else could not happen.

Q. Therefore any offence against person and property you were authorised to try?

A. Anything which in any way affected administration of martial law I tried, I had to use my discretion. I was the man on the spot.

Q. He was made to pay for the expenses?

A. He told me he was quite prepared to pay the expenses.

Continuing witness said he remembered the case of one Sundar Das who had purchased from somebody. He was given two months

imprisonment and a fine of Rs. 50 but witness did not know if that particular man had stripes or not. Witness did not know that the man died the very day he came out of jail. The offence of this man was that he received that stuff (wheat) from another man and was in fact working in conjunction with and conniving at the offence for which the other man was punished. Moreover he made a false statement before witness.

Q. Apart from the address was any poetry composed in your praise?—A. Yes.

Q. By a Mahomedan? The punishment you prescribed to him was to compose a poem?

**"Compose a Poem in my Praise!"**

A. Yes. When he was brought before me he expressed appreciation of my justice in such flowing terms that I suspected him to be a poet and I asked him "if you are a poet, you can compose a poem."

Q. In your praise?—A. Exactly.

Q. As regards the drawing line with the nose on the ground the name of the man was Lala Keshodas?

A. I do not know. This punishment was never inflicted.

Q. He was punished for purchasing four rupees worth of rice and you thought it was a quantity larger than what he ought to have?

A. I do not remember the name.

Q. You punished certain persons of that name?

A. It is not true.

Q. Another man was Durgadas who was fined and arrested for not paying rent?

A. That is entirely wrong.

**"Dances with a fool's cap on his head!"**

Q. Did you ask any Mahomedan to dance with a fool's cap on his head?

A. No, but I can tell you what happened. The man was standing on the footboard of a running train and so I made him stand for certain length of time by way of punishment.

Q. It was done with the accompaniment of dancing?

A. No.

Witness was then examined by Sahebzada Sultan Ahmed.

Q. When you took over charge on the 23rd April were you given any written or verbal instruction as regards your authority?

A. Some instruction came to me by post, some I think came direct from Lahore division and some came from Forozepore.

Q. When did they arrive—on the same day as you arrived in Kasur?

A. I was given some telegraphic instructions before I proceeded to Kasur. It is a simple statement of powers.

Q. I want to know what they were.

A. About maximum punishment that was to be imposed—30 lashes, Rs. 1,000 fine and two years rigorous imprisonment.

Q. I want to know whether you were given general authority to do what you thought best in the circumstances or any limitation was put as regards punishment?

A. The orders I received were brief and anything outside the order I did on my own responsibility. I used my discretion.

Q. Were you told that you could use your discretion?

A. There was nothing in the orders to say that I could use discretion. One is in the habit of using discretion in the army if a new situation arises.

Q. After your arrival at Kasur did you get any detailed instructions by post or otherwise?—A. Yes.

Q. Did you get the proclamation issued by General Beynon on the 10th April?

A. I had several copies.

Q. May I take it that you considered that to be your authority?

A. Anything in that proclamation might be modified by orders issued locally to suit local situation.

Q. Issued by whom?

A. By the Officer Commanding Kasur. Col. MacRae.

A. Your authority contained in the general proclamation issued by General Beynon and the local orders issued by Col. MacRae?

A. Yes, so long as he was there.

Q. When he was not there?

A. It devolved upon me.

Q. Were you to issue these local orders consistently with General Beynon's proclamation or could you also go outside the scope of the general orders?

A. None of the local orders went against the General's proclamation.

Q. My question is whether they were consistent with that?

A. I think so.

Q. Therefore I take it that your authority was limited and defined by the General's proclamation?

A. What do you mean by 'limited'?

Q. Can you go beyond that proclamation? My question is whether your local orders were to be consistent with the general

instructions or whether you could give any orders which were not consistent with the proclamation?

A. I believe that under certain local conditions I could to a certain degree go outside the authority.

Q. What was the instruction?

A. These again I had to use my discretion.

Q. Do I understand that whenever you thought it necessary in the interests of law and order at Kasur to give any orders that might not be within the authority given to you by the proclamation you gave these orders? A: Quite so.

Q. Therefore I do not see the object of the proclamation of General Beynon at all. It might have said that officers can do what they think best?

A. You would not say that a General's operation orders were absolutely no use simply because local commanding officers had to use discretion in emergencies and under certain conditions. I took the soldier's point of view.

Q. And you did not regard it as being inconsistent with the General's proclamation?

A. I think it is quite consistent.

Q. Did it not strike you that it looked like a miniature edition of General Dyer's order of crawling at Amritsar?

A. No.

Q. Supposing anyone refused to obey that order, what punishment would you have given?

A. I do not know. It never happened.

Q. Supposing it had arisen, how would you have enforced it?—A. I really do not know, I had no idea.

Q. You would have ordered some punishment?

A. I do not think I would have ordered some punishment. I should have got somebody to assist him to do that.

Q. You have spoken in paragraph 19 about straight speaking. What do you mean by straight speaking? Can you give us a couple of that?

A. It was a speech explaining to the people that they made fools of themselves, that they were misled and got themselves into trouble and those responsible got off scot free.

Q. On reading some of the paragraphs of your report one is led to believe that the administration of martial law in Kasur was such as to make Kasur a land of peace and plenty, overflowing with milk and honey and that ever since its withdrawal the place has been turned into a land of tears and sorrow?

A. As people got to understand the real object of Martial Law they were really happy.

Q. You thought they would be happy if it continued for a long time?

A. My opinion is that the form of summary court for some offences would be welcome.

Continuing witness said that he was intimate with the people and they used to cheerfully help and did not do it in the same spirit in which they did to a despot.

Q. Would you think it very ungrateful of the Kasur people not to have petitioned the Government to restore to them the blessings of Martial Law? A. No I do not think so.

Q. When you arrived at Kasur on the 23rd April was it in a state of turmoil?

A. There was no open disturbance but the attitude of the people was ugly.

Q. In what manner was it shown?

A. It is a thing which one can feel better than define. It is in the atmosphere.

Questioned in regard to the story of women of loose character having been compelled to witness the flogging sentences the witness said it was a misrepresentation although not a deliberate one. On one occasion, explained the witness, he had to deal with some men of loose character. They were sentenced to be whipped. He ordered the Sub-Inspector of Police to get hold of all the bad characters of the town to witness the whipping which was to take place in the evening. The last thing he desired was the presence of those women. On the afternoon of that day he went into the city and got back three-quarters of an hour later. When he arrived at the station he was horrified to see those women collected. He did not want them and remonstrated with the Sub-Inspector who told him that the witness had ordered him to get hold of all the bad characters. Those women could not be removed because he could not provide an escort to take them back to the city. There was no other alternative and the whipping had to be carried out. It was not at all his intention that those women should be made to witness it.

#### Reprisals Against Property

When he asked Mr. Ghulam Mohiuddin to address the meeting at which he spoke, his idea was not to put him in a tight corner but he merely wanted to give that individual a chance of clearing himself. Six houses were visited in connection with his order requiring absentees to return to Kasur forthwith. When he found that some people who belonged to these houses had not come back, as a reprisal some earthenware articles were destroyed, clothes burnt and charpoys taken away.



**Sardar Amar Singh**

Sardar Amar Singh, a Kasur Pleader, described himself as a voluntary witness, but he told the Committee that he had been asked by Mr. Marsden, the Sub-Divisional Officer, to give evidence and that he did not expect to be cross-examined. He told Mr. Marsden that if there was going to be any cross-examination he might have to speak the truth. (Laughter.) He was afraid to give evidence because he might have to say things unpalatable to officials. He got persuaded because Mr. Marsden was the Sub-Divisional Officer and he had to appear before him every day.

The witness asked Sir Chimanlal Setalvad, who pressed him with questions on recruiting whether he could assure him that he would not get into trouble. (Laughter.)

The witness explained that the trouble was that the Committee would be given away soon and he would have to remain in the midst of officials. (Laughter.)

Pressed further the witness said that he was unwilling to make any statement except on an assurance that he would not get into trouble. Sir Chimanlal Setalvad wanted to know if what he had to say would be from personal knowledge. Witness replied in the affirmative.

Sir Chimanlal Setalvad pointed out that he had already said enough to invite trouble, if that was his fear.

The witness, in reply, said that Sir Chimanlal's cross-examination had taken things forcibly out of his month. (Laughter.)

Persuaded by Sir Chimanlal to be frank, the witness said some undesirable methods were employed in connection with recruiting.

Questioned as to who employed undesirable methods, the witness said the Sub-Inspector of Police was asked to send up young Jats under Sections 107 and 110 of the Penal Code to furnish security for good behaviour, and the people so brought up were then given the alternative of joining the army. This was after the visit the Lieut. Governor to Kasur. He could not say who asked the Sub-Inspector to do so. He saw the officials assembling and discussing things. It was after this that the number of people brought up increased. Some were brought handcuffed. People were harassed in that manner. Then again the magistrates who could imprison men only up to six months threatened men with more severe punishment and then give them the alternative of joining the army. This sort of thing went on almost before every magistrate.

Sir Chimanlal then questioned the witness in regard to the war loan campaign. The Witness said under pressure was used.

Questioned by Sahibzada Sultan Ahmad you said that you were afraid of giving evidence because you might be compelled to tell the

truth under cross-examination. Do you mean to imply by this that if you are not cross-examined you would not be telling the truth?—the witness said : No, sir ; because in my statement I have to speak the truth.

Why should you be afraid of telling the truth in any case?—you have not got the experience of our province. Here we cannot displease our officers.

Because you are afraid that trouble would come to you ; that is why you do not want to displease the officials?—If the thing is unpalatable it will.

May I take it that this is because there is some sort of fear at the back of your mind that the officials will use their power in an irresponsible manner towards you? Is that the idea?—Yes ; because I have got experience also. Once a meeting was held here [at Lahore] to request the Government of India to postpone the passing of the Rowlatt Bill. I was a chance visitor there and Mr. Duni Chand and other friends asked me to second a resolution requesting the Viceroy to postpone the passing of the Bill. That was my maiden political speech. When I saw Mr. Fyson afterwards he expressed displeasure at my speaking at the meeting.

Because a certain thing is unpleasant to officials why should it be a reason for you to desist from telling the truth? Are you afraid they would use their powers improperly against you?—They might. The thing is very plain. It is a common psychology of mine. If you Lordship is displeased with me, if you like you can use your authority in that way. You are a man of authority but I am a subordinate.

According to you officers are dreaded?—Some are. I do not mean to say that all officers are like that.

The witness was then examined by Mr. Rice, who asked :—You told us that people in Kasur had first abstained from a HARTAL because you knew that the officials disapproved of it?—Yes.

When you look back now on the riot, murders and incendiarism which the Kasur mob committed on the 12th April do you now think that perhaps the officials were right in deprecating a hartal?—These murders were accidental and unfortunate. They were not deliberate. If the officials thought such things might happen, of course they would be justified.

### Colonel O'Brien

The Committee opened their inquiry into the Gujranwalla disturbances with the examination of Col. O'Brien, the then Deputy Commissioner of the district. Questioned by Lord Hunter, Col. O'Brien

said he left Gujranwalla on the 12th April on transfer to Ambala, but was sent back to Gujranwalla by motor on the 14. He had been at Gujranwalla previously for two years.

Q.—In your statement here, you give a survey of the predisposing causes of the riots. What do you think was the principal cause that unsettled the people in that way?

A.—I don't know. I think it was organised from outside.

Q.—Was there a certain amount of unrest in Gujranwalla caused by economic conditions?

A.—Not at all. Gujranwalla was very rich and people were growing in prosperity. It has two big canals, of which the Upper Chenab was only beginning to take its full effect.

Q.—So far as recruiting was concerned, was there any unrest?

A.—I can't think so. Recruiting was almost confined to the agricultural classes and the townspeople did nothing. It was they who joined the riots.

Q.—Were people in Gujranwalla affected by the previous outbreak in Delhi and Amritsar?

A.—Yes, I understand that the excitement on the 14th April was entirely due to a meeting of the leaders in which it was decided to repeat the incidents of Lahore and Amritsar in order to discredit the Government. That is in the approver's statement.

Don't you think it very unlikely?—The whole rebellion is so surprising that I don't see how we can form any opinion.

So you call it a rebellion?—It has been held judicially to be a rebellion. I can't say more than that.

I am not concerned with judicial findings. I want to know from you as an experienced district officer of long standing whether there could be a rebellion which presupposes the existence of an organised movement on a fairly big scale and the object of which is no less than to overthrow the British Government and yet that you would be entirely and absolutely ignorant of the existence of such a movement?—It might be so.

Am I to suppose that the officials take no interest in what is going on and are absolutely ignorant of it?—I would not say that.

#### One of Two Things.

It must be one of two things, either that the officials were absolutely ignorant of what was going on or the thing did not really exist. My views is that the officials were wide awake and would have known of it if it existed.—I am not prepared to give an opinion on the point.

Further questioned as to whether the causes of the disturbances did not lie on the surface in such things as the *hartal* instituted

by Mr. Gandhi, and whether the example of Amritsar and the arrest of Mr. Gandhi did not cause disturbances in Gujranwalla and other places, Colonel O'Brien said he did not know why these events should have caused disturbances in Kundian and Malakwal when they did not cause disturbances in bigger places which were not railway stations.

Sahibzada Sultan Ahmed :—If the organisers of the movement wanted to have a rebellion in the Panjab or any other part of India, would they not try to get the more virile portion of the population, villagers and cultivators throughout the province, in order to effect their object? Witness :—Perhaps so, if they could. I don't want to give any advice on the subject.

I am putting it to you as a matter of ordinary common-sense that any organisation starting with a rebellion in view would attempt to have the warlike population of the Panjab, that is, the villagers, on their side to carry out their object. It seems to me a very obvious thing.—Yes; if it was organised. I don't think it was very well organised.

Sahibzada Sultan Ahmed then returned to the question whether there was a rebellion or not, and Colonel O'Brien said the judicial decision was that there was a rebellion and he considered that sufficient. Asked for his grounds, apart from the judicial decision, for saying that there was a rebellion, the witness said that he did not think he could express them.

\* Sahibzada Sultan Ahmed :—Is that because you have not got them, or because you don't wish to do it?—I don't say I don't wish to do it. I say it is very difficult to do so. It is difficult to find reasons of that kind.

But I should have thought when you expressed that opinion you would have had reasons already in your mind. You don't form an opinion and reason afterwards, do you?—The main reason for my opinion is the judicial decision.

And something beyond that which you do not wish to express or find it difficult to express?—Yes.

May I take it that probably you haven't anything beyond the judicial decision to go upon?—No very much.

“ Not to Reason Why.”

Col. O'Brien was next questioned regarding a passage in his report referring to the disturbances in Delhi and was asked what course he thought ought to have been taken in Delhi. In reply the witness said that he did not suggest anything. It was not for a mere Deputy Commissioner, he added, to criticise another Government.

Sahibzada Sultan Ahmed :—But you have criticised other Governments.

Col. O'Brien :—As I said before, I was not prepared to be cross-examined. This was my opinion given to the Panjab Government, but I am not prepared to state what should have been done in Delhi and Bombay and other places.

Mr. Sultan Ahmed :—I take it that you gave your opinion to the Panjab Government without deliberating on what you were saying.

Col. O'Brien :—I don't say that.

Lord Hunter :—Surely what the witness has said is that if the authorities in Delhi had taken certain steps things might have been different. He does not suggest any steps. And he is not prepared now to suggest any. That surely is a position which may quite reasonably be taken up.

Col. O'Brien :—I meant to say that I took certain action in Gujranwalla and other people took different action elsewhere, and it is not for me to say which is right or which is wrong or what should have been done. That is another thing.

Continuing, Mr. Sultan Ahmed asked the witness why he referred to the *hartal* of April 6th as a possible danger.

Col. O'Brien said in his opinion there would have been no trouble at all if the organisers had not stimulated it.

Mr. Sultan Ahmed :—Then the people were in their hands entirely?—I do not think the people would have broken out without some stimulus.

But do you say that there was a danger in the *hartal* of April 6th?—Well, take in this way. It was surprising that the organisers of the *hartal* were able to force *hartal*. I was assured on the 5th April by the better people of the town that there would be no *hartal*. The danger was that the people who were thus able to organise the *hartal* would be able to organise worse things later. That is my suggestion.

How do you explain that most of the people arrested were legal practitioners?—Simply because the legal practitioners were mostly concerned.

What are the relations between the practitioners and the officials of the Panjab?—So far as I have been concerned, they have been generally all right. A number of the members of the Bar were not concerned in the least in this affair.

You have used the term "rebels". Whom do you mean by "rebels"?—The people who were convicted as such. No doubt there were others who escaped notice.

