

"Various leading men of various denominations in the city called upon the Officer Commanding to obtain concessions for the purpose of making arrangements to bury their dead." The Deputy Commissioner decided that no large demonstrations would be allowed and these orders of the Deputy Commissioner were obeyed. Mr. Miles Irving says:—"The bodies were disposed of quietly according to our orders and there was no big procession." The police began their investigations on the 11th and arrests were made on that day. The fact that people were taking orders from the Deputy Commissioner and obeying them and the police were making investigations shows that the city was not out of the control of the authorities. This was long before General Dyer's arrival late that night. The war diary kept by Captain Briggs records under date 11th April, at 7-00 in the morning, "12 arrests made this morning" and it appears from the same record that several important arrests including Bugga and Dinanath were made on the 12th; and a few arrests were made also on the 13th April. The same diary records under date the 11th and 12th, that it was "all quiet" at Amritsar. On the 12th of April considerable crowds came from the city to the shrines outside the Sultanwind Gate and Mr. Miles Irving says that they went back in a peaceful manner and there was no assault or stone throwing at the military that were there. On the 12th the authorities were able to spare a small force and sent it to Tarn Taran. On the 12th Mr. Miles Irving issued notices prohibiting processions and gatherings. These notices were evidently printed in the city and were distributed by the civil authorities. Ashraf Khan, the city police inspector, was moving about the city. People from the city were coming to the officials from time to time. On the 11th, 12th and 13th the ordinary police were in the city, the night beat had been removed. On the 13th the Seditious Meetings Act was extended to Amritsar. On that day took place the shooting by General Dyer of the people assembled at the Jallianwala Bagh. The Punjab Government and all the official witnesses have claimed that that act of General Dyer crushed the rebellion in the whole province. Mr. Miles Irving says that all trouble ceased after that in Amritsar and throughout the district and that the history of the rising henceforward is the record of progress of bringing offenders to justice. If that is true the need for the introduction of martial law had apparently ceased. On the 14th April, a meeting of the influential citizens of the city was held at which General Dyer and the Deputy Commissioner were present and it was arranged that shops should be opened. There was no MARTIL on the 15th. On the 16th the Deputy Commissioner held a Durbar at Tarn Taran and similar durbars were held at other towns. Under date 16th April Captain

Briggs records "situation from the 15th April 1919 well in hand. No crimes or damages to report in Amritsar district," and on subsequent days right up to the end of April is to be found the entry "all quiet." General Dyer in his report to the General Staff, 16th (Indian) Division, speaking of the events of the 13th April records that the city very quickly assumed normal conditions and was soon the pattern of law and order.

During all these days, according to Lieutenant-Colonel Henry Smith, people from the city were visiting the hospitals ; and he says in his evidence that on the 14th all people came and offered help.

On the 21st, 24th and 28th April, General Dyer held durbars at various places and he says he found everybody loyal. With regard to the attack on the Cheharta station which took place on the 10th, it was mostly with a view to loot as was the case also at Tarn Taran. Mr. Miles Irving says that all that happened was that the people smashed the station windows and looted the contents of four wagons of a goods train.

It is said that there were apprehensions about the villagers coming to loot. It is not established that any villagers in fact made any attempt to attack Amritsar for the purpose of looting.

It was suggested that the people of Amritsar were organising themselves, the implication being that they were doing this in order to defy the authorities. Mr. Miles Irving, however, told us that the inhabitants were trying to protect themselves against possible looting. It appears that, in consequence of the police night beat having been withdrawn, volunteers with bamboo sticks were organised on the 11th to watch the streets at night to prevent thefts being committed. At Tarn Taran a crowd had assembled with the object of looting the treasury but was dispersed by a few constables.

State of things at Lahore.

6. At Lahore there were no serious disturbances as already observed, or any destruction of life or property. Nothing new happened there after the 12th April. On the 10th in the evening there was a garden party in the Lawrence Gardens given by Sir Michael O'Dwyer, when the people from the town attended. On the 12th of April, Sir Michael O'Dwyer was entertained at dinner by Sir Zulfiqar Ali Khan at which several leading people were present. On the 14th a big durbar was held by Sir Michael O'Dwyer when people from various districts attended.