Pressed further on the point, Col. O'Brien said that he had information which was put before the Tribunals, but he could not

remember it all now. He had a lot of work to do at the time and his memory was distinctly vague about it. He did not notice any very definite excitement caused in the Gujranwalla District by the passing of the Rowlatt Act.

Asked why he thought that bitterness already existed in the hearts of some of the people before the disturbances, Col. O'Brien replied that he had simply said that there must have been bitterness or they would not have done so much damage.

Why was there bitterness at all?—I don't know.

You can't give any reason for it?—It came as a great surprise and a shock to me.

In reply to Pandit Jagat Narayan, witness said that the rebellion could in a way be considered ridiculous. Had he known that the situation was serious, he would not have left Gujranwalla on the 12th April. On his return to Gujranwalla on the 14th idem at the outskirts of the town, where his motor-car broke down, he proceeded to the Treasury without being molested but there was nobody on the route excepting ordinary passers by. The 23 arrests he made in the town were under Section 12 of the Defence of India Act. The arrests were made primarily as a protective measure, but the probability was that they would be charged. He had, however, previous knowledge about the arrested men. He had made various inquiries and had sufficient material to act upon. He had information that some of them were inciting the mob. He could not say who gave him the information and there was no time to record their statements.

Pandit Jagat Narayan asked witness if he meant Bhagat, the approver. Witness said he was one but there was another, Abdul Rahiman. The witness was next questioned at length in regard to the approver's statement, and said in reply that some of his conclusions were based on the approver's statement but not all. Continuing, the colonel said that what he meant when he stated that they wanted to repeat the Amritsar incidents was not that Europeans should be murdered. The Commission could come to its own conclusion. No European was assaulted up to 2 p.m. on the 14th of April because there was a strong police-guard. Abbas Ali was not a witness in the conspiracy case. He was doing his duty as a Public Prosecutor at the time. At Sheikhpura Abbas Ali was appointed Public Prosecutor by Mr. Bosworth Smith in the martial law cases. Witness did not know if subsequently Abbas Ali was summoned as defence witness. In regard to the arrests a long list was produced before him by the Police on the 15th April from which he selected certain names. He did not think any statement



was recorded by the police about the warning given by the Indian Christians to the American Missionaries.

Witness went to Wazirabad on the 16th April and to Sheikhpura on the 19th and arrested certain persons. In none of these cases were warrants issued and he arrested them under the Defence of India Act sending them direct to Lahore. He was not against Arya Samajists and pleaders as a class. His information was that the persons arrested were concerned in the riots. At Sheikhpura, arrests were made on the request of the Senior Indian Magistrate. At Wazirabad he examined a large number of people and arrests were made because he had sufficient grounds. Pressed as to what was his opinion as to the Arya Samajists as a class, witness said that he did not wish to answer the question. He admitted that there was intensive recruiting campaign in the district from November 1917 onwards. After referring to the meeting of April 6th and the speeches made thereat, witness said that he had no information regarding the calf-killing incident. He could not say what was the object of hanging the killed calf on the bridge. He really had no opinion to give on the point but he thought that it might have been a pre-arranged affair intended obviously to excite the mob against the police. Questioned about the anti-Government papers he had referred to, witness said that a vernacular paper *Nakash* and its successors were proscribed on his recommendation. He did not recommend the exclusion of any English paper.

#### The Case of Bugga.

Concerning Purushottam Bugga's arrest at Wazirabad, witness said that he ordered the confiscation of the property of Bugga's son when he found that Bugga had absconded. The object of this order was that Bugga should turn up. Bugga eventually surrendered himself. Witness did not give any special order but only told his men to go and take possession of all Jamiatram's (Bugga's son's) property. Of course it meant the turning out of the inmates of the house. He did not know if a buffalo was locked up with the property and consequently died. (Laughter.)

Col. O'Brien, further examined by Pandit Jagat Narayan, admitted that Bugga was found guilty under the Indian Penal Code, Martial Law Orders, and the Defence of India Act. Witness denied any person had been shot for breach of the Curfew Order. In the case of one man who was found dead, there were no marks of injuries. He went out at night and died of fits. There were no cases of persons in the surrounding villages being shot for the breach of the Curfew order. Regarding the burning of the King-Emperor's effigy at Ramanagar, it was true that in the first police report there was no mention about it. He tried this case from

morning till evening. One day he thought he worked from 6 a.m. till 6 p.m. He could not say how many defence witnesses were examined, whether they were more than a hundred or less, nor could he remember the number of prosecution witnesses. Everyone of the accused in this case was sentenced to a full term of imprisonment, though the fines varied. One police sergeant gave evidence in that case that he had never heard of such a thing as the burning of the effigy. The sergeant was subsequently punished for trying to hush up matters. In connection with this case, he did not remember that it was alleged that he sat from 9 to 10 a.m. and finished off the trial by 5 p.m. He had devoted sufficient time to the trial. He heard on the 8th June that Martial Law was going to be withdrawn the next day, and he worked hard to finish off all cases fixed for the 9th. The residue were let off afterwards.

#### Cause of the Outbreak.

Questioned by Sahibzada Sultan Ahmad, Col. O'Brien said he had served in the Panjab since 1896 and was well acquainted with the conditions of the province, especially on the Western side. The people on the whole were distinctly loyal.

Asked to what he attributed the sudden outburst, the witness said he could give no opinion. He could not understand it. He had committed himself to the opinion that there was an organisation somewhere, because certain manifestations of the outbreak looked as though it was premeditated. The witness reiterated that he could not say if the organisation was in the Panjab or outside.

Q. May I take it that if there was anything of that sort especially in the western districts of the Panjab it would come to your notice as an officer of the Government?

A. I don't think it would, or we would not have been so taken by surprise. It came as a great shock to us all.

Q. As the District Officer would you not know of it? A. No: I don't think so.

Q. Is it not to the District Officer that the Government looks for information about what is going on in the district? A. I say, many district officers were taken by surprise.

Q. Is not the explanation simple, that nothing existed for you to know and therefore you did not know it?—It is possible, but I do not think it is likely. I say it could have existed without our knowing.

Q. But is it likely that officials from top to bottom would be absolutely ignorant of a movement of no less a character than to overthrow the British Government, that a movement of that magnitude could exist and yet that everybody, the police, the

C. I. D., and the District Officers should be absolutely ignorant of its existence?—I really can't speak on the subject.

### Mr. Bosworth Smith's Evidence

Mr. Bosworth Smith, Joint Deputy Commissioner of Sheikhpura, one of the divisions of the Gujranwalla district, next gave evidence.

In reply to Lord Hunter, witness said that he had submitted a statement giving in the order of their occurrence various happenings in the district. Witness then briefly described the occurrences at Sangla village, attempts to wreck the railway lines, the looting and burning of Daban Singh railway station at which a large crowd was present, and the cutting of communications at Sangla. At Chuharkana, the trouble started on the 11th. On the 12th, a big *Hartal* was organised and later on the railway bridge was blown up by a crowd of about two thousand people and the railway station itself was looted and burned. The mob tried to get the soldiers to join in the looting, and he had heard that some people rather fraternised and talked with them. The railway station itself was looted and anything that could be carried away was taken. The telegraph wires were cut at numerous points. At Sheikhpura, seven miles from Chuharkana, on the 14th, a mob gradually collected and proceeded to the station with a view to assaulting Europeans in the passing trams. Later on, the same night the telegraph wires were cut and the station burned. When investigations into the disturbances began after the proclamation of martial law, identification parades were held. When a man was identified by only one person he was not arrested and such of those who were identified by more than one person were arrested and kept in police custody. Sitting as a judge of summary courts, he tried 477 accused persons and convicted 294 between May 6th and 20th.

Continuing, witness said that generally speaking there was no trouble at all after martial law had been introduced. He based his opinion regarding the anti-European and anti-Christian feeling on the frequent statements he had received. Martial law might have been taken off a little sooner in his district, but as a matter of fact they had very few martial law orders in force.

In reply to Mr. Justice Rankin, witness said that the cases he tried as a summary judge were only for such offences as were named in the martial law proclamation of the 19th April.

In reply to Sir Chimanlal Setalvad, witness said that he had been in the Punjab for the last 21 years. For a short time, he was in the Bombay Presidency. When the disturbances broke out, he was at Amballa, and on telegraphic instructions from the Punjab Govern-

ment he proceeded to Sheikhpura and took charge there. Witness expressed the opinion that the hartal should be deemed illegal. That was the opinion he had formed after he went to Sheikhpura. The general shutting of shops was undesirable, if illegal was too strong a word. Witness then admitted his statement that there were no places where disloyalty was so deep as in Delhi, Lahore and Amritsar. Asked if he had any personal experience of these places, witness said he had spent a certain period in Delhi but not in his official capacity.

Asked on what material he based his statement, witness said that was his own opinion which he had expressed in a confidential report to Government. Pressed further, he said he did not wish to give his reasons because he did not think it desirable. Asked whether his refusal to give reasons was because he considered such a course to be against the public interests or it was due to the order of Government, witness reiterated that it was not desirable to give them. Asked why it was not desirable to give them, witness said that he did not want to say why he decided not to give the reasons he had for forming his opinion about Delhi being a disloyal place. The same thing applied to Lahore and Amritsar. Questioned with regard to his statement that had there been no pleaders at Sheikhpura there would have been no trouble at these places, the witness disclaimed any intention to make any general statement against pleaders. He did not mean to suggest that martial law should have been permanent and that if there were no lawyers it would be much better. The police delayed making arrests because they were paralysed before the identification parades. No census of the villages were taken. There were identification parades at seven or eight villages. At only one place were the whole male population turned out. Counsel were allowed to appear in cases which he tried, and it was not correct to say that he did not allow them to cross examine and confined them to suggesting questions only. He merely asked them what questions they liked to put. As a matter of fact he could not remember if a counsel named Mr. Norton had declined to appear before him because he disallowed his first question itself. A lambardar named Attar Singh was arrested as a hostage for his sons. He did not think that the man was put on a horseback and taken to Lahore. Gohar Singh was arrested as a hostage for his sons but was released the next day when his sons surrendered. He did not know if Gohar Singh was again arrested and was released only when martial law was removed. He did not know whether any charges were framed against him. His pension was stopped as a result of the recommendation he made owing to all his three sons being implicated in the disturbances.

833 In reply to further questions the witness said he did complete justice to the accused persons. Continuing, Mr. Bosworth Smith said that he arrested 77 persons at Sangla. Asked if he had any evidence that all these men were concerned in the disturbance, the witness said that he had a lot of general evidence about him, but there were no recorded statements. A lot of persons had told him in general terms, and as far as he remembered the arrested persons were pointed out to him. Subsequently on the 14th May he arrested 57 person more. Out of this 100 odd arrested men only eight were charged, out of whom seven were convicted and one acquitted. A suggestion was made by him that Rs. 50,000 should be recovered from Sangla. When the respectable people of the places agreed he released most of the persons. He did not know to what figure the Government had subsequently reduced his original suggestion. Questioned in regard to the saluting order, the witness said that he could not say if the boys were to repeat at the parade "we won't commit anything," etc. He had suggested the erection of a house of repentance at Sangla. His idea was that good might come out of evil, and that it would be a sort of "lest we forget." It was not true that he had suggested that half of the estimated cost of ten thousand rupees should be borne by the pleaders. His idea was that people should go inside this house and repent. The plan had never been laid before Government. So far as the pleaders were concerned he had submitted a confidential report to the High Court recommending disciplinary action in the case of some of them.

834 Asked if he had held more than a dozen durbars, the witness said that on more than a dozen occasions he had collected people and talked to them. Very likely he alluded to their conduct. He had not told the people at these meetings never to trust pleaders.

835 Pandit Jagat Narayan asked the witness how, supposing the party was fewer than one hundred, he would account for the fact that the number of people arrested exceeded that number. Witness pointed out that large crowds were parading the streets. No sum was collected at Sangla under his orders for comforts for the troops, nor were respected people ordered to pull the punkahs. It was very likely that 185 people were arrested in Chuharkana. One Mastan Singh, the station-master or assistant station master of the place, was arrested and afterwards released. He then appeared as a Crown witness. Asked if it was a fact that the identification by the station staff was carried out after the release of this man, the witness said he did not know. He was able to arrest a large number of people without military help, but the military were on the scene.

## Mahatma Gandhi's Evidence

In his written statement to the Hunter Committee Mr. Gandhi states:—For the past thirty years I have been preaching and practising Satyagraha. The principle of Satyagraha as I know it to-day constitutes a gradual evolution. Satyagraha differs from passive resistance as the north from the south. The latter has been conceived as a weapon of the weak and does not exclude the use of physical force and violence for the purpose of gaining one's end, whereas the former has been conceived as a weapon of the strongest and exclude the use of violence in any shape or form. The term Satyagraha was coined by me in South Africa to express the force that Indians there used for full eight years, and it was coined in order to distinguish the movement then going on in the United Kingdom and South Africa under the name of passive resistance. Its root meaning is holding on to truth, hence I have also called it love-force or soul-force. The application of Satyagraha discovered in the earliest stage that pursuit of truth did not admit of violence being imported. One's opponent must be won over from error by patience and sympathy for that which appears to be truth to one may appear to be error to the other, and patience means self-suffering. So the doctrine came to mean the vindication of truth by the infliction of suffering not on the opponent but on one's self. On the political field the struggle on behalf of the people mostly consists in opposing error in the shape of unjust laws. When you have failed to bring the error home to the law given by way of petitions and the like the only remedy open to you if you do not wish to submit to an error is to compel him by physical force to yield to you or by suffering in your own person by inviting penalty for the breach of law. Hence Satyagraha largely appears to the public as civil disobedience or civil resistance. It is civil in the sense that it is not criminal. A criminal law-breaker breaks law surreptitiously and tries to avoid penalty but not so the civil resister. He even obeys the laws of the state to which he belongs not out of fear, but because he considers them to be good for the welfare of the society. But there come occasions, generally rare, when he considers certain laws to be so unjust as to render obedience dishonour. He then openly and civilly breaks them and quietly suffers the penalty for their breach and thus registers his protest against the action of the law givers. It is open to him to withdraw his co-operation from the State by disobeying such other laws whose breach does not involve moral turpitude. In



my opinion the beauty and efficiency of Satyagraha are so great and the doctrine so simple that it can be preached even to children. It was preached by me to thousands of men, women and children, commonly called the indentured Indians, with excellent results. When the Rowlatt Bill was published I felt that they were so restrictive of human liberty that they must be resisted to the utmost. I observed too that opposition to them was universal among Indians. I submit that no state, however despotic, has a right to enact laws which are repugnant to the whole body of the people, much less a Government guided by constitutional cargo and precedent such as the Indian Government. I felt that the economic agitation needs a definite direction if it was neither to collapse nor to run into violent channels. I ventured therefore to present Satyagraha to the country emphasising its civil resistance aspect, and as it is purely an inward and purifying tonic I suggested observance of fast, prayer and suspension of all work for one day the—6th of April. There was a magnificent response throughout the length and breadth of India even in little villages. Although there was no organisation and no great previous preparation the idea was given to the public as soon as it was conceived. On the 6th April there was no violence used by the people and no collision with the police worth naming. Harta was purely voluntary and spontaneous. I attach hereto a letter in which the idea was announced. The observance of 6th April was to be followed by the civil disobedience. For this purpose the committee of the Satyagraha Sabha had selected certain laws for disobedience and we commended the distribution of prohibited literature of a perfectly healthy type e. g., the pamphlet written by me on "Home Rule" the translation of Ruskin's "Unto the Last," "on defence and death of Socrates." But there is no doubt the 6th April found India vitalised as never before. The people who were fear-stricken ceased to fear authority. Moreover, hitherto the masses had lain inert. Leaders had not really acted upon them. They were undisciplined. They had found a new force but they did not know what it was and how to use it. At Delhi leaders found it difficult to restrain the very large number of people who had remained unmoved before. At Amritsar Dr. Satyapal was anxious that I should go there and show to the people the peaceful nature of Satyagraha. Swami Shradhdhananji from Delhi and Dr. Satyapal from Amritsar wrote to me asking me to go to their respective places for pacifying the people and for explaining to them the nature of Satyagraha. I never have been to Amritsar and for that matter to the Punjab before. These two messages were seen by the authorities and they knew that I was invited to both the places for peaceful purposes. I left Bombay for Delhi and the Punjab on the 8th April and had telegraphed to

Dr. Satyapal whom I had never met before to meet me at Delhi. But after passing Muttra, I was served with an order prohibiting me from entering the province of Delhi. I felt I was bound to disregard this order, and I proceeded on my journey. At Palwal I was served with an order prohibiting me from entering the Punjab and confining me to the Bombay Presidency, and I was arrested by a party of Police and taken off the train at that station. The Superintendent of Police who arrested me acted with every courtesy. I was taken to Muttra by the first available train and then by a goods train early in the morning to Siwai Madhupur where I joined the Bombay Mail from Peshawar and was taken charge of by Superintendent Bowring. I was discharged at Bombay on the 10th April, but the people of Ahmedabad and Viramgam and in Gujrat generally had heard of my arrest. They became furious. Shops were closed. Crowds gathered and murder, arson and pillage, wire cutting and attempt at derailment followed. I had worked in the midst of Kaira ryots just before and had mixed among thousands of men and women. I had worked at the instance of and with Miss Anusuya Sarabhai among the mill hands of Ahmedabad. The mill hands appreciated her philanthropic work and adored her.

The fury of the labourers in Ahmedabad reached a white heat when a false rumour was started that she too was arrested. Both of us had visited and interceded for the mill hands of Viramgam when they were in trouble, and it is my firm belief that excesses were committed owing to the great resentment of the mob over my arrest and the rumoured arrest of Miss Anusuya Sarabhai, I have mixed with the masses in practically the whole of India, and talked to them freely. I do not believe there was any revolutionary movement behind the excesses. They could hardly be dignified by the term rebellion. In my opinion the Government erred in prosecuting the offenders for waging war. This hasty view has caused unmerited or disproportionate suffering. The fine imposed on poor Ahmedabad was heavy, and the manner of collecting it from the labourers was unnecessarily harsh and irritating. I doubt the justice of inflicting on the labourers a fine so large as one hundred seventy six thousand rupees, imposition of additional police on Nadiad and Barehdi, and the collection of the cost from the farmers of Barehdi and from Banias and Patidars of Nadiad was totally unjustified and even vindictive. I think the introduction of Martial Law in Ahmedabad was also unjustified and its thoughtless administration resulted in the loss of several innocent lives. At the same time and subject to the reservations mentioned by me, I have no doubt in Bombay Presidency the authorities acted with considerable restraint at a time when the atmosphere was surcharged with mutual suspicion

and an attempt at wrecking a train which was bringing to troops restore order had natural by angered the authorities

Questioned by Lord Hunter Mr. Gandhi declared that the Satyagraha movement, of which he was the author was intended to replace physical force and was based entirely upon truth. He adopted it in connection with the opposition to the Rowlatt Act in order to secure its repeal. Consistent with the successful carrying out of the movement his intention was to enlist as many people as possible. It was not a movement essentially antagonistic to Government. That was not the spirit in which it was conceived and wherever he had led it that was not the spirit in which it was understood by the people. If he was in charge of Government and found himself with such a body of men as Satyagrahis he would welcome and keep them on his side. He intended to make it a mass movement that was why in order to put restraint the Committee was forced to select the laws for disobedience instead of selection being left to individual freedom. It was not a dangerous campaign. The object of Government to prevent anarchical crime was laudable but the method adopted was not the correct one and the Rowlatt Act was not the remedy. He tried to go down before Lord Chelmsford and other high Government officials with bended knee and failed to secure the repeal of the Act. Hartal was distinct from civil disobedience and was meant to strike the imagination of the masses. He would be guilty of asking the people while on hartal to engage themselves in violence. Acts of mobs, whether at Ahmedabad or Viramgaum was totally unjustified. The mob lost control, but he did not wish to offer any defence for their acts. At the same time Government should have done better. They committed a serious error of judgment. As soon as he got back from after his arrest which was real and not supposed arrest as was often said, he did what he could in calming the atmosphere. When he said at the meeting he addressed at Ahmedabad on the 13th that the affair had been organised and there were educated people behind it about which so much had been made of, he meant the people who knew to read and write and not the educated people in the sense that they were university men. There was no question of a deep laid organisation throughout India. He knew there was an organisation behind Ahmedabad but he was not prepared to give names. The trouble in Ahmedabad was anti-Government but he could not say if it was anti-European. Coming to the question of the measures taken to quell the trouble, the authorities acted with restraint at Ahmedabad. The work of the Special Tribunals was done with justice. Levy on the poor people at Ahmedabad and the levy at Nadiad was unjustified.

In answer to Mr Justice Rankin, Mr. Gandhi said, he temporarily suspended civil disobedience on 18th April by yielding to better knowledge. Lord Chelmsford's desire in the matter was communicated to him through the Governor of Bombay together with the latter's own advice and he yielded. He felt guilty of having temporarily damaged the feeling of respect for law in the people but he did not think he created a spirit of lawlessness in the people as a whole.

Questioned by Sir Chimanlal Setalvad Mr. Gandhi declared that it was not necessary for all who follow Satyagraha to have some high moral and intellectual sense as the leaders.

He did not agree that it required extraordinary control of passions. It was difficult to say if the country had now sufficiently realised the high ideal of Satyagraha to enable him to try it again, but the country was now all the better and purer. As regards the statement that there was an organisation behind the trouble at Ahmedabad he had unimpeachable testimony of the deluded people who were told to go and do acts. There were not isolated instances but it was difficult to say if it was done on a large scale. The Viceroy had put it straight to him. "Do you want India to be converted into an armed camp? If you do not want, then we ask you to suspend Satyagraha."

Asked by Pandit Jagat Narayan if he would adopt Satyagraha in connection with legislation in future years for which Indian ministers would be responsible and if legislation was obnoxious he would go and break law. Mr. Gandhi declared that the English ministers had the benefit of ignorance while the Indian ministers would not have that excuse. Such a situation, he did anticipate, would arise in India. Satyagraha was to be adopted only after all other methods have been exhausted. If he could possibly have turned on Lord Chelmsford he would have gone and said, "Lord Chelmsford, you go now. You have assented to the Rowlatt Act."

Replying to Sultan Ahmed, witness said he did not at all agree with the conclusion of Rowlatt Act. Facts as marshalled in the report did not justify the report they had written.

Asked if he admitted the right of the Government to put down anarchy by repressive measures, witness said the Rowlatt Act was certainly not a remedy. Satyagraha movement had spread in the Punjab which province is just as capable as any other province of India to adopt it.

Lord Hunter remarked :—Now the only matters we have got to deal with here are as regards Ahmedabad itself. We have been told you enjoy great popularity among the mill workers?

Mr. Gandhi: Yes.

Q. And that seems to have caused a great resentment on their part and led to a very unfortunate action in April in Ahmedabad and Viramgam?

A. Yes.

Q. So far as those incidents are concerned you have no personal knowledge of them?

A. No.

Q. I don't know whether there is anything you can communicate to us in connection with these events to help us to form an opinion.

A. I venture to present this to you that I consider that the action of the mob whether at Ahmedabad or Viramgam was totally unjustified and I think it a very sad thing that they lost self control. I wish to offer no defence but at the time I would like to say that the people among whom rightly or wrongly I was popular were put to severe test by Government. They should have known better. I do not say that only the Government committed unpardonable error of judgment and that the men committed no error. On the contrary I hold it was more unpardonable on the part of the mob than on the part of Government.

Continuing Mr. Gandhi described the steps he had taken to condemn the acts of the mob and to restore calmness. It was at one of the meetings that he had addressed at Ahmedabad in this connection that he had to use the terms "organised" and "educated" both of which have been so much quoted against him, and against the people. The speech was in Gujarati. By the term "educated" he simply meant literate that is to say those who could read and write and not the people with University education. He had not spoken of a deep laid organisation being in existence, but that the thing was done in an organised manner both of which did not mean the same thing. He did not withdraw since any word of what he had said. He had no knowledge of the happenings elsewhere. There was the question of a deep laid organisation of which Ahmedabad was a part. The organisation was hastily constructed. It was not an organisation in the sense in which they understood the word. He had nothing to do with Mr. Guider's investigation and he thought if he could wean local people from error his position would be entirely justified. Crimes committed by the mob were the result of their being deluded by the wicked rumour of the arrest of Miss Anusuya. There was a class of half educated people who possessed themselves with the false ideas from sources such as cinemas, from silly novels, and from some political leaders. He knew that school. He had mixed with them and endeavoured to wean them. He had so far succeeded in his endeavours that there

were to-day hundreds of people who had ceased to belong to the school of revolution.

In regard to Mr. Gandhi's statement of the existence of an organisation Lord Hunter asked :—Do you imply that there was a common purpose on the part of the rioters ?

Mr. Gandhi : I don't say that. It would be an exaggeration to say that. But I think common purpose was restricted to a very few.

Lord Hunter : According to the Satyagraha doctrine is it right that the people who have committed crime should be punished by the civil authorities ?

Mr. Gandhi :—I am not prepared to say that it is wrong, but there is a better method. It is really a difficult question to answer because you do not anticipate any pressure from outside. But I think on the whole it would be proper not to say that the Satyagraha cannot possibly quarrel with any punishment that might be meted out to an offender and therefore he cannot be anti-Government in that sense.

Lord Hunter :—But apparently it is against the doctrines of Satyagrahi to give any assistance to Government by way of placing information that he has that would lead to the conviction of offenders.

Mr. Gandhi :—According to the principles of Satyagraha it is inconsistent for the simple reason that the Satyagrahi's business is not to assist the police in the method which is open to the police but he helps the authorities and the police to make the people more law abiding and more respectful to authority.

Lord Hunter :—Supposing a Satyagrahi has seen one of the more serious crimes committed in the riots in his own presence. Would there be no obligation on him to inform the police ?

Mr. Gandhi :—of course. I answered that question to Mr. Guider before, and I think I must answer it to your Lordship. I don't want to misguide the youth of the country but even then he cannot go against his own brother. When I say "brother" I do not of course make any distinction of the country or the nationality. A Satyagrahi is wholly independent of such distinction. I have known criminals of the deadliest type. I have been instrumental in weaning them from crimes. I should be forfeiting their confidence if I disclosed the name of a single man given to me in confidence.



# THE HUNTER REPORT

## AND RELATED PAPERS

# The Hunter Report

By order of 14th October 1919, it was announced that the Governor General in Council had, with approval of the Secretary of State for India, decided to appoint a committee :—

To investigate the recent disturbances in Bombay, Delhi and the Punjab, their causes and the measures taken to cope with them.

The Committee, known officially as the Disorders Enquiry Committee, was composed as follows:—

- (1) Lord Hunter, late Solicitor-General for Scotland,—  
*President.*
- (2) The Hon'ble Mr. Justice G. C. Rankin, Judge of the High Court, Calcutta.
- (3) The Hon'ble Mr. W. F. Rice, C.S.I., Additional Secretary to the Government of India, Home Department.
- (4) Major-General Sir George Barrow, K.C.B., K.C.M.G., I.A., Commanding the Peshawar Division.
- (5) The Hon'ble Pandit Jagat Narayan, B.A., Member of the Legislative Council of the Lieutenant-Governor of the United Provinces.
- (6) The Hon'ble Mr. Thomas Smith, Member of the Legislative Council of the Lieutenant-Governor of the United Provinces.
- (7) Sir Chimanlal Harilal Setalvad, Kt., Advocate of the High Court, Bombay.
- (8) Sardar Sahibzada Sultan Ahmed Khan, Muntazim-ud-Doula, M.A., LL.M. (Cantab.), Bar-at-Law, Member for Appeals, Gwalior State.

The committee held their first meeting at Delhi on 29th October when the procedure to be adopted by them was discussed. It was resolved that persons or bodies desirous of offering evidence should be invited to lodge with the Secretary a statement in writing (to be signed by a barrister, advocate, pleader or *wakil*) of the facts which they desired to prove and an outline of the points or contentions which they were prepared to substantiate. The statements were to be accompanied by a list of any witnesses whom it was desired to have examined and a short synopsis of the evidence of each such witness. The committee were prepared to hear applications from the persons or bodies who lodged statements for leave to

attend the sittings by a barrister, advocate, pleader or *wakil*. Intimation as to the proposed procedure was duly made in the press.

The committee heard the evidence of witnesses on 8 days at Delhi, on 29 days at Lahore, on 6 days at Ahmedabad and of 3 days at Bombay. All the witnesses, with the exception of Sir Michael O'Dwyer, General Hudson, Mr. Thompson and Sir Umar Hayat Khan, who gave their evidence *in camera*, were examined in public.

At Delhi the All-India Congress committee appeared by counsel, cross-examined witnesses put forward by the authorities, and called witnesses of their own. At Ahmedabad there was a similar appearance on behalf of the Gujrat *Sabha*.

In connection with the inquiry at Lahore on 12th November 1919, a communication was received by the President from the President of the All-India Congress Committee that a resolution had been come to by that body that "in view of the situation created by the refusal of the Government to accede to the request for the temporary release on adequate security of the principal Punjab leaders at present undergoing imprisonment, the committee regrets that it finds it impossible to co-operate with the Disorders Inquiry Committee by appearing before it and tendering evidence on behalf of the people." It was suggested in the letter that it was still possible to remove the impasse if the Committee could see its way to recommend the release, for the period of the inquiry, of the principal leaders under such security as might appear adequate to the Government.

The suggestion made in this letter was considered by the Hunter Committee, who were unanimously of opinion that it was not within their province to review the discretion of the local Government as regards the release of prisoners. A reply to this effect was sent by the Secretary to the above communication. In this letter there is the following passage:—"If in the course of their inquiry, it should appear that the evidence of any persons now in custody is necessary to throw light on the causes of the disturbances or the measures taken to deal therewith such persons will be called before the Committee, and, in this event, the committee do not doubt that the Government of the Punjab will place no obstacles in the way of their appearance. The committee observe indeed from the communication of the Private Secretary to the Lieutenant-Governor, of which a copy is annexed to your letter, that an assurance has been conveyed to you on this point and also an undertaking that proper facilities will be allowed for consultation between persons in custody and counsel engaged in the enquiry which has been entrusted to the committee and Lord Hunter's committee would expect that in this matter Government would afford the fullest reasonable facilities,

Lord Hunter has independently suggested to the Punjab Government that this should be done. Beyond this Lord Hunter's Committee feel that they cannot properly make any further suggestions." As a matter of fact, however, no concession was given to the Congress Committee for placing before the Hunter Committee any evidence relevant or material to the enquiry and as a result the Congress Committee declined to give evidence.

The All-India Congress Committee did not appear before the Hunter Committee at any of the sittings in Lahore.

On 30th December Pandit Malaviya wired to Lord Hunter in the following terms:—"As principal leaders have been released in pursuance of Royal Proclamation my committee is now in a position to lead non-official evidence relating to Punjab before Disorders Inquiry Committee, in the event acceptance of my committee's suggestion it is assumed that official witnesses will be recalled for cross-examination when necessary. Wire reply." Similar communications were sent from some of the imprisoned leaders who had been released. It appeared to Lord Hunter however, that the request to re-open the inquiry was in the circumstances quite unreasonable and the Secretary at his request, sent a reply in the following terms:—"In view of the fact that the Committee has sat at Lahore for over six weeks and has now completed the hearing of evidence there, that full opportunity was given for the presentation of non-official evidence and that it was open to your committee to cross-examine witnesses during that period. Lord Hunter regrets that he is unable to accept the suggestion of your committee."

The result was that bereft of any hope of any but official witnesses under official patronage being presented to the Committee, the Indian leaders headed by Pundits Malaviya and Motilal Nehru, Mahatma Gandhi, C. R. Das and others went on with a non official-enquiry into the happenings of the Punjab. Their report is a bulky one and categorically condemn the Government of Sir Michael and unearths many mysterious and harrowing details of his administration. This Report with all the evidence collected was forwarded to the Sec. of State and the Govt. of India and other high quarters but seems to have been utterly ignored.

In March 1920 the Hunter Report was submitted to the Govt. of India in the form of a Majority and Minority Report. The Majority report is signed by the President, Lord Hunter, and his European colleagues on the committee, Mr. Justice Rankin, General Barrow, and Messrs Rice and Smith. The Minority report is signed by the Indian members, Sir C. H. Setalvad, Pandit Jagat Narayan, and Sahibzada Sultan Ahmad. As might be expected the majority

report is an exquisite piece of white washing of the Punjab Tragedy except where the black deeds of murder and outrage were too deep to be hidden. The minority report is a categorical indictment of the Government of the Punjab under the mailed fist of Sir M. O'Dwyer, based on the evidence of official witnesses alone.

On May 3rd 1920 the Government of India sent the Hunter Reports together with its own Despatch to the Sec. of State for India. Naturally the Government of India acquiesced in the findings of the Majority report of the Hunter Committee, excepting the Hon'ble Mr. Shafi who agreed generally with the minority report. So the conclusions of both the Government of India and the Hunter Committee showed similar lines of cleavage. The despatch of the Government of India was a long recital of justifications for what they had done during that awful tragedy of the Punjab to "save India" from a more terrible catastrophe! The language, sentiment, mentality of that despatch are the same that underlie the Rowlatt Bills and Debates in Council, and the famous Reforms despatches of 1919. Then came the Secretary of State's famous Despatch of the 26th May 1920.