On the 11th of April the Deputy Commissioner, and Superintendent of Police had two conferences with leading men of the city at the telegraph office with regard to the HARTAL and the question of the burying of the dead. On the 11th there was a meeting at

Government House when the Hon'ble Mr. Shaf, Raja Narendra Nath and other prominent people were present to consider the matter of the HARTAL. On the 12th there were two meetings—one at the Hon'ble Mr. Shaf's house and another at the Town Hall where the Deputy Commissioner was present. On the 12th Lieutenant-Colonel Johnson marched through the city and posted pickets. On the 13th there was another meeting at the Town Hall in connection with the HARTAL where the Deputy Commissioner was present. On the 14th the authorities arrested and deported Lala Har Kishan Lal and Rambhuj Dutt and Duni Chand. Rai Bahadur Bukhsi Sohan Lal said that by the efforts of himself and others some shops were opened on the 14th and there was further improvement on the 15th and that even without martial law they would have succeeded in ending the HARTAL. Mr. Ferguson, the Registrar of the High Court, who gave evidence, said that the High Court and the other courts went on working as usual during the whole time and that there was no period in which they did not work in consequence of the riots. In Lahore the military strength on the 15th of April was 406 British troops, 250 Indian Defence Force (European section), 381 Indian troops, 460 armed police, 800 unarmed police and 3 armoured cars. By the 20th more British troops came, making an aggregate of more than 1,000.

State of things at Kasur.

7. At Kasur, after the serious occurrences on the 12th, nothing further happened afterwards. Lieutenant Colonel McRae arrived in Kasur with troops from Ferozepore at 2 P.M., on the 12th of April. Investigations were immediately commenced. Some arrests were made that very day. The evidence shows that the mob that committed violence on the station on the 12th of April consisted mainly of sweepers, skin-dyers and low class people.

At Patti nothing further happened after the 12th. The town consists chiefly of Moguls, a considerable number of whom are employed in the Army and are throughout loyal. There were no respectable persons among the rioters.

At Khem Karan an attempt was made by hooligans to loot the station on the 12th but they were dispersed by the cultivators in the fields who were called in assistance by the Police Sub-Inspector. nothing further happened after that. The courts assumed their ordinary business from the 12th April and practically things were normal after that date.

State of things at Gujranwala.

8. At Gujranwala, after the occurrence of the 14th April, things were quiet. The aeroplanes operated in the afternoon and P. U. App. 13

troops arrived at 9 P. M. Attacks on railway stations and telegraph lines took place mostly from the 14th and 15th at various places in the district of Gujranwala including Sheikupura sub-division. These disorders were the result of the sensational reports about the Jallianwala Bagh incident and other rumours about the happenings at Amritsar, e.g., the damaging of the golden temple which threw the people into a state of excitement. Everything was quiet in a short time. There was no difficulty about arresting the offenders, and except at Chuharkhana the local police were able to deal with the situation and restore quiet.

A large number of arrests were made on the 15th April.

State of things at Gujrat.

9. Turning to Gujrat where martial law was notified by the Punjab Government on the 19th April, it having been applied for on the 18th, the Deputy Commissioner did not act upon it at once. On getting the order he wired as follows:—"Surprised to be informed by Government that martial law has been extended to Gujrat. The district is quiet. General Brigade Jhelum had received no order and agrees with me that martial law is not necessary." The following entries in the war diaries of the Jhelum and Rawalpindi sections of the 2nd Division respectively are instructive; "20th April. Deputy Commissioner, Gujrat informed Jhelum martial law had been ordered for Gujrat. Neither General Officer Commanding nor Deputy Commissioner approve and the Deputy Commissioner wired accordingly to the Punjab Government." "22nd April. The Deputy Commissioner received orders that martial law had been extended to the Gujrat district. It was not proclaimed as the Deputy Commissioner thought it must be a mistake and meant for the Gujrat district near Bombay. The Deputy Commissioner is quite satisfied with the situation at the present moment and does not expect more outbreaks."

The Deputy Commissioner in charge of the district considered the state of his district so quiet and peaceful that he considered the introduction of martial law in his district to be inconceivable and he thought that Gujrat meant the Gujrat in the Bombay Presidency. And, owing to this view of his that there was misapprehension in sending the orders to him, he actually delayed giving effect to them. Even after its introduction the Deputy Commissioner wired on the 22nd of April to the Punjab Government urging its suspension. In his evidence before us the Deputy Commissioner says that in the attitude that he took up as narrated above he had confined his attention only to the state of his district and had not considered the general

situation and that now doing so he was of opinion that the introduction of martial law was a wise precaution."

Q. Then in your opinion was it advisable that there should be martial law ?

A. It was not necessary for the quelling of riots or disturbances. It was a precaution against further troubles ; it was a very wise precaution.