# Secretary of State's Despatch On the Report of Hunter Committee

26th. May 1920

My Lord,—

His Majesty's Government have considered the report of Lord Hunter's committee upon the disturbances which occurred in the Punjab and other parts of India in the early part of last year. They have further been informed by me of the conclusions to which Your Excellency's Government had arrived in your own review of the report as expressed in your letter dated the 3rd May, the text of which you have telegraphed to me. The report and your letter naturally cover grounds which His Majesty's Government did not feel called upon to survey in detail, but their consideration of the matter has led them to definite decisions upon certain of the more important questions arising out of the report and they have desired me to communicate in my reply to your letter their considered statement of those decisions. Paragraph number 2 to 8 of this despatch contain accordingly this statement.

1. **General** :—The report of Lord Hunter's Committee represents the results of a prolonged and patient investigation. The labour would be of little value if their very complete and careful findings are not put to a practical use. The conclusions recorded have been inspired in the main by the belief that the chief duty which lies upon His Majesty's Government and the Government of India in utilising the report is not primarily to apportion blame to individuals for what has been done amiss, or to visit penalties upon them, but rather to prevent the recurring in the future of occasion for blame or regret, should unfortunate circumstances ever produce again a situation such as that which occurred in India in the spring of 1919. The conduct of Brigadier-General Dyer at Amritsar on the 18th April and the main features of the occurrence at Jallianwalla Bagh in Amritsar city on the afternoon of April 13th, 1919 are well known. They are set out at length in Lord Hunter's report and appear in minute detail in the evidence, both written and oral, given before the Committee by Brigadier-General Dyer himself, the full and authorised text of which is now available to the public. As to the acts there is no doubt and no dispute, and it is only necessary here to recapitulate them very briefly in their baldest form.



On the morning of the 13th April Brigadier-General Dyer, who had arrived at Amritsar on the night of the 11th, issued a proclamation forbidding *inter alia* processions to parade in or outside the city and stating that they would be treated as unlawful assembly and dispersed by force of arms if necessary. This proclamation was read out at various places in the city in the course of the progress through the streets of a column of troops led by Brigadier-General Dyer personally who left his quarters about 9 A.M. for this purpose, and returned to them about 1-30 P. M. About an hour before his return to his quarters in Ram Bagh, Brigadier-General Dyer had heard that despite his proclamation it was intended to hold a large meeting at Jallianwalla Bagh at 4-30 that afternoon, and at 4 p.m. he received a message that a crowd of about 1,000 had already assembled there. Shortly after 4 p.m. Brigadier-General Dyer marched from Ram Bagh with picketing parties, as he had previously determined to picket the main gates of the city, and with a special party consisting of 50 Indian infantry armed with rifles, 40 Indian Infantry armed only with *kurkis* (type of sword) and two armoured cars, he proceeded straight to Jallianwalla Bagh, dropping his picket parties enroute, and on arrival marched his infantry through a narrow lane into the Bagh and deployed them immediately right and left of the entrance. The armoured cars he left outside as the lane was too narrow to admit them. Having deployed his troops Brigadier-General Dyer at once gave orders to open fire and continued to fire on the dense crowd facing him in the enclosure (which he estimated at above 5000 persons), for some 10 minutes, until his ammunition supply was at the point of exhaustion. 1650 rounds of 303 mark IX ammunition were fired. The fatal casualties as the result of this action are believed to be three hundred and nine. The number of wounded has not been exactly ascertained but is estimated by Lord Hunter's Committee at possibly three times the number of deaths. Immediately after giving orders to cease fire Brigadier-General Dyer marched his troops back to Ram Bagh. The reasons given by General Dyer for the severity and duration of his fire are stated as follows in his written statement furnished to the General Staff (16th Indian Division) and subsequently laid before Lord Hunter's Committee:—"I had considered the matter from every point of view. My duty and military instincts told me to fire. My conscience was also clear on that point. What faced me was what on the morrow would be the *Danda* fauje (this which may be translated as 'bludgeon army' was the name given to themselves by rioters in Lahore). I fired and continued to fire until the crowd dispersed and I considered this is the least amount of firing which would produce the necessary moral and widespread

effect it was my duty to produce, if I was to justify my action. If more troops had been at hand the casualties would have been greater in proportion. It was no longer a question of merely dispersing the crowd, but one of producing a sufficient moral effect from a military point of view not only on those who were present but more especially throughout the Punjab". There could be no question of undue severity. The principle which has consistently governed the policy of His Majesty's Government, in directing the methods to be employed when military action in support of the civil authority is required, may be broadly stated as using the minimum force necessary

#### GENERAL DYER.

2. His Majesty's Government are determined that this principle shall remain the primary factor of policy whenever circumstances unfortunately necessitate the suppression of civil disorder by military force within the British Empire. It must regretfully but without possibility of doubt be concluded that Brigadier-General Dyer's action at Jallianwalla Bagh was in complete violation of this principle. The task which confronted him was to disperse by force if necessary a large but apparently unarmed assembly which had gathered in defiance of his orders. It was possible that considering the strength of the military force at his disposal, the size of the crowd, and the general temper and attitude of the inhabitants of the city, he would have found it impossible to achieve the task effectively and completely without some firing and without causing some loss of life, but it is certain that he made no attempt to ascertain the minimum amount of force which he was compelled to employ, that the force which he actually employed was greatly in excess of that required to achieve the dispersal of the crowd and that it resulted in lamentable and unnecessary loss of life and suffering. But this is not a full statement of Brigadier-General Dyer's error. (!) There can be no doubt that large number of people in the assembly, many of whom were visitors to the city from surrounding villages, were ignorant of the existence of his proclamation and the danger which they ran by attending the gathering. The proclamation was published in only a portion of the city, that portion being some distance from the scene of the meetings, and no warning of any kind was given before fire was opened. It would be unfair, considering the state of the city, the heat of the weather, and the strain to which the troops under General Dyer's command had been subjected since their arrival in the city, to lay too great stress upon the first point, but the omission to give warning before fire was opened is inexcusable. Further that Brigadier-General Dyer should have taken no steps to see that some arrangement was made to give medical assistance to the dying and the wounded

was an omission from his obvious duty but the gravest feature of the case against Brigadier-General Dyer is his avowed conception of his duty in the circumstances which confronted him. His Majesty's Government repudiate emphatically the doctrine upon which Brigadier-General Dyer based his action, which to judge from his own statement, might have taken an even more drastic form, had he had a larger force at his disposal, and had a physical accident not prevented him from using his armoured cars. They have not overlooked the extreme gravity of the situation as it presented itself to the authorities in India generally and to Brigadier-General Dyer in particular on the 13th April, nor have they failed to appreciate the immensity of the responsibility which Brigadier-General Dyer felt and rightly felt to be imposed upon him by that situation. They think it is possible that the danger to the lives of Europeans and to the safety of the British and Indian troops was greater than appears from the Committee's Report. In Amritsar itself violent murder and arson of the most savage description had occurred three days previously and the city was still practically in possession of the mob. From the surrounding countryside reports were hourly being received of similar violent outbreaks and attacks upon communications, and the deficiency in these reports (due to the success of the attack on communications) were supplemented by rumours which there was little means of verifying and as little ground for disbelieving. In discharging this responsibility with the small force at his disposal, Brigadier-General Dyer naturally could not dismiss from his mind the conditions in the Punjab generally and he was entitled to lay his plans with reference to these conditions, but he was not entitled to select for condign punishment an unarmed crowd, which when he inflicted that punishment, had committed no act of violence, had made no attempt to oppose him by force and many members of which must have been unaware that they were disobeying his commands.

In passing judgment upon Brigadier-General Dyer for his action on the 13th April it is impossible to disregard an order which he passed some day's later, and which has become generally known as **the crawling order**. It is unnecessary here to report the nature of this order or the circumstances out of which it arose. Had the order been carried out as a punishment upon the persons actually guilty of the crime which it was designed to stigmatise, it would have been difficult to defend. Inflicted as it was upon persons who had no connection with that crime with the object of impressing upon the public of Amritsar through the humiliation of those persons the enormity of the crime committed by certain individuals of that public, the order offended against every canon of civilised government.

Upon a military commander administering martial law in a hostile country there lies a grave responsibility. When he is compelled to exercise this responsibility over a population which owes allegiance and looks for protection to the Government which he himself is serving, this burden is immeasurably enhanced. It would prejudice the public safety with the preservation of which he is charged to fetter his free judgment or action either by the prescription of rigid rules before the event or by overcensorious criticism when the crisis is past. A situation which is essentially military must be dealt with in the light of military considerations which postulate breadth of view and due appreciation of all the possible contingencies. There are certain standards of conduct which no civilised government can with impunity neglect and which His Majesty's Government are determined to uphold subject to the due observance of those standards. An officer administering martial law must and will remain free to carry out the task imposed upon him in the manner which his judgment dictates to him as best and most effective and may rely upon the unqualified support of his superiors when his task has been accomplished. That Brigadier-General Dyer displayed honesty of purpose and unflinching adherence to his conception of his duty cannot for a moment be questioned, but his conception of his duty in the circumstances in which he was placed was so fundamentally at variance with that which His Majesty's Government have a right to expect from and a duty to enforce upon officers who hold His Majesty's Commission, that it is impossible to regard him as fitted to remain entrusted with the responsibilities which his rank and position imposed upon him. You have reported to me that the Commander-in-Chief has directed Brigadier-General Dyer to resign his appointment as Brigade Commander and has informed him that he would receive no further employment in India, and that you have concurred. I approve this decision and the circumstances of the case have been referred to the Army Council.

The justification for the declaration and continuance of martial law—There are no grounds for questioning the decision of the majority of Lord Hunter's Committee that the declaration of martial law and the partial suppression of the ordinary tribunals in the districts of the Punjab in which martial law was applied were justified (Chapter 11, para 17). As regards the dates to which it was prolonged it is obvious that the institution of martial law involves the responsibility of deciding when it is to be revoked. The general principle is clear. Martial law should remain in force no longer than public safety demands, but beyond this there are no hard and fast criteria which can govern this decision and a retrospective judgment in the light of after events is not permissible. The fact that open

disorder had ceased some time before martial law was revoked may have been due to the existence of martial law, and its abrogation might have been followed by a recrudescence. Looking back in the light of events it is permissible to argue that earlier abrogation was possible, though His Majesty's Government can feel little doubt that this argument would have been less pressed than it has been hitherto had there been no ground for complaints of the manner in which in some cases martial law was administered. But it is not permissible to condemn the authorities responsible for the decision taken who had to rely only on their anticipation of the future.

#### Martial Law Courts

The justification for the Ordinance of 1919 giving the martial law commissions jurisdiction to try any offence on or after March 30th :—

The legality of this Ordinance is not at issue. That question has been recently determined by the judicial Committee of the Privy Council, nor is there any valid reason to question the propriety when (as was the case here) it can legally be done, of ante-dating an enactment setting up special martial law tribunals and procedure so as to bring within their jurisdiction persons charged with overt acts of violence which were the immediate cause of, and justification for, the declaration of martial law. The original ordinance setting up martial law commissions in the Lahore and Amritsar districts gave the commissions jurisdiction to try offences committed on or after the 13th April. Had this date remained it would have been impossible to try by commission persons charged with actual participation in the murders, incendiarism and destruction of property which occurred on the 10th April at Amritsar or persons charged with participation in the riots at Lahore on the 10th and 11th April and in the murders at Kasur on the 12th, and if the Government of India with the legal power at their disposal had neglected to correct the anomaly to this extent they would have omitted an obvious and necessary step towards the restoration of normal conditions, but the use of the power which the Ordinance give in order to apply the special martial law method of trial to persons whose offence consisted in newspaper articles and speeches which were not demonstrably and immediately the cause of the outbreak of open disorder, stand on an entirely different footing, and the terms "unfortunate and imprudent" which the majority of Lord Hunter's Committee applied to this policy are at all events not exaggerated criticisms, taking into consideration the acts committed under Ordinance 4 of 1919, which it is impossible to disavow. His Majesty's Government can feel little doubt that the

terms of the Ordinance itself were too wide and that the drafting of any future Ordinance of a similar kind should ensure due limits to its applications.

#### Administration of Martial Law

There is one question with regard to which it is impossible to avoid the conclusion that the majority of Lord Hunter's Committee have failed to express themselves in terms which unfortunately the facts not only justify, but necessitate. In paras 16 to 25 of Chapter 12 of their report, the majority have dealt with the intensive form generally which martial law assumed, and with certain specified instances of undue severity and of improper punishments or orders. It is unnecessary to recapitulate the instances which the committee have enumerated in detail in both their reports, nor would any useful purpose be served by attempting, to assess with a view to penalties, the culpability of individual officers who were responsible for these orders, but whose conduct in other respects may have been free from blame or actually commendable, but His Majesty's Government must express strong disapproval of these orders and punishment, and ask me to leave to you the duty of seeing that this disapproval shall be unmistakably marked by censure or other action which seems to you necessary upon those who were responsible for them. The instances cited by the Committee gave justifiable ground for the assertion that the administration of martial law in the Punjab was marred by a spirit which prompted not generally but unfortunately not uncommonly, the enforcement of punishments and orders calculated, if not intended, to humiliate Indians as a race, to cause unwarranted inconvenience amounting on occasions to injustice and to alter the standards of propriety and humanity which the inhabitants not only in India in particular but of the civilised world in general have a right to demand of those set in authority over them. It is a matter for regret that notwithstanding the conduct of the majority there should have been some officers in the Punjab, who appear to have overlooked the fact that they were administering martial law not in order to subdue the population of a hostile country temporarily occupied as an act of war, but in order to deal promptly with those who had disturbed the peace of a population, owing allegiance to the King Emperor and in the main profoundly loyal to that allegiance. It is difficult to believe that this could have occurred had the civil authority been able to retain a larger measure of contact with the administration of martial law, and it is of paramount importance, if in the future it should unfortunately be necessary to have recourse to martial law, that some system should be devised which will secure



such contact effectively. A review of the methods and results of the trials by the summary procedure of martial law tribunals would be uncalled for. It is not however improper to observe that marked attention has been directed to its disadvantages, and to the extreme divergence between the sentences required by the charges as presented to those courts, and by the dictates of justice as they presented themselves to the reviewing authorities. It is to be hoped that as a result of the experience thus gained means will be devised whereby martial law tribunals can be improved if they have again to be employed.

**The use of bombing aeroplanes at Gujranwala**—With regard to the use of bombing aeroplanes at Gujranwala on the 14th April the majority of Lord Hunter's Committee expressed their views as follows :—"As to the use of bombs from aeroplanes we did not think that this would be defended by any one save in cases of urgent need in the absence of other means and under the strictest limitations. Even then in our opinion the first two of these conditions were present in full force. We are not prepared to lay down as a charter for rioters that when they succeed in preventing the ordinary resources of Government from being utilised to suppress them they are to be exempt from having to reckon with such resources as remain." They then proceed to state that no blame can be imputed to the flying officers concerned for carrying out the instructions given, illustrate their defectiveness, and they conclude by a recommendation that the formulations of instruction to be given to flying officers in future in similar circumstances should form the subject of careful investigation. In formulating these conclusions His Majesty's Government wish to state clearly that reconnaissance, communications, propaganda dropping and moral effect summarise the normal and correct use of aircraft under conditions of unrest in normally peaceful countries, but emergencies may occur when owing to distance or damage to communications or both and the progress of murderous mob violence and arson which there is no other means of checking, exceptions from this general position are not only justified, but necessary. It is impossible to guarantee by general or special instructions that machine guns or bombs will affect only the crowd which would be justifiably fired upon. But in future explicit orders must be required for the employment of armed aircraft in such emergencies. These orders should be issued in writing by a civil authority and should authorise only a limited amount of bombing and machine gun fire to be employed to overawe mobs which are so far as the airman can judge actually engaged in crimes of violence. The Government will see to it that instructions on those lines are issued as soon as possible. They regretfully agree with Lord Hunter's

Committee that the instructions issued to the airmen who visited Gujranwala in this occasion left much to be desired in precision.

Sir Michael O'Dwyer at last !!!

It follows from what has been said in earlier paragraphs that on certain points arising out of this enquiry His Majesty's Government do not regard Sir Michael O'Dwyer as immune from criticism. Thus they cannot endorse the unqualified approval which he accorded on insufficient information to the action of Brigadier-General Dyer at Jallianwala Bagh, and they think it unfortunate that he did not adhere at the time to his first impulse to withhold both praise and blame on a matter with which as a civil officer he was not in the circumstances directly concerned. The motives which evidently prompted him to adopt another attitude and to maintain that attitude subsequently and in the light of fuller knowledge are less open to criticism. As regards the administration of martial law generally, Sir Michael O'Dwyer had evidently contemplated arrangements by which civil officers would be accorded a recognised position to advise on military administration, and the Martial Law manual which your Government have under consideration should ensure that in future this plan is brought into operation. With the general question of Sir Michael O'Dwyer's administration of the Punjab His Majesty's Government are not now immediately concerned. They recognise that it has formed the subject of much controversy in India and that a widespread impression has been engineered that the Punjab Government under his direction was hostile to the educated classes and was determined to suppress not only illegitimate but also legitimate and constitutional political agitation. While they sincerely trust that this atmosphere may be dispelled, they are fully conscious of the difficulties of the situation with which he was faced. Conspiracy, the activity of enemy agents, the rise in the cost of living, and the necessity of furnishing the bulk of the vast number of recruits for the Indian army which the needs of Empire required, though fortunately powerless to disturb the loyalty of the province, as a whole caused constant anxiety throughout his term of office. That term has now ceased. A long and honoured connection with India has ended, and His Majesty's Government desire here to pay a tribute to the great energy, decision and courage which Sir Michael O'Dwyer brought to the task through a period of exceptional difficulty and to express their appreciation of his services.

#### Conclusions

As to the conclusions which Your Excellency's Government have recorded on the matters arising out of this report I am glad

to find that I am in general accord with your views save in so far as otherwise appears from the foregoing paragraphs and I have little further to add at the present moment. Your Excellency's Government will however understand that the publication of documents in which the public both in India and in this country is vitally interested is not necessarily a final settlement of all the large questions involved. I shall expect you to submit for my early approval the draft of the Martial Law Manual which you have under consideration. To this matter I attach the utmost importance. I need hardly say that I most earnestly trust that occasion may never arise for the enforcement of such rules but this enquiry will have served a valuable purpose if it results in the enactment of a code of regulations calculated to ensure a human foresight which can serve a system of administration which is at once adequate to repress disorder, to secure the speedy, just and fitting punishment of its promoters, and which yet subverts no more than the fulfilment of these requirements necessitates the ordinary rights and course of life of the people at large, and adheres to the processes of civil justice and Government. For in view of conditions which threaten the existence of the State, martial law is a necessary remedy, but it is a remedy which unless applied with wisdom and good judgment loses its value. It is therefore incumbent upon us to do all in our power to prevent the depreciation of its value by misuse. The same observations apply in my judgment to deportation, an expedient which in its present form it is so notoriously difficult to employ and the effects of which are so incapable of exact estimation. His Majesty's Government found it necessary to criticise in strong terms the conduct of certain officers charged with the administration of martial law, and Your Excellency's Government have indicated that all proved cases of abuse of their powers on the part of subordinate officers of the police and other services will receive due notice. But these exceptions apart His Majesty's Government desire me to express to you in no uncertain terms their warm endorsement of your appreciation of the conduct of officers and men, both civil and military, British and Indian, upon whom fell the heavy task of assisting the people of India to recover their fair name for loyalty and orderliness. The burden thus imposed upon officers and men of His Majesty's British and Indian armies, of his Police force and of his Civil Services who had already borne with fortitude but not without fatigue, the trials and strain arising from a long drawn war was a heavy one. In setting themselves to their task these men proved true to the great traditions of their service. His Majesty's Government wish further to express the profound regret they, equally with Your Excellency's Government, feel for the loss of life which these dis-

turbance occasioned, and their deep sympathy with those to whom the events have brought personal bereavements.

In conclusion I am glad to have this opportunity of assuring Your Excellency of the sense of obligation which His Majesty's Government feel to you personally for the manner in which you have fulfilled your trust. Great as is always the burden borne by the Governor-General of India, world-wide circumstances have combined to lay upon you a degree of anxiety such as has only at long intervals fallen upon any of your illustrious predecessors. His Majesty's Government desire that you should be fortified by the knowledge that they continue to repose the fullest confidence in Your Excellency's discretion inspired as they feel certain it has constantly been by the signal aim of the good of the people whose Government is committed to your charge.

## The Hunter Report

The Hunter Committee Report was issued in India on May 26 1920 in a bulky volume of 200 pages with appendices containing maps and statistics. 100 pages are devoted to the majority report signed by the 5 English members and 60 pages to the minority report by the 3 Indian members. The report deals fully with each district and contains a chronological statement of events in the Punjab from March to August with details of each disturbance, damage to property, railway etc. The approximate damage in the Punjab was estimated at 25 lakhs of rupees.

### Points of Agreement.

Both English and Indian members broadly agree in their views on the outstanding causes and principal events leading up to the outbreaks. They consider the Satyagraha or civil disobedience movement of Mr. Gandhi responsible for undermining the law-abiding instincts of the population at a time when these instincts were strained to the uttermost by economic distress, war weariness, anxiety as to the political future of India, apprehension as to the Turkish peace terms, and the agitation against the policy of the Government of India in pressing forward and passing the Rowlat Act. They do not consider that the recruiting methods employed in the Punjab had anything to do with the unrest in that province but they point out the contrast between the awakening aspirations of India and the restrictions upon liberty inseparable from the war and post-war periods. The Indian members also refer to the belief that the

administration of the Punjab was unsympathetic in its attitude towards these aspirations. With the exception of the Jallianwalla Bagh and certain minor incidents both Indian and English members generally agree in justifying the firing done by the police and military. They agree in pronouncing unfavourably upon General Dyer's handling of the Jallianwalla Bagh meeting and upon certain of the orders passed in the course of the administration of martial law. They agree in exonerating the Government of India from all blame.

#### Differences.

The Indian and the English members differ in their view as to the precise nature of the disorders, as to the wisdom of introducing and continuing martial law, as to the justification for the policy pursued by the Punjab Government while the troubles were imminent and as to the gravity and proper appreciation of certain of the happenings, and on the broad question of the nature of the disturbances. The English members emphatically state that "open rebellion" is the only suitable description, possessing as they did a public general object, namely an attempt to paralyse the arm of Government by extensive destruction of Government buildings and means of communication. "The element of rebellion", the English members say, "as distinct from mere riot on the one hand and from political opposition to Government on the other, can be traced throughout. In what sense it may be considered to lack openness, we have failed to discover". They consider that the nature of the movement is not affected by the omission of the mob to seize firearms since implements appropriate to the work of destruction were never lacking. They lay stress upon the gravity of the menace to communications and upon seditious language used by mobs and violent posters exhibited in certain places. The Indian members, however, while admitting that the acts of the mob may amount to waging war in the legal sense, object to the description of the disorders as "open rebellion" on the ground that "open rebellion" implies a rising for the purposes of turning out the British Government which was not the intention of the riots. They say "we are unable to agree in the view that the riots in the Punjab were in the nature of a rebellion. To suggest that they had elements of a revolution and might have rapidly developed into one is, we venture to say, an exaggerated view of the events, which is not justified". They do not share the view of the English members as to the extreme gravity of the attacks upon railways, telegraphs and bridges but point out the omission of the mobs to look for sword and guns, further stressing the entire absence of evidence regarding an antecedent conspiracy as a main-spring of the disorders.

**Martial Law.**

There is a further difference of opinion concerning the necessity for the imposition and continuance of martial law. The English members say that it was difficult, probably unsafe, not to assume at the time that the outbreaks were the work of a definite organisation and that it would have been imprudent to treat the different acts as independent and isolated riots. "In our opinion", they say, "the situation which had arisen in the Punjab was one of extreme gravity and the authorities were justified in declaring martial law and partially superseding the ordinary tribunals in the different districts to which martial law was applied". They further consider that those responsible for the maintenance of martial law gave careful and considerate judgment, which cannot be criticised, to its continuance. On the other hand, the Indian members censure the Punjab Government for assuming the disorders to be a rebellion and for persuading itself rather easily that martial law was necessary. They state that martial law came into existence when the crisis was past, at a time when the situation afforded no justification for it. They declare that its imposition for preventive and punitive purposes is constitutionally unjustifiable, further objecting to its continuance as wholly unnecessary.

The report investigates in detail the origin and course of the disturbance in various localities. Both Indian and English members are in a complete agreement respecting events in Delhi and Bombay, holding that the measures taken by the authorities were reasonable and paying tribute to the conduct of Mr. Barron, Chief Commissioner of Delhi and Mr. Chatfield, Collector of Ahmedabad. The Indian members are not quite so confident as the English members as to the merit of the restrictions placed upon Mr. Gandhi's movements, but they admit the possibility that developments dangerous to the public peace might have ensued from his presence at Delhi and in the Punjab. Regarding Amritsar, the English members held that the outbreak was anti-Government at every stage, hostility to Government quickly merging into antipathy for Europeans as such and culminating on April 10th in the brutal murder of 5 inoffensive persons and savage assaults on others. The Indian members think that the anti-European sentiment developed subsequent to the Police firing on people on April 10th but do not dissent from the view that the firing was necessary.

**Genl. Dyers' Conduct.**

The English members approve of the action of the authorities prior to April 13th, considering it impossible that *de facto* martial law could fail to result from the happenings of April 10th, but while admitting the difficulties of the situation, they consider that General



Dyer's conduct at the Jallianwala Bagh is open to criticism in two respects, first in that he fired without warning, and second in that he continued firing too long. They do not believe that the mob would have dispersed if warned and consider that firing would have been necessary in any case. They consider that General Dyer, through a mistaken belief that continued firing would be justified by the effect produced in other places, committed a grave error in firing too long. They find no grounds for believing that this action saved the situation and averted a second Mutiny but they do not think that General Dyer can be blamed for not attending to the wounded, as they are not convinced anyone was exposed to unnecessary suffering for want of medical attention. This opinion is not shared by the Indian members who, while agreeing in the condemnation of General Dyer's action, take a graver view of the whole incident, stigmatising his conduct as inhuman and un-British.

Regarding outbreaks in other towns of the Punjab, both English and Indian members generally approve the conduct of the authorities, endorsing the action taken at Lahore, Kasur, Gujranwalla and elsewhere. The use of aeroplanes in an emergency so grave is approved but stress is laid upon the dangers inseparable from that employment and the difficulty of justifying every detail of the action taken.

The Indian members emphasise this difficulty, object to certain specific incidents and further regard as unjustifiable some of the firing done at Chuharkhana and Sheikhpura.

#### The Martial Law Courts.

In considering the working of the courts set up to try the offenders, the English members believe the trial to have been lengthy, detailed and careful but regard it as inexpedient to have sent some of the accused, notably Mr. Kitchlew and Mr. Satyapal before the ordinary courts. They note that the necessity for making excessive reductions in the original sentences could have been lessened if in the case of minor offenders charges had not been pressed, which when established, left the tribunal no option but to pass sentences of the severest kind. They think, that while the number of persons arrested and detained without being brought to trial was regrettably large, the very difficult work of arrest and investigation was on the whole not done badly or oppressively. The Indian members here differ regarding the working of the courts and the methods of arrest as unsatisfactory. All the members are agreed in commenting unfavourably upon the exclusion of outside lawyers from the Punjab and in considering that the sentences of flogging were too numerous having regard to the strong public sentiment which exists in India against corporal punishment.

Regarding the general administration of Martial law, the English members regret that it should have assumed such an intensive form, further condemning certain of the orders as injudicious and calculated to cause unnecessary inconvenience to the civil population. They object to General Dyer's order that any one desiring to traverse the street where Miss Sherwood was brutally assaulted should crawl. They also object to the orders passed at Gujranwalla and Kasur relative to salaming. The orders passed in Lahore against students are condemned as unnecessarily severe and serving no useful purpose. On all these matters the Indian members take a more serious view considering these orders and some others indefensible, unjustifiable, calculated to humiliate Indians, to punish alike the innocent and the guilty, and to foment racial bitterness.

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## The Majority Report

The following are some of the main extracts from the Majority Report of the Committee :—

### General Dyer and Jallianwala.

General Dyer's action in firing on the crowd at Jallianwala Bagh is open to criticism in two respects. First that he started firing without giving the people who had assembled a chance to disperse and second that he continued firing for a substantial period of time after the crowd had commenced to disperse.

In the ordinary case where a proclamation has been issued forbidding assemblies of people and intimating that a gathering held in defiance of the proclamation may have to be dispersed by military fire, notice is properly given to the crowd before they are actually fired upon. The military situation at the time e.g., the risk of a small force of soldiers being overwhelmed by a threatening mob, may justify firing without the formality of giving a notice to disperse being observed. The only person who can judge whether or not such an emergency has arisen is the officer in command of the troops. In his report to the General Staff, dated 25th August 1919 General Dyer does not suggest the existence of such an emergency from anything observed by him in the demeanour of the crowd prior to his giving the order to fire. When examined before us, he explained that his mind was made up as he came along in his motor car—if his orders against holding a meeting were disobeyed he was going to fire at once. Apparently he looked upon the warning which he had given in the morning as sufficient notice and justification

for his firing upon a crowd assembling in defiance thereof. As he expresses it in the report to which we have just referred : "My work that morning in personally conducting the proclamation must be looked upon as one transaction with what had come to pass. There was no reason to further parley with the mob, evidently they were there to defy the arm of the law."

In continuing to fire for so long as he did appears to us that General Dyer committed a grave error. As soon as firing started the crowd began to disperse. Mr. Plomer, Deputy Superintendent of Police, who was with General Dyer on the 13th April arrived at Jallianwala Bagh in a motor-car behind the car in which the General drove. On his getting into the Bagh firing had started and was continued for about 10 minutes during which time the crowd was trying to escape as far as they could. General Dyer made his statement very frankly to us and we believe that he honestly considered that he was called upon in the discharge of his duty to take the extreme step which he did. The situation as it presented itself to his mind during the time that had elapsed since his arrival at Amritsar was serious and difficult. On 12th April he had received a communication by aeroplane in the following terms :—

"Telegraph line reported cut this morning between Cantonment East and Harbanspura. Lahore quiet. Kasur reports at 06-10 armoured train visited Khem Karan during night and found station wrecked but no casualties. Rioters in small number apparently organised for destruction left in direction of Sulej." On the same day he had a telegram from the Telegraph Master reporting that all telegraph wires between Lahore and Amritsar had been cut and other communications as to the attack on the station and on Europeans at Kasur. On the 13th April he was informed by Mr. Miles Irving that secret meetings had taken place near the Ram Bagh where his headquarters were. From these communications General Dyer concluded that there was a widespread movement which was not confined to Amritsar alone. He was afraid that an attempt might be made to isolate his forces and cut him off from other supplies.

#### Attention to Wounded

General Dyer's action in not attending to or making provision for the wounded at Jallianwala Bagh has been made the subject of criticism. It has to be remembered, however, that he was acting with a very small force and that after firing ceased he at once withdrew to his quarters at Ram Bagh. On being questioned as to whether he had taken any measures for the relief of the wounded, General Dyer explained that the hospitals were open and the medical officers were there. "The wounded only had to apply for help. But they did

not do this because they themselves would be in custody for being in the assembly. I was ready to help them if they applied." He added that it never entered his head that the hospitals were not sufficient for the number of wounded if they cared to come forward. It has not been proved to us that any wounded people were in fact exposed to unnecessary suffering from want of medical treatment.

The first communication that reached Lahore of what had occurred at Jallianwala Bagh was in a mutilated message to the Deputy Inspector-General of the Criminal Investigation Department at about 11 or 11-15 on the night of 13th. It was telephoned to Mr. Thompson, the Chief Secretary, in the following terms:—

"11-30 P. M. Got message from the Deputy Commissioner, Amritsar much mutilated. Sense seems to be—seven arrests were made today—a prohibited meeting dispersed. Communicated to Colonel Gassell who had no report from the General Officer Commanding Amritsar. Rumours heavy casualties in Amritsar to-day."

About 3 A. M. on the 14th the two gentlemen arrived by motor-car with a communication from the District Magistrate. The Lieutenant-Governor was informed of this message. It was to the effect that the meeting at Jallianwala Bagh had been dispersed by force and that the death casualties amounted to about 200. Sir Michael O'Dwyer says that he was informed that only British troops had been used and that there was no civil officer with General Dyer at the time. He asked for details from General Beynon. Early next morning General Beynon telephoned General Dyer's report to the Lieutenant-Governor's Private Secretary. "I made no record of the message," says Sir Michael O'Dwyer. "It showed as far as I can remember that General Dyer had used only Indian and Gorkha troops, that he was accompanied by the Superintendent of Police. I am stating the message as I remember to have received it—that he had to disperse a mob of several thousands assembled in open defiance of his proclamation that morning, that the death casualties had been about 200 and that order had been completely restored in Amritsar. That was the message briefly as far as I remember it. It was General Beynon's summary of the message he had received from General Dyer and General Beynon who is General Dyer's superior said that he fully approved of General Dyer's action and asked if he might convey my approval." According to Sir Michael the time was not one for disputing the necessity of military action. "I approved of General Dyer's action in dispersing by force the rebellious gathering and thus preventing further rebellious acts. It was not for me to say that he had gone too far when I was told by his superior officer that he fully approved General Dyer's action. Speaking with perhaps a more intimate knowledge of the then

situation than any one else, I have no hesitation in saying that General Dyer's action that day was the decisive factor in crushing the rebellion the serious nature of which is only now being generally realised."