Sir Michael O'Dwyer in his evidence before us admitted that the district and all those places were quiet. Indeed he said that all villages everywhere were absolutely quiet and that it was only along the railway line that the disorder manifested itself.

State of things at Lyallpur.

10. In the district of Lyallpur martial law was proclaimed on the 24th of April, having been applied for on the 21st and sanctioned on the 22nd April. The district was absolutely quiet at the time. Sir Michael O'Dwyer referred to the burning of a stack of *busa*. This happened after the introduction of martial law and it was not established that it was the work of the rioters and on that ground it appears that the claim of the railway for compensation was disallowed. Mr. Smith, Superintendent of Police, says that the introduction of martial law was desirable but not essential. There were only petty disturbances and they had all ceased by the 19th of April.

11. The above facts show that so far as the actual state of the country was concerned there was no necessity for the introduction of martial law. The disturbances had been quelled, no doubt, by calling in the aid of the military, and on the 13th when the Punjab Government moved the Government of India and on the 15th when martial law was actually proclaimed at Lahore and Amritsar and later at other places, there were no actual disturbances at those places which required such a step to be taken. The military by whose aid peace and order had been restored were available if any emergency arose. The authority of Government had been vindicated and the people had realized that any disturbances of the character indulged in could be effectively put down by the strong arm of the Government.

Mr. Kitchin, the Commissioner of Lahore, who as such was in charge of the Districts of Amritsar, Lahore and Gujranwala says in his examination as follows :—

Q. If there were no other considerations the civil authority could soon after the 11th that is, on the 12th, 13th or 14th as the case may be, have taken back control and carried on with such aid as might have been necessary from the military ?

A. Yes, in individual places.

Q. According to your statement in almost all places ?

A. Yes.

Q. But your view is that martial law was wanted not for the purpose of getting control but for the purpose of what you describe as preventing the spread of infection?

A. Yes.

Q. And that is your only justification for martial law being declared?

A. That was the immediate reason.

Q. And also I take it the second important reason from your point of view was to provide for the speedy disposal of the cases of persons who had already been arrested between the 10th and 13th?

A. That is a reason which weighed with me, I have no reason to suppose it weighed with any one else.

Q. In your view those were the two main reasons for the declaration of martial law, preventing the spread of infection and finding some speedy method of disposing of the cases of persons already arrested?

A. Yes.

The Government had at their command the emergency powers under the Defence of India Act and the Seditious Meetings Act and there would not have been the least difficulty in obtaining immediate sanction for any particular measure necessary to be taken under them. The military forces were standing by, ready to arrest if any sudden emergency arose. All that was necessary to be done in order to quell the disturbances had already been done by the civil authorities and all measures of immediate necessity like the Curfew order and the like had been taken before the introduction of martial law.

Similar orders as has been pointed out were issued at Ahmedabad without introducing martial law. We think that almost all of the orders issued from time to time by the military administrator and deemed necessary were possible to be issued under existing emergency legislation. A considerable number of those orders however, as has been hereafter pointed out, unnecessary, unwise and uncalled for, and the population would have been saved the hardship and bitterness caused by them if the civil administration had not been superseded in the manner it was and if the military administration with all its attendant rigour had not been inaugurated.

Martial law, it thus appears was invoked not for the purpose of quelling actual disturbances or riots but for the purpose of preventing the recrudescence of such disturbances or, as Mr. Kitchin puts it, "to prevent the spread of infection" and for the purpose of creating a machinery for the speedy trial of the large number of people that had been arrested and of those whose arrests were contemplated. The idea of punishing the population of the places where these disturbances had occurred, by giving them a taste of martial law, was also not quite absent from the minds of the authorities. The Punjab Government, in justifying the introduction of martial law, say in their case as follows:—"In order to re-establish order, to

safeguard communications, to effect that change of *morale* which was essential to the restoration of civil orders, a new type of administration was for a time required." Speaking of Amritsar they say "martial law was established in the district with effect from the 15th April. The actual disturbances were over, but the proclamation afforded an effective and speedy means of restoring normal conditions. Nor is it possible that, had the civil authorities been confined to the ordinary resources of the criminal law, they would have been able to deal as quickly and as effectively with the investigation into and the disposal of cases arising out of the many outrages committed on the 10th April." In speaking about Kasur, they say, "it is clear that the administration of martial law had a useful disciplinary effect." In referring to Lyallpur, they say, "the measure constituted a salutary but not a severe discipline in restoring normal conditions." They further say that "the proclamation of martial law was probably the most direct and efficacious method of dispelling the unrest."