#### Gujranwala

Referring to the Gujranwala incident the report says:—

The police were nearly exhausted when, at about ten minutes past three in the afternoon, three aeroplanes from Lahore arrived over the town. It was not until about 9 o'clock at night that the first troops arrived.

The main object of the mob was certainly to destroy all Government buildings and there is little room for doubt that they were imitating or repeating what they had heard of Amritsar on the 10th. When in the civil station they do not appear to have gone hunting for Europeans in their bungalows. The District Engineer and his wife and children had been warned by Mr. Heron and took refuge in the Treasury which was protected by a small guard under a Havildar. There were few other Europeans in the town apart from officers actually engaged in dealing with the mobs. In these circumstances no Europeans actually came within the grasp of any of the crowds though the mob persistently showed its anger against Mr. Heron and shouted threats to kill him.

It is naturally difficult to discover with precision upon what acts the different mobs were engaged at the moment when the aeroplanes arrived. A witness tells us that they were burning the Industrial School at the time. They had moreover set fire to the church and probably to the goods-shed only a few moments before. Crowds were infesting the locality of the station; it seems impossible to suppose that they had changed their intent and were not still bent on mischief as before. There was still every ground for great anxiety as to the safety of the Europeans in the Treasury and elsewhere.

The state of the town is best shown as it presented itself to the eyes of Captain (now Major) D. H. M. Carberry, M.C., D.F.C., First Commander, No. 31, Squadron, whose aeroplane arrived first. At heights varying from 100 to 700 feet he flew over Gujranwala and the villages within an area of three miles to reconnoitre the position. He saw that the railway station was burning and also goods in the goods-shed. There was a train on the up line which appeared to be on fire as well. The station was crowded with people and there was large numbers of people round it, on the roads leading from the city to the civil lines and in the streets of the city. The English Church and four houses in the civil lines on the east of the railway were also burning.

Major Carberry first took action outside the town of Gujranwala. He dropped, he tells us, three bombs on a party of Indians, 150 strong which was making for Gujranwala. This was outside a village about two miles north-west of Gujranwala. (We are informed that the name of this village is Dhulla.) One of the bombs failed to explode; the others fell near the party and scattered it. There people were seen to drop as a result of this bombing. We are informed by the Punjab Government that a woman and a boy were killed and two men slightly wounded. The rest ran back to the village, and fifty rounds were fired at them with machine-guns to ensure that they were effectively dispersed. A few minutes later Major Carberry took action on a group of 50 Indians outside a village about a mile south of the first. This was, we understand, the village of Gharjakh. Major Carberry tells us that the party were apparently returning from Gujranwala, and that he dropped two bombs only one of which burst, but this though it dropped near the party, did not cause any casualties. The party disappeared into the village, 25 rounds from the machine-gun being fired after them without any visible effect. So far as our information goes no casualties resulted at this village from action taken.

The aeroplane was now returning to Gujranwala. Major Carberry observed a party of about 200 Indians in a field near a large red building on the north-west outskirts of the town. This was the Khalsa High School and Boarding House. He dropped a bomb which burst in a courtyard and several people appeared to be wounded. Thirty rounds were fired at the party with the machine-gun and took cover in the house. We are informed that so far as is known the casualties on this occasion were one man hit by a bullet, one student by a splinter and one small boy stunned.

In the town itself, and apart from what has already been narrated, there were only two bombs which burst. Major Carberry dropped eight bombs in all and six have already been accounted for on his report. We were informed by the Punjab Government in its report that two bombs which did not explode were dropped in the town and it is certain that two very effective bombs which did explode were dropped near certain level crossings in the vicinity of the railway station and goods-shed. There is some difficulty in identifying the two bombs, which Major Carberry describes to us as having been dropped by him, with the two which burst because Major Carberry did not see the burst and thought at the time that they had failed to burst. Subsequently, however, he concluded that the two dropped by him must be the bombs that burst near the station but though probable this is not quite certain and he did not profess to identify them in his evidence. The two which he dropped were



intended for a large crowd in the centre of the town and apparently near the station. The first killed four and wounded five; the second seems to have killed two and may have wounded as many as six: He also fired 100 or 150 rounds upon parties of Indians coming from the railway station and going to the civil lines. He returned to Lahore about 10 minutes to 4—the time during which he had been over Gujranwala being about three-quarters of an hour.

Of the other two aeroplanes sent to Gujranwala from Lahore, one took no action; the other fired 25 rounds from its machine-gun upon a gathering of 20 to 30 persons on a level-crossing between the civil lines and the city, but dropped no bombs.

Colonel O'Brien, the Deputy Commissioner of Gujranwala, informed us that so far as could be ascertained the total casualties in Gujranwala on 14th April, including those killed by bombs and machine-guns and those shot by the police, were 11 killed and 27 wounded.

#### Decision justified.

It appears to us that in the circumstances the decision to use bomb-carrying aeroplanes at Gujranwala on the 14th April was justified. When it is possible to render assistance in time by the despatch of troops recourse to bombing from aeroplanes is in our opinion indefensible; other uses of aeroplanes may perhaps be defended: but the absence of information, moment by moment from the ground, the imperfect opportunities of observation as to the demeanour of the crowd and other matters and the difficulty of ensuring accuracy in firing upon particular targets, are factors which in greater or in less degree call for caution in the use of this arm for the purpose of direct offensive action against crowds. We do not consider it within our duty or within our competence to attempt a decision as to matters which are not only technical but which will change perhaps rapidly, as the equipment, skill and methods of the Air Force advance. For this reason we say nothing here as to such other uses, but as to the use of bombs from aeroplanes we do not think that this would be defended by any one save in case of urgent need, in the absence of other means, and under the strictest limitations even then. In our opinion the first two of those conditions were present in full force. Whether one looks to the actual facts as they appear after subsequent investigation, to the facts as apparent at the time to persons on the spot, or the facts as known at Lahore at the time of taking the decision, the urgency and the extremity of the need for prompt disposal of the rioters is incontestable. The orders given to the Wing Commander by the General Staffs were: "to send machines out with bombs and machine-guns to disperse the rioters at Gujranwala with the object of saving lives of any of the white popu-

lations which were in danger." The rioters had cut off communication by telegraph or telephone between Gujranwala and outside places; they had been trying their best to make the railway useless for sending troops to the town: their violence could only be measured when it had been stopped: it was not stopped till the aeroplanes appeared: the police had definitely failed to impose control and were practically exhausted: troops despatched on the earliest information did not arrive till five hours afterwards: there was no certainty of troops reaching there that day at all: and there were no other troops which could be sent. We are not prepared to lay down as a charter for rioters that when they succeed in preventing the ordinary resources of Government from being utilised to suppress them they are to be exempt from having to reckon with such resources as remain.

In acting as they did, Major Carberry and his fellow officers carried out the instructions which had been given to them and it does not appear to us that blame can be imputed to any of them. We think, however, that the action taken under the instructions given illustrates their defectiveness. So far at any rate as the use of bombs is concerned we are unable—apart from the fact that Major Carberry was carrying out orders which he was bound to obey—to uphold the action taken by him in either of the two villages or the action taken at Khalsa High School in the north-west out-skirts of the town. The element of immediate and manifest urgency is lacking as a justification for these bombs, particularly so in the case of Gharjakh where a party of fifty people were apparently returning from Gujranwala. We are glad to record that in this case no casualties appear to have been caused. It is difficult to feel certain that it was necessary to fire with the machine-gun upon the parties at Dhulla and the Khalsa High School in order to disperse these parties effectively: but we are not prepared to impute blame for the officers' decision taken in the air and at a moment.

As regards the bombs which fell in Gujranwala, we confine ourselves to the two bombs which burst. This action we uphold. These bombs appear to have fallen in the midst of rioters caught in the act of rioting and fully minded to continue. We do not doubt that upon the actual swoop of the aeroplane the crowds would commence to move off, but no person forming part of the mob at the place where these bombs fell and at the time when the aeroplane took action could reasonably complain, either on the ground that he was now minded to go away or for want of notice that strong measures would be taken, or otherwise. These bombs were not only justified, but in our view, were invaluable, and the fact that the

disorders were ended by the aeroplanes long before troops arrived is, we think, in large measure attributable to them.

Major Carberry's action in firing with his machine-gun upon crowds in the streets of Gujranwala does not appear to us excessive. He explained to us that there was a large crowd and these rounds were fired at people who were collecting round the station and who were running away when they saw him begin to fire. It is no doubt difficult to judge from a flying machine moving rapidly in air, the moment at which effective and definite dispersal of a large crowd has been ensured. The first sign of movement is not a point after which any rounds fired from an aeroplane must be condemned as unnecessary; in this case a large crowd had to be got and kept on the run until the clearing of the station and the area of the outrages was ensured.

#### Instructions to aeroplanes.

The instructions which should be given to officers in charge of aeroplanes when employed in the suppression of disorders might appropriately form the subject of a careful inquiry by those in command of the Air Force. Special problems are presented in the use both of bombs and machine-guns from the air and there may be other means with which an aeroplane might be provided for dispersing crowds. As Sir Michael O'Dwyer has shown in the passage already quoted from his evidence, the authorities at Lahore had given their best consideration in the circumstances to the question of the instructions with which aeroplanes should be sent out in case. It may not be in all cases adequate, and if adequate it may not be practicable as working instruction to an observer, that the crowds to be bombed or fired upon are such only as appear to be actually engaged in the work of destruction, or about to engage in such work. The witnesses with which an aeroplane can arrive at the scene of disorder, the large measure of immunity from attack from the ground and its independence of all external aid in getting there, are advantages which must always count heavily and in no country, more so than in India, but these in their turn must be heavily discounted unless instructions to observers can be so formulated as to leave them with a discretion which is controlled upon clear and practicable lines and limited strictly, as regards the more violent of the measures which are open to them.

On the 15th April Lieutenant Dodkins received instructions in the early morning to take an aeroplane and make a route-reconnaissance over the railway between Lahore and Gujranwala to ascertain if the railway had been destroyed or the route cut in any way and also to make a district reconnaissance of Gujranwala and

report on the general situation. He was further ordered to take offensive action on any large gathering of people.

He found no such gatherings in Gujranwala, but in a field about a mile to the west he saw a gathering of about 20 people whom he scattered by firing his machine-gun, but without aiming it so as to hit the crowd. We have no information that any casualties occurred. A few minutes later he noticed in a village about half a mile to the west of Gujranwala a gathering of from 30 to 50 men who were standing in a semi-circle round the door of a house, being addressed by a man from the door. On the approach of the aeroplane this party entered the house. Lieutenant Dodkins dropped a bomb which hit the adjoining house and below in the side. We have no information that this caused any casualties but no sufficient explanation has been given to us to justify the use of this aeroplane for purposes of offensive action.

#### Martial Law Orders.

As regards martial law orders and cases arising out of the breach thereof we think it unfortunate that, in several important respects, martial law assumed as intensive a form as it did. It was not being administered in an enemy country but in a country where, on the restoration of normal conditions, it was advisable that martial law administration should leave behind as little feeling of bitterness and unfairness as possible. Some of the orders issued were injudicious. They served no good purpose and were not, in our opinion, drawn with sufficient tact to prevent undue annoyance to the civil population.

#### Crawling Order.

The most criticised of these orders is probably, what has come to be known as General Dyer's crawling order.

On 10th April 1919 Miss Sherwood while bicycling in Amritsar had been brutally assaulted and left for dead in a street of the city. The perpetrators of this dastardly offence were deserving of the severest punishment. Some days after the assault had been committed General Dyer erected a triangle or whipping post at the place where Miss Sherwood fell. His intention was that those who had been guilty of the assault should be publicly flogged at this triangle. He placed two pickets at different parts of the street with instructions that no Indians were to pass between these points of the street, but he added that if they had to pass they must go on all fours. This order was issued on the 19th April, i.e., 9 days after the assault had been committed on Miss Sherwood. It continued in force until 26th April when it was withdrawn on the instructions of the Punjab Government who disapproved of it.

At the time when he issued the order General Dyer says that it never entered his brain that any sensible or sane man would intentionally go through the street, which he desired to close. Unfortunately, just after he gave the order to the picket, some men were brought by the police before General Dyer for not salaaming and on account of their impertinent demeanour to him, he ordered them to be arrested and taken to the police office. These men were taken by the police past the picket, who insisted on their crawling. General Dyer, however, explains that, in ordering their arrest and removal to the jail, he had no idea that they would pass along the street to which the crawling order applied. On the following day six men were sentenced to be flogged for some breach of fort discipline—the exact nature of their offence was not proved. They appear to have been under arrest for the assault on Miss Sherwood. They were taken to the whipping post and there flogged. On their way from the picket to the post and back they were made to crawl. We understand that these six men were afterwards convicted of the offence against Miss Sherwood with which they were charged. In addition to the cases we have mentioned other people had to crawl along the street. Altogether about 50 people seem to have done so. There are a number of houses that abut on the street. The inhabitants of these houses have occasion to use the street for the purpose of getting the necessaries of life or on other legitimate occasions. General Dyer thought all the houses had back entrances, but in this he was wrong. On this error being pointed out to him he suggested that it was only a slight inconvenience for the people to go on the roofs of the houses and improvise other means of getting supplies than using the street. In this we cannot agree. The order is certainly open to the objection that it caused unnecessary inconvenience to a number of people and that it unnecessarily punished innocent as well as guilty. Above all from an administrative point of view, in subjecting the Indian population to an act of humiliation, it has continued to be a cause of bitterness and racial feeling long after it was recalled.

Another order open to similar objection, though in a less degree, is the salaaming order pronounced by General Campbell on 22nd April 1919. That order is in the following terms: "whereas it has come to my notice that certain inhabitants of the Gujranwala District are habitually exhibiting a lack of respect for gazetted or commissioned European Civil and Military Officers of His Majesty's Service, thereby failing to maintain the dignity of that Government, I hereby order that the inhabitants of the Gujranwala District shall accord to all such officers, whenever met, the salutation usually accorded to Indian gentlemen of high social position in accordance

with the customs of India. That is to say, persons riding on animals or on or in wheeled conveyance will alight, persons carrying opened and raised umbrellas shall lower them, and all persons shall salute or 'salaam' with the hand." It may be right enough that during the administration of martial law all the civilian populations should salaam or salute officers of His Majesty's Service. The marks of respect, however, mentioned in the order which were shown by social inferiors to their social superiors are practically no longer in observance. No good object was served by making all Indians, whatever their station, show these signs of respect to all Commissioned Officers.

The orders of Colonel Johnson as administrator of Martial Law in Lahore civil area against the students of that city are also open to criticism. On 16th April, on the narrative that it was in the interest of the preservation of law and order to restrict the activities of the students of the D. A. V. College in spreading seditious propaganda, he pronounced an order requiring all the students of that college to attend a roll call at the Bradlaugh Hall at four different hours during the day. A similar order requiring the students of the Dyal Singh College to attend four roll calls at the telegraph office was pronounced on 19th April. By a later order, pronounced on 25th April, the students of King Edward Medical College were required on four occasions during the day to report themselves to the officer commanding the troops at Patiala House. The students of this college were ordered to give up their bicycles to an officer appointed to receive them and the possession of a bicycle was deemed a contravention of martial law. Compliance with the order for attendance at roll calls necessitated the students in many cases walking about 16 miles a day during the hot weather in Lahore.

On 17th April in consequence of a martial law notice outside the college being torn or defaced in contravention of a martial law order, another order was issued ordering the immediate arrest and internment in the Lahore Fort, pending further order as to their trial or otherwise, of all male persons domiciled in the Sanatan Dharam College Hostel. Under this order between 50 and 100 students and their professors were arrested and marched a distance of about three miles to the Fort where they were detained about 30 hours.

Some of the students of the different colleges in Lahore had been in the unruly mobs that assembled in the Mall at Lahore on 10th April. They had of recent years taken an increasing interest in political matters and some of them had given utterance to seditious sentiments, and punishments of a disciplinary character were no doubt called for, but we think the orders to which we have referred



were necessarily severe. It would have been more prudent in our opinion if the military authorities had consulted the college authorities as to the orders to be passed. From the evidence given to us the latter bodies appear to have disapproved the above orders as serving no useful purpose.

#### Flogging.

The infliction of sentences of flogging by Area Officers for offences committed against martial law orders is subject to criticism in some respects. When martial law was declared triangles or whipping posts were set up in Amritsar near the Fort and at some other places in the city the intention being that flogging should take place in public; but few were so carried out. At Lahore the position is thus described by Colonel Johnson. The places where flogging took place were "more or less in the vicinity of the courts, where the sentences were passed i.e., the Reservoir Chaulks, in the immediate vicinity of the courts, and some were sent down to the Kotwali. The Civil Magistrate was sitting in the Telegraph office. They were flogged in the compound there. There were 10 cases altogether of that kind. Then there came an expression of wish—that was practically an order from the Commander-in-Chief—that flogging should not take place even in semi-public. After that the other 55 were flogged in the Central Jail, Lahore." We are of opinion that even under martial law administration, no floggings should take place in public.

The impression made upon our mind by the evidence is that there were too many sentences of flogging pronounced. From an examination of the cases of flogging inflicted for breaches of martial law orders it appears that the punishment of whipping was regarded as "probably the most efficacious and convenient method of summarily dealing with most minor breaches of Martial Law Regulations." We find it inflicted for contravention of the curfew order, for failure to salaam a Commissioned Officer, for disrespect to a European, for taking a commandeered car without leave, for refusal to sell milk and for other similar contraventions. In view of the strong public sentiment in India against corporal punishment we think it would be advisable that some restriction should be imposed on the discretion of Area Officers in giving sentences of whipping.

Allegations have been made that sentences of whipping were carried out in a particularly cruel fashion and that some people practically succumbed to the injuries that were inflicted. In our opinion there is no foundation for such suggestions. Instructions were issued that old and feeble men should not, under any circumstances be flogged and that the social status of offenders also required

consideration. These instructions appear to have been very generally carried on.

A number of cases were brought to our notice where punishment of a different character from that mentioned in the Martial Law proclamations was inflicted. This was particularly so in the case of the administration of martial law at Kasur. Many rumours, for the most part without any real foundation, were circulated as to Captain Doveton's 'Fancy Punishments.' According to that officer's statement he invented some minor punishments for cases which he did not think serious enough to merit being dealt with as provided in General Beynon's Proclamation. The most generally imposed of these punishments was that of working on the railway. In one case a man accused of an offence suggested that he would skip if he were exempted from working in the goods-yards as a punishment. He was allowed to do so and afterwards a number of people were prescribed skipping exercise instead of being punished in a regular fashion. An accused who was of a poetical disposition was set the task of composing a poem in praise of a martial law officer which he read in the market place. These punishments do not appear in Captain Doveton's return of punishments but the fact they were imposed on gave rise to strange rumours. It was said, for example, that a sadhu had been ordered to be whitewashed. As explained by Captain Doveton this rumour seems to have arisen in this way. "There was a particular piece of work to be done in the goods-yard, I mean the clearing of a siding. There was an undelivered consignment of lime. I mean the owner had not taken delivery of the consignment and the whole siding was blocked. I ordered that this should be removed, at least I was told that that was the only work on hand that day, and it was the rainy season, and I think these people were covered from head to foot. They had shovels with them, and they were covered with lime from head to foot." One of the men made to do this work was a "sadhu" and in the course of his work he got covered with lime. Unfortunately the same officer, i. e., Captain Doveton pronounced an injudicious order that all convicted prisoners should salaam by touching the ground with their forehead. From this order sprang the rumour that he had compelled men as a punishment to draw pictures in the dust with their noses. General Hudson explained to us that although the proclamation of law laid down three forms of punishment, this did not preclude the officer on the spot from imposing slighter punishment upon the civil population on the analogy of what is sometimes called minor punishments in the army but he thought that there should always be a record of the punishment, whatever it might be, that was imposed. We agree in the latter expression of our opinion. We also think that some

limitation on the nature of the punishment which he is to impose should be placed on the discretion of the officer on the spot administering martial law. We cannot think that a limitation of this sort would unnecessarily tie his hands. The instructions issued should if necessary be extended so as to include special forms of punishment in particular cases.

During the administration of martial law one or two regrettable incidents occurred where people failing to answer the challenging of sentries were shot. The result of enquiries made at the time seemed to show that the action of the sentry, though regrettable was not blameworthy. Some complaints were made against members of the police force for black-mail. These were investigated into by the police authorities and if the complaint was established the offender was dealt with. Near Kasur a sepoy, who had plundered some clothes in Khara village, was arrested and tried by court-martial. On being convicted he was sentenced to 6 months' imprisonment and dismissed from the service.

**The Majority Report is signed by the 5 British Members of the Committee:—**

William Hunter (Lord)	T. Smith (Chamb. of Comm. U. P.)
G. C. Rankin (Justice)	W. F. Rice (Govt. of India)
G. DeS. Barrow (General, Indian Army)	

## The Minority Report

The following pages give in extenso the Minority Report of the Hunter Committee except the first chapter where the agreements and disagreements with the majority report are indicated in a general way. In India this is the only authoritative Report that counts, just as, had there been an enquiry into the Sack of Louvain or into some other Belgian affair during the late War, the Report of the Belgium Members would have counted more than any other. In concluding the first chapter of their report the Indian Members say:—

“We must note that the evidence produced before us was mainly official evidence; only a negligible number of volunteers offered themselves. In the anxious consideration we have given to the materials placed before us, while giving the fullest weight to that evidence we could not lose sight of the fact that it was in the main the evidence of officials whose administration was under review and there was virtually no non-official evidence. Allowance must therefore be made for the possibility that, if non-official evidence had not been withheld, our conclusions regarding some incidents might have been different.”

# The Indian Minority Report of the Hunter Committee

## Circumstances existing in the beginning of 1919

1. In order to arrive at a correct conclusion regarding the real nature of the disorders of April 1919, it is necessary to bear in mind the circumstances existing in the beginning of the year 1919, in the country generally and in the places where these disorders broke out in particular. These circumstances have been fully stated in paragraphs 2 to 8 and 19 and 20 of the chapter on Causes in the Majority Report, in which chapter, subject to a few reservations as already stated above, we entirely agree. For four years and more the resources of India like those of the other members of the British Empire, had been strained to the utmost in the prosecution of the war. A large effective army had been supplied, the Punjab itself making a substantial contribution of £400,000. India has raised three war loans, and contributed £100,000,000, as its quota to the Empire's war expenses. Besides the direct contributions in men and money there were indirect contributions of a substantial character in various ways. The prices of necessaries of life and other commodities of daily use had increased immensely owing to the war, pressing very heavily on the middle classes and people of limited means. People with fixed moderate incomes were most hard hit in this direction, and among them were the subordinate railway officials who were therefore discontented. Curtailment of facilities of travelling and of import and export of merchandise had also created considerable hardship. The operations of the Defence of India Act and the rules thereunder and of the Press Act had encroached upon the ordinary standard of liberty.

2. While the war was on, all the restraints and hardships, though felt bitterly, were suffered patiently, because of the common purpose of winning the war. But the people generally had hoped that the defeat of Germany and the successful ending of the war for the Allies would immediately end the abnormal conditions and bring into existence a happy and prosperous era. After the Armistice was concluded in November 1918, the prevailing abnormal conditions, instead of vanishing, became aggravated, particularly in relation to high prices. The ordinary people naturally became discontented with

their lot. There was widespread famine in the country owing to the failure of the monsoon of 1918, and the prevalence of influenza and other epidemics had resulted in a very heavy mortality. The new Income-tax Act and the more searching methods of enquiry in relation thereto as well as the interference with trade conditions already referred to had made the trading community restless.

3. The war had also created throughout the world a new outburst of freedom and liberty, and the same visibly affected India. The Imperial Government had, as early as August 1917, made a declaration of policy by which the attainment by India of Responsible Government by successive stages was put forward as the goal and the Secretary of State for India and the Viceroy, having gone round the country and ascertained the views of the public as to the manner in which that policy was to be given effect to, had published the Montagu-Chelmsford Scheme. Great expectations were thereby raised, and when it was said that the Government of India were likely to suggest modifications therein of a somewhat illiberal character, that news had caused considerable irritation. The conclusion of the war has also brought forward the thorny question of the terms on which peace was to be concluded with Turkey, and the Muhammadans in India were apprehensive that those terms would be severe.

4. The above statement describes the factors that were influencing the minds of the people throughout the country, including the Punjab and the other places where these disorders took place.

#### **Special factor in the Punjab.**

5. Some of the above factors were more potent in the Punjab than elsewhere. As already observed, the Punjab had supplied by far the largest number of combatants as compared to the other provinces in India; war-weariness would be more pronounced in the Punjab than in any other province. Similarly, the restrictions on traffic must have been more seriously felt by the producer of the Punjab which every year exports a large quantity of food-stuffs. Lahore, Amritsar, Gujranwala, Wazirabad, Hafizabad, Sangla Chuliarkana, Akalgarh, Aminabad, Kasur, Patti, Khem Karan, came under the special income-tax and the increase was very large, running from 100 to 200 per cent. The seizure of wheat stocks under the Defence of India Act to stop speculation and reduce the price of grain to the poor was also naturally disliked by the traders affected thereby. Then the Punjab Government under Sir Michael O'Dwyer had for various reasons come to be regarded by the educated and politically minded classes as opposed to their aspirations. His speech in the Imperial Legislative Council in September 1917;

was regarded as an attack on the educated classes and created considerable resentment. At the next meeting he expressed regret that his speech had hurt people's feelings. During his administration orders had been issued prohibiting politicians like Mrs. Besant and Mr. Tilak from entering the Punjab and reports of certain meetings had been prohibited publication unless they had been censored. He had objected to the Hon'ble Dr. Sapru, the Hon'ble Mr. Banerji and the Hon'ble Pandit Madan Mohan Malaviya being invited to attend the conference that was held at Lahore to support the reforms-proposals of the nineteen members of the Indian Legislative Council. Several newspapers had been prohibited entry into the Punjab; and the Press Act had been put into operation more vigorously there than in any other province. The Hon'ble Mr. Thompson, Chief Secretary to the Punjab Government, said that the late Lieutenant-Governor of the Punjab wanted the atmosphere of the place to be as calm as possible during the war, and that all these measures taken by him in regard to the Press and political agitation must be regarded as war-measures. In referring to these measures, we must not be regarded as attempting in any manner to pronounce judgment as to their merits; we are referring to them only with the object of noting the fact that in consequence of them there was considerable feeling existing in the educated and thinking classes in the Punjab.

#### Rowlatt Act.

6. On the 18th January, 1919, what are popularly known as the Rowlatt Bills were published and were introduced in the Imperial Legislative Council on the 6th February 1919. The bills evoked almost universal opposition in the country. They were opposed by almost all the Indian members of the Imperial Legislative Council, of all shades of political opinion in the country. It was felt in India that, when she stood steadfastly by the Empire in the War and had thereby proved her right to be treated as an equal member of the Empire, repressive legislation of this character was being hurriedly passed while the Reforms Scheme for instalment of Self-Government had not till then materialised. But the main objection to the legislation was that the Executive were being clothed thereby with considerable powers uncontrolled by the judiciary. When an amendment moved by the Hon'ble Mr. Surendra Nath Banerji for the postponement of the bill to the September session, pointing out that there was no harm in so doing as the Defence of India Act was still in operation, was negatived, considerable feeling of resentment was created. In stating the above facts we must not be regarded as in any manner expressing any opinion on the question



whether the introduction of these measures at this juncture was unwise or with regard to the merits of those measures ; it will be outside the scope of our reference to do so. We have stated these circumstances only with the object of taking note of the fact that the introduction of the Rowlatt Bills did create considerable resentment throughout the country. This opposition, shared in as it was by people of all shades of political opinion, was genuine and not a factious or artificial one as was suggested by some witnesses before us. One of the Rowlatt Bills was finally passed in the Legislative Council on the 17th March 1919, and received the assent of the Viceroy soon afterwards. The agitation against the measure increased, and demonstrations of various kinds were made to secure the repeal of the measure. It appears that at any rate in the Punjab there were afloat a considerable number of misrepresentations of the provisions of the Rowlatt Act, but it was not suggested that any known or recognised leaders were responsible for these misrepresentations. Although these misrepresentations were current for a considerable time, Government had not taken any definite step to explain the Act to people at large ; it was not until after the HARTAL of April 6th that the Punjab Publicity Board took step to distribute copies of it in large numbers.

#### "Satyagraha" movement. Civil disobedience

7. While the bill was still before the Legislative Council, Mr. Gandhi joined the agitation against the bills, which thereby received a great accession of strength. On the 1st March 1919, the SATYAGRAHA SABHA was established at Bombay, and it was announced that those taking the SATYAGRAHA vow would civilly disobey the Rowlatt Act and such other laws as a committee of the SABHA may from time to time name. We are in agreement with what is stated in paragraphs 13 to 18 of the chapter on Causes in the Majority Report as regards the SATYAGRAHA movement, its progress and the nature and effect of the doctrine of civil obedience stated by Mr. Gandhi as part of the SATYAGRAHA doctrine. There was a SATYAGRAHA SABHA established at Delhi and there was active propaganda in support of SATYAGRAH but the SATYAGRAHA movement as such does not appear to have made appreciable headway in the Punjab ; and we do not think that the disorders that took place there could be attributed to active presentation of the SATYAGRAHA doctrine by organisations working in the province itself.

#### Was there a rebellion and organised conspiracy ?

8. The question that first arises is whether these events were in the nature of a rebellion as commonly understood, that is, a rising for the purpose of turning out the British Government and were the

result of an organised movement for that end. It was stated before us by some officials that these disorders were in their view the result of an organised conspiracy throughout the country to turn out the British Government, and it was said that such organisation was connected with the ferment in Egypt and machinations in Afghanistan. One witness even suggested that it was connected with, if not financed by, the Russo-German Bolshevik organisation. The views were based on inferences from the nature of the occurrences themselves and no evidence in support of them was forthcoming. The Hon'ble Mr. Thompson, Chief Secretary to the Punjab Government, admitted in his examination before us that there was nothing more than conjectural connection between the disturbances in the Punjab and the ferment in Egypt, the machination in Afghanistan or the Bolshevik influences. He did not wish the Committee to draw any inference in this connection from the facts placed before us by him. The following is an extract from the examination of Colonel A. J. O'Brien, Deputy Commissioner, Gujranwala, regarding his statement that the unrest was organised from outside :—

Q. So according to that, the organisation that you refer to was in the Punjab, outside Gujranwala?

A. I don't say that. I say that it was certainly outside Gujranwala.

Q. Was it outside of Punjab or inside?

A. That I cannot tell you.

Q. You cannot say where the organisation was?

A. No, I have no information.

Q. You do not know whether there was any organisation at all.

A. No.

Q. And then why do you say here "it was organised. . ." when you never knew whether there was an organisation at all or not?

A. As I said, it was only my assumption. I don't think that the Gujranwala people would have started it off of their own accord, therefore I assumed that it must have come from outside.

Q. You assumed the existence of an organization without any evidence at all? You never made any enquiries?

A. It is not for me to take into consideration every individual thing outside my own district.

Q. Colonel, you have made a statement, and surely you must base that statement on some material?

A. I am like our friend this morning (referring to a non-official witness). I did not expect to be cross-examined.

Q. Therefore you thought it did not matter if you made that statement and it would not be challenged?

A. I was asked to give my opinion by the Punjab Government and I gave it.

**No organisation for bringing about the disturbances.**

9. On the evidence before us we are of opinion that there was no rebellion in the sense we have mentioned nor any organisation for

that purpose ; further that there was no organisation even for bringing about the disturbances and the atrocities which were committed by the mobs seized by the frenzy of the moment. The Punjab Government in their case presented to us, take the view that the disturbances cannot be rightly attributed to an organisation for that purpose but must be referred mainly to local causes. They say "In many cases the HARTAL of the 6th April owed very little to a direct organisation of public men."

"The movement against the Act working up to the general demonstration of the 6th was not of itself of an exceptional character. There was not, as far as can be ascertained, any general intention of carrying it beyond political agitation and passive resistance."

"For the disturbances that ensued we must mainly look to local causes." Speaking about Amritsar where the worst disorders took place, the Punjab Government say "that certain local factors resulted in turning what started as a protest in force against the deportation of Drs. Kichlew and Satyapal into mob-violence marked by murder, pillage and incendiarism."

At Lahore, they say, the disturbances followed the reported arrest of Mr. Gandhi and the news of the outrages at Amritsar. Speaking about the town of Gujranwala, they say "Actual disorder was due rather to the desire to emulate the outrages of the mob at Lahore and Amritsar rather than to any long premeditated organisation for violent ends." As regards the disturbances in various places in the Gujranwala district, Mr. Bosworth Smith, Joint Deputy Commissioner, Sheikhpura, says in his written statement, "Crowds flocked down to meet every train that passed through and the wildest rumours were afloat. The outbreak was immediately preceded by the BAISAKHI festival. A large number of Sikhs and others went to Amritsar. Some of them were shot or wounded there, and the wildest tales came back of Government oppression, which further inflamed the population, particularly against Europeans." Of Kassur they say that "it is safe to exclude any suggestion that disorders were long premeditated or due to an organisation to that end." As regards Gu'rat they say "the record of the disturbances in this district discloses no evidence of organisation. Such trouble as occurred was confined practically to two days, and with the exception of the deliberate derailment at Malakwal, reveals little concerted action to cause a serious breach of peace.....; but the nature of the course taken by the demonstration does not suggest that there was at any time ever any danger of outrages so grave as those which occurred at Amritsar and Gujranwala."