About Gujrat they say that "the justification for the introduction of martial law lay in preventing the recrudescences of interfering with the communications."

Mr. Thomson in his examination says as follows:—

Q. What you expected to do by martial law was speedy and summary trials. That was the particular thing that martial law effected?

A. That was one great thing that it effected.

Q. That was the great object that had to be achieved in your mind in the introduction of martial law?

A. It was one great object.

Thus the main objects of the introduction of martial law were (1) preventive, (2) securing speedy trials and punishment of persons arrested and to be arrested and (3) punitive. We think that the introduction of martial law merely as a preventive measure was not justified. In fact there was not much fear of the recrudescence of the disturbances which were short-lived and the situation was well in hand and was capable of being dealt with without taking the extreme step of introducing martial law. The speedy trial and punishment of offenders could have, if thought desirable, been secured by other means and cannot be sufficient justification for introducing martial law. It must be remembered what the speedy trial of accused person necessarily meant. Mr. Rehill, the Superintendent of Police, admits that the work of prosecution and securing convictions was greatly simplified by the lower standard of evidence that was required by the military courts. The same idea underlies what the Deputy Commissioner of Lyallpur said in his letter to the Chief Secretary to the Punjab Government when in

the end of May it was proposed to end martial law there with the result that the cases pending for trial before summary courts would have been tried by the ordinary courts. He said "it would be a disaster if any of the cases had to be tried as ordinary cases." To suggest that martial law may be introduced as a punitive measure is, on the face of it, indefensible. In dealing with the report and the findings of the Royal Commission that was appointed to enquire into the disturbances and the measures taken in the course of their suppression by the Governor of Jamaica, His Majesty's Government in their despatch said as follows:—"Future good government is not the object of martial law. Example and punishment are not its objects; its severities can only be justified when and so far as they are absolutely necessary for the immediate re-establishment of public safety." They expressed the view that the continuance of the martial law beyond the period of immediate necessity for the restoration of public safety constituted a grave and unjustifiable interference with "the equal constitutional privileges by which the security of life and property is provided for."

Safety of Communications.

12. Coming to one part of the preventive aspect of martial law, *viz.*, safeguarding of the communications, (the report says:—) While the attacks on communications look formidable by their mere numbers, some of them were of a very trivial character. No doubt there had been the cutting of telegraph wires and the burning of railway stations: but the result of all this in crippling the means of communications was not as great as at first sight it might appear. The Agent of the North-Western Railway in an appendix to his report dated the 2nd July 1919 sums up the situation as follows:—"The effect of the disturbance was to paralyse the railway as a commercial system for the period say 10th to 21st April; as an instrument of Government administration for transport the railway was not paralysed. The cutbreak in that respect signally failed. Moreover, soon after the disorders first broke out, a scheme of guarding the railway line by village patrol called the THIKRI PEHRA was worked out on the 13th April and was put into operation. It may be mentioned that the institution of such village patrols can be made under Act VIII of 1918. Sir Michael O'Dwyer says that this patrol system was in working order at the time martial law was introduced there. The evidence is unanimous that the villagers remained steadfastly loyal and the work done by them in guarding the railways was admirable. General Beynon in his report says that:—

"Arrangements were also made by the local Government for villages to find five men per mile for the protection of railways in their area. It should be

noted that there were no more cases of damage to railways in this area after this measure had been put into force. These measures were completed by the 18th April."

Sir Michael O'Dwyer said in his evidence before us "It would have served our purpose in the beginning if we imposed martial law on railway areas running through the Punjab in districts like Gujrat. The difficulty arose in connection with railway jurisdiction as in many cases the line run through Native States." It has not been made clear to us what the actual difficulty was but it was one capable of being removed; for at a later period martial law was limited only to the railways.

Nine reasons of Sir Michael O'Dwyer

(1) and (2). Reduced Military efficiency of troops.