10. It is also beyond doubt that the principles of SATYAGRAHA enunciated by Mr. Gandhi inculcate the doctrine of non violence and

that the SATYAGRAHA vow enjoins abstention from violence. Although the effect on the masses of the propaganda of civil disobedience connected with SATYAGRAHA was likely to create an atmosphere favourable to violence, it cannot be said that the promoters of the SATYAGRAHA movement themselves intended that violence should result. The official evidence is unanimous in saying that the local leaders at Delhi, including SATYAGRAHIS, were taken by surprise at the actual violence that occurred and did their best to assist the authorities in the restoration of law and order. Jiwanlal, Inspector, Criminal Investigation Department, has the following record in his diary "I personally called on Dr. Kitchlew as the follower of his views. I am not known to him in any capacity. It was necessary to sign a form regarding passive resistance and the manner in which it was to be resorted to would be according to the instructions of Mr. Gandhi to be received later on. He gave me a form which I attach herewith. He advised that no violence or force should be used."

#### Result of official investigation.

11. Mr. Orde, Superintendent of Police, Delhi, was specially charged to make enquiries about the Delhi disturbances with the particular object of bringing to light the extent and methods of organisation believed to be responsible for the disturbances and its connection, if any, with similar outbreak in the other parts of the country. The conclusion, arrived at after full investigation, is that the rioting at Delhi was not the outcome of a conspiracy against the British RAJ but the natural consequence of economic hardships and political unrest. He further says that it was never intended by the members of the SATYAGRAHA SABHA or others that their activities should result in violence. He adds that he could find no connection between the Delhi disturbances and disturbances in other places. Similarly, Mr. Guider, who was specially deputed to conduct an investigation into the Ahmedabad disturbances, said that he could find no organisation behind those disturbances, and that there was no connection between the Ahmedabad disorders and the disturbances in other places. Mr. Tomkins, Deputy Inspector-General of Police, Punjab, who, it appears, was placed on special duty to explore the organisation underlying the disturbances came to the conclusion "that behind and beneath the disturbances there was no organisation such as could not be seen by any one following political developments in India during the last few years." In his view, the disturbances were more or less spontaneous, bred by political unrest. The marked differences as regards certain essential features in the disturbances at different places also negative any common design. While in Amritsar and Ahmedabad the mobs,

when they lost self-control and started on their nefarious work, brutally assaulted and killed Europeans and destroyed Government and public property, it was quite otherwise in Lahore and Delhi. During the disturbed time of the 10th of April and the following days, there was no determined attempt at Lahore to molest Europeans or attack banks or public buildings. Similarly, in Delhi, throughout the period of the disturbances from the 30 March to the 17th April, there was never any attempt made to damage Government or public buildings or any attack on Europeans as such.

12. If there was no organised or concerted attempt to bring about these disorders it follows that there was no organisation for a rebellion, and we think that it is not a correct description of these disturbances to call them rebellion in the sense we have indicated above. The first circumstance that invites attention in this connection is that in no place were the mobs provided with any fire-arms or swords or other weapons of that character. The evidence further shows that at no time was any attempt made by the crowds to obtain arms by raiding the houses of license holders or the ammunition shops in the disturbed areas. Lieutenant-Colonel Johnson told us that there were 1,700 license holders in Lahore civil area. The question was put to him "Am I right in supposing that if the people of these provinces had been bent on rebellion that (possessing arms) would have been the first thing they would have done?" His answer was "I say that is my opinion. I think you are right." In several cases in the beginning of the disturbances, they had not come armed even with LATHIS or sticks. When this aspect was put to some official witnesses, they said that it was a 'ridiculous' rebellion. At Amritsar when the crowd first started to go to the Deputy Commissioner's bungalow they were bareheaded and barefooted and had no sticks; and it was after they had been turned back by the firing that some of them armed themselves with sticks and pieces of wood from a shop near the railway station. This appears from the evidences of Mr Miles Irving, Jiwanlal and Dr. Fauq. Moreover, no serious attempt appears to have been made to get the rural population to join in the disturbances. The official evidence is unanimous that the rural population, as a whole, had nothing to do with these disturbances. Lieutenant-Colonel Smithers, who, in charge of a mobile column, visited various places in the district of Lahore, says in his report to General Beynon: "My impression as regards the loyalty of the district was that outside the larger towns the country folk seemed contented. They were at the time busy in cutting their crops and did not appear interested in anything else. Most outlying villages had not even

heard of the Rowlatt Bill. I never heard Lahore mentioned in the district I traversed except that they had heard of riots there."

An examination of the progress of events in Amritsar and other places shows that the anti Government or anti-British form that the disturbances took was a sudden development at the time. The Punjab Government testify to the fact that on the 30th March and 6th April when the HARTAL took place and on the 9th April which was the RAM NAUMI day there was no hostility or even discourtesy shown at Amritsar to Europeans who moved freely through the crowd. On the other hand, when Mr. Miles Irving accidentally came across the RAM NAUMI procession, a special mark of respect was shown to him. Further, when, on the news of the deportation of Drs. Kitchlew and Satyapal, the crowd assembled and tried to proceed to the Deputy Commissioner, they passed the banks and came across some Europeans but did not molest them. And the deplorable events in the city followed and did not precede the firing on the crowd at the Hall Gate Bridge. We mention this latter circumstance not as affording any excuse, much less a justification, for the atrocities committed by the mob; but only as showing that the anti-Government and anti-British outburst was not previously designed, but was the result of the frenzy with which the crowds became seized at the moment. Mr. Miles Irving the Deputy Commissioner of Amritsar, said "I cannot point to any fact existing before the 10th April to suggest that in the beginning of April, there was any plot on the part of any stratum of society in Amritsar to encourage violence against Europeans or upset the Local Government by violence."

Q. Would it be consistent with the facts as you know them to regard the outbreak of the 10th of April as the case of protest against the deportation of Drs. Satyapal and Kitchlew which spontaneously developed into mob violence marked by murder and incendiarism?

A. I think that is a very good account. It spontaneously developed, it flared up in a moment. I do not think people went out with that design.

It is not incorrect to say that at Gujranwala, Kasur and other places the violent acts committed by the mob were more or less the result of a sudden determination to resort to such acts. In the town of Lahore itself the actual happenings in the way of destruction of life and property were of so trivial a character that it would be a misnomer to describe them as acts of rebellion. In fact, there was no damage done to any property, Government or private, and there was no attempt to attack Europeans as such.

13. There is no doubt that in some places there were serious riots and the mobs committed destruction of life and property in consequence of and as a mark of resentment, however unjustifiable, against Government and their conduct richly deserves the severest



condemnation ; but their intention was not to put an end to British Government nor were the means adopted by them calculated to effect that. Their acts may amount in law to waging war under the Penal Code, but it was not rebellion in the sense in which it is ordinarily understood.

#### Punjab Before the Disturbances.

14. In this connection, it may be useful to refer to the behaviour of the people of the Punjab for some years preceding these events, in order to realize the improbability of their entertaining the idea of rebellion against the British Government. In the year 1914-15, soon after the war began, a considerable number of emigrants came to the Central Punjab from the United States, Canada and the Far East. They were infected with revolutionary ideas and were in deep plot, encouraged and helped by Germany. They had bomb factories both at Lahore and Amritsar, and they committed a large number of outrages, murdered officials and wrecked trains and communications. They printed and distributed considerable revolutionary literature and their declared object was GHADR *i.e.*, revolution. At that time the country was depleted of its Indian forces and it was an anxious time. On this emergency, the people of the Punjab, including the educated classes, actively ranged themselves on the side of law and order and those revolutionaries were put down and a large number of them were brought to justice. About 58 people were hanged and one hundred transported. In January and February 1915 organised disturbances on a large scale took place in South-Western Punjab, and a considerable number of murder and dacoities involving much destruction of property were perpetrated. The peasants were the aggressors in this disorder and some of them said that the British Government had come to an end ; that they owed allegiance to the German Kaiser and the Amir of Afghanistan. On this occasion, too, an overwhelming majority of people remained loyal and almost all the respectable people helped the Government very much to restore order. The disorder was put down and a large number of offenders, about four thousand, were arrested and severely punished by capital sentences and sentences of transportation for life being passed on them. We have stated the above facts, as deposed to us both by Sir Michael O'Dwyer and Mr. Thompson and as mentioned in the Government administration reports. On both these occasions the people of the Punjab, if they had a mind to rebel against the Government, had opportunities thrown in their way for this purpose. Sir Michael O'Dwyer in his speech in September 1917 in the Indian Legislative Council said as follows :—'Hon'ble members are doubtless familiar

with the serious dangers which menaced the security of the province during the first two years of the war, the GHADKR conspiracy and other real and covert movements, engineered by the King's enemies within or without India, with the object of subvertment, but, perhaps they are less familiar with the action, the prompt, vigorous and decisive action taken by the people of the Punjab, Muhammadans, Sikhs and Hindus, to range themselves on the side of law and order and to stamp out sedition and anarchy. There was no hesitation, no sitting on the fence, no mawkish sympathy with red-handed crime, no insincere apology for so-called misguided youths pursuing noble ideas, no subtle distinction between evolutionary and revolutionary patriotism." Further, the province, in the words of the Punjab Government, "made a response unequalled, by any other part of India to the appeal for recruits and subscribed so freely to the war Loans that the province ranked third in the list of contributors." Sir Michael O'Dwyer, in a speech made in the Punjab Legislative Council in April, 1917, said that he had every reason to rely on the people's loyalty and proverbial common sense, and acknowledged that "since the war began the people of the province, so far from doing anything to embarrass the Government, have rallied enthusiastically to its support." Speaking of the press he said that it had on the whole maintained a correct, loyal and helpful attitude. Referring to the various political and other associations in the province, he said that as a rule they had conducted their discussions and propaganda "with a sobriety and restraint befitting the anxious times." We think it extremely improbable that after the successful termination of the war, out of which Britain emerged more powerful than ever before, the people of the Punjab with their practical common sense would so suddenly abandon their sturdy loyalty that had actively asserted itself during the dark days of the war and think of starting a rebellion.

It was suggested that military efficiency of the British army in India was in the beginning of the year 1919 much less than that of the British army in 1914, 1915 or 1916, and General Hudson explained this to us. This is quite true but it is too much to assume that the people of the Punjab understood or were influenced by this factor in starting a "rebellion." It may be useful to see what the district officials and others in close touch with the population have to say in this connection.

15. Mr. Kitchin, the Commissioner of Lahore and Amritsar said that there was no anti-British feeling before the 10th of April and Mr. Miles Irving expressed the same view. Mr. Bosworth-Smith, Deputy Commissioner in charge of Sheikupura Sub-Division said "There was no anti-British or anti-European feeling to any

appreciable extent with the exception of the GHADK movement which was exotic ; the indigenous population was neither anti-British nor anti-European all these years." Lieutenant-Colonel O'Brien said that there was nothing to complain of before the 6th of April and that the people looked perfectly loyal ; he says he was told that some people read outside newspapers of an objectionable character. Captain Godfrey, who had worked as a missionary for many years in the Gujrat district and has, as he said, opportunities of intimately knowing the people, deposed that people were quiet, loyal and law-abiding and showed no anti-British feeling. The happenings of the 14th came as a surprise. Lala Khan Chand, Tahsildar of Kasur, said that he did not observe any anti-Government or anti-British feeling amongst the people of Kasur, nor any seditious movement. Lieutenant-Colonel Smith, I.M.S., of Amritsar, said that the people were loyal and that he did not see signs of unrest or disloyalty. He said that there was political agitation going on from the beginning of 1919 but that he did not consider it a disquieting sign.

16. While there was no organised or concerted action to bring about the disorders and those disorders themselves were not in the nature of a rebellion, that is, done with the intention to overthrow the British Government, the Punjab Government and its responsible officials and the military authorities had from the start persuaded themselves that they were the result of an organised and preconcerted rebellion ; and they began to deal with the situation on the footing of there being a state of war, the town in which these disorders had happened as being in rebellion, and the whole population of these towns being rebels. And it is indeed on that footing that at any rate some of the measures taken by them can be explained. When the General Officer Commanding the 16th (Lahore) Division was informed about the disturbances at Delhi and thereupon took precautions about possible disorders at Lahore, the entry is made in a book headed a " War Diary " ; and all subsequent events have been recorded in that book. No such title seems to have been adopted by the military authorities of Delhi and Ahmedabad although the events at the latter place were as bad as, if not worse than, the incident at Amritsar. When intimation was first received at the Government House, Lahore, at 12-15 (noon) on the 10th April about Amritsar, the entry recording it was made in a book, headed the " Government House War Diary " and subsequent events were entered therein. A similar ' War Diary ' seems to have been kept for Lahore beginning from the 10th April. Similar books seem to have also been kept for Kasur, Gujranwala and other places. Sir Michael O'Dyer stated to us that he did not know that such Diaries

were kept, and said that he would certainly not have approved of the title. In any event, it shows to a certain extent how some of those surrounding Sir Michael O'Dyer looked at the matter. Mr. Kitchin, the Commissioner of Lahore, said that in April he had formed the opinion that there was a revolutionary movement behind the disturbances, though he had since modified his opinion. The same opinion was evidently held by General Beynon, Lieutenant-Colonel O'Brien, Mr. Bosworth Smith, Mr. Miles Irving and other officials. Sir Michael O'Dwyer himself in his written statement before us gave expression to the view that there was a widespread organisation. In his oral examination, he said as follows:—

Q. In your statement at page 10 you indicate the view that there was an organisation—a widespread organisation—on the 5th April. Your suggestion is that the whole country was involved. Do you still adhere to that or not?

A. There were similar and simultaneous outbreak in various parts of India as far apart as Bombay, Ahmedabad and Calcutta.

Q. Here the suggestion is that these disturbances at Ahmedabad and Calcutta and Bombay were part of one organisation. Do you adhere to that suggestion or do you wish to modify it?

A. I still think there were certain people connected with those parts who were behind this organisation. I will not say it for certainty, but I think there were certain phases which showed that unless there was an organised movement all over the country and there had been some organisation, all this could not have occurred simultaneously. But I have no positive proof of this.

Q. Where was this central organisation?

A. I have no proofs of it. But I am strongly inclined to believe that it did exist. There was some organisation.

Q. There was some central organisation directing these? Certain phases of them. There was some common agency which worked out certain phases of the occurrences that took place?

A. Yes; that is what I believe.

Q. You have no evidence in support of this?

A. I can not give it. As I say, I left the province directly after those disorders were put down and did not have the opportunity of investigating the matter further.

# Establishment of Martial Law

1. On the 13th April the Punjab Government applied by wireless to the Government of India to establish martial law in the Districts of Amritsar and Lahore and to direct trial of offenders under Regulation X of 1804. The Government of India on the same date assented to the establishment of martial law "during the existence of open rebellion against the authority of Government." The message was received at Lahore the same day; and the proclamation establishing martial law in Lahore and Amritsar was issued on the 15th; it was extended to Gujranwala on the 16th, to Gujrat on the 19th, and to Lyallpur on the 24th April. The question then arises whether, under the circumstances existing on the 13th April, when the Punjab Government asked for the introduction of martial law in Lahore and Amritsar districts, such introduction was necessary.

[The Indian Commissioners here enter into the legal aspect of the question, explaining the conception of Martial Law in English Jurisprudence, and quoting Dicey in support. They then explain the scope of Indian Ordinances and Indian Law on the subject. As these are of technical nature and of no interest to the lay public, we have omitted the paragraphs—Ed]

## State of things at Amritsar.

5. Taking Amritsar, where the disturbances first took place and were of the worst character, it appears that the outburst of the 10th April subsided in a few hours, there was no repetition of any serious incident afterwards either on that date or on subsequent dates. And even with regard to the events of the 10th, serious though they were, it must be remembered that if the officer in charge of 75 armed police at the Kotwali, instead of showing woeful inaction, had done his duty, the worst crimes, *viz.*, the murders of the officers and the burning of the National Bank buildings which took place within sight of the Kotwali, would in all probability have been prevented. On the 10th there were available 100 armed police, 100 unarmed police, there were soldiers on the post and 260 Gurkhas were detained and were armed from the armoury in the Fort. Reinforcements arrived from Lahore at 10-30 P.M. on the 10th, consisting of 40 rifles, and just before midnight the forces entered the city and brought the refugees from the Kotwali. Major MacDoland's report shows that the streets were deserted and there were no crowds about. Captain Massey in his report records; "The situation was quiet." 300 rifles arrived from Jullundur at 5 A. M. on the 11th. In the early morning of the 11th, Captain Massey records:—