13. Turning to the nine reasons given by Sir Michael O'Dwyer in his evidence before us, the first two relate to the reduced military efficiency of troops, both European and Indian, then in the province; but that circumstance cannot in our opinion be a reason for the introduction of martial law, if the actual state of the district in which it was introduced was not of such a character as to invite its application. It must also be remembered that except at Amritsar the disturbances were quelled by the police force; the troops had not to fire at any place except at Amritsar. It is also beyond doubt that at all places a handful of armed men were able to disperse the rioters. The arrival of the troops at various places was quite sufficient to stop any recrudescence. However reduced the military efficiency of the troops might have been they were amply sufficient to deal with unarmed mobs and control the situation. The argument that with martial law you are in a stronger position to preserve order with 500 soldiers than you are with 2,000 soldiers without martial law is, we think, overdone.

(3) Attempts to seduce troops.

The third reason, *viz.*, the attempts to seduce troops of their loyalty is not an effective reason. It was stated to us especially by General Hudson that there was no special significance about these attempts and that they were of the same character as normally occur. In reply to a question by the President, General Hudson stated that "as far as organised attempts (to seduce the troops) are concerned, I do not think there was any." The following is his further examination on the point:—

Q. With regard to the attempts to tamper with the Indian troops, I understood you to say that there was no organised or serious attempt in that way at all?

A. I do not think so.

Q. I mean that such cases as you had were always happening all these years?

A. I should certainly say it was above the normal, but on the other hand, when you are looking-out for stray cases, you will always find them, and we were on the look-out then.

(4) Presence of demobilized men.

The fourth circumstance relied upon by Sir Michael O'Dwyer was that there were in the Punjab some 100 to 150,000 demobilized men, and if they had joined the mob it would have aggravated the disorders. The fact is that at no place did these people display any desire to take a hand in the disorders; and the mere possibility of these joining at some future period cannot be regarded as a valid reason for the introduction of martial law. We must observe that the point taken up by Sir Michael O'Dwyer with regard to these demobilized men is somewhat inconsistent. On the one hand he claims that throughout they behaved well and were a source of strength in maintaining order; and on the other hand their existence is relied on as an element of danger sufficient to justify the introduction of martial law.

(5) The Sikh immigrants.

The fifth circumstance given by Sir Michael O'Dwyer that the Sikh immigrants who at one time had been under the influence of the *Ghadr* movement and been released from detention might participate in the disorders. As early as April 1917, Sir Michael O'Dwyer in his speech in the Legislative Council, speaking about these immigrants, had said as follows:—

"In a great majority of cases the pernicious teachings had produced no effect and in 6,000 cases no special action is taken by the Government. In about 6,000 cases it was found desirable on the advice of the local Sikh committee to restrict them to their villages, and in some cases security was also taken. Our leniency was sometime abused as a score or more defied our orders and took part in the revolutionary movement two years ago. The majority had settled down peaceably and acting on the recommendations of the Sikh committee who have been of such a help to us, restriction orders are steadily being commuted." The existence in the Punjab of these 1,600 Sikhs who had settled down as early as 1916 and had given no indication of their taking any part in any disorders cannot in our opinion be accepted as a reason for the introduction of martial law.

(6) Signs of revolutionary movement.

The sixth reason refers to the old conspiracy and what is called the general revolutionary movement which manifested itself in the bomb thrown at the Viceroy at Delhi; and Sir Michael O'Dwyer

says that "the signs of these movements were not yet dead." This obviously is too vague a reason for taking such a drastic step as the introduction of martial law. The evidence placed before us does not indicate that these movements were in any sense alive or that they played any part in these disturbances.

(7) Turkey and Muhammadans.

The seventh circumstance relied on by Sir Michael O'Dwyer is the anxiety as regards the effect of the Turkish Peace terms on the Muslim population and the state of ferment in Afghanistan and on the frontier. Sir Michael O'Dwyer however has said in his evidence that he was not very much concerned in this connection in the Punjab, because he had tested the Muhammadans as highly as any people could be tested and he felt sure that the Muhammadans would stand the test. The Afghan situation had not materialized at this stage.

(8) Railway strike.

The eighth circumstance relied on by him is that a general railway strike was contemplated. This was due to internal discontent and had been apprehended for a considerable time prior to the disturbances. The evidence does not establish that in any sense it was connected with these disturbances or prompted by the people who took part in them. That was a situation which required to be dealt with on its own merits and separately by adopting the necessary measures, and affords no ground in our view for the introduction of martial law in large areas unless it was otherwise necessary.

(9) Economic situation of the Punjab.

Ninthly reliance is placed on the economic situation especially in the towns which created an atmosphere of discontent. That again is obviously no reason for the introduction of martial law. Then, while each of these nine grounds is insufficient as shown above to justify the introduction of martial law, their cumulative effect is not in our view such as to lead to a conclusion in favour of such introduction. The real test for the determination of the question is, as already indicated, whether such a state of open rebellion or acute disturbances existed in the districts in question, so as to make the supersession of the ordinary administration by the Military one a necessity. We have already stated above that in our view such was not the case. The gravity of the occurrences themselves of the 10th April and subsequent days are relied on as constituting the necessity for the measure. But these disorders had been effectively put down. There were still the after-effects and excitement which naturally result from such occurrences. But what was before the

authorities on the 13th or on the 15th April and thereafter was nothing like what they had already dealt with.

The military in aid of the civil authority.

14. With regard to the 10th and 12th of April, the authorities were to a certain extent taken by surprise but by this time the military dispositions and other necessary precautionary measures were organised. The situation, it appears, was well in hand and in our view there was no imperative necessity of superseding the civil authority who could have effectively carried on with the aid, if necessary, of the military, if any sudden emergency arose. It is said that such aid by the military is given only to assist the civil authority in quelling riots, in dispersing unlawful assemblies and in preventing the gathering of such assemblies, but their power of restoring order is entirely restricted. Section 130(2) of the Criminal Procedure Code gives them somewhat wide powers.

All the action that was taken by the military authorities before the declaration of martial law in Amritsar, Lahore and Gujranwala has been treated by the Punjab Government as done in the aid of civil authorities. They say "In these districts there was a preliminary period when the Officers Commanding troops were called upon to take steps in assistance of the civil power, and in other districts troops were called in and were utilized in various ways and in various degrees for the maintenance of order. The legal sanction covering the actions of the Commanders was that their aid was requisitioned by the civil authorities for the restoration of order." If the actual disturbances were so quelled by the assistance of the military and the civil authorities had by such assistance practically regained control, it appears to us no sufficient reason why at a time when there were no actual disturbances, the civil administration should have been superseded by introducing martial law and keeping in on for a lengthened period.

Maine's dictum inapplicable

15. Reliance is placed in the Majority Report on a passage from "Maine's Criminal Law of India." We venture to think it is profitless to make reference to a general proposition which no one disputes. The difficulty lies in the application of it in a given case. The first proposition invoked is that what distinguishes a riot which is the beginning of waging or levying war from a riot which will end in plunder and broken heads is the object with which it started. Of course, if the assumption is made that these riots were started with the object of rebellion, then nothing remains; but that is the very question to be determined. The other pro-

position invoked is that the governor who waits to recognise a rebellion till it looks like a war will probably find that he has waited too long. Here again, everything must depend on the actual facts and circumstances. There are dangers of waiting too long, but there are also dangers, perhaps greater, of being hasty and losing the proper perspective and adopting measures of unnecessary severity out of all proportion to the reality of the situation and thus bringing about the very result which you want to prevent.

Mr. Besant and the Punjab

It is equally profitless for the purpose of establishing that the happenings in the Punjab were the actions of revolutionaries to cite the dictum of Mrs. Besant in a letter to the "*Times of India*" of the 18th April 1919. We are unable to see the utility of appealing to the pronouncement of Mrs. Besant, made within a few days of the occurrences with absolutely imperfect knowledge of those occurrences and of the surrounding circumstances, for the purpose of supporting the conclusions of a committee that has for months investigated the occurrences and heard a large body of evidence. We do not know whether those who have invoked the authority of this dictum of Mrs. Besant will be prepared to accept her judgment on the Punjab disturbances, pronounced by her on the 21st of December, 1919, to the following effect:—"I have been shocked to read the evidence given by the military witness before the Hunter Committee. Nothing more than is recorded out of their own mouths was done by the Germans in Belgium."

Situation as a whole

Then it is said that the action of the Punjab Government in applying for martial law must be judged in the light of the circumstances as they presented themselves at that time. We have already fully dealt with all these circumstances as stated before us by Sir Michael O'Dwyer; and we cannot avoid the impression that the then Punjab Government rather easily persuaded themselves that the introduction of martial law was necessary.

Martial temperament in the Punjab

The argument is advanced that the people of the Punjab being of a martial temperament are easily inflammable. The picture given by Sir Michael O'Dwyer of the Punjabis is quite different. In his speech in September 1917 he said that "Common sense and sanity of judgment are essentially Punjab qualities" and those being also British qualities has led to "mutual comprehension, mutual confidence and mutual co-operation between the Government and the people."

Martial law not invoked in 1914 and 1915

We have referred to the revolutionary movements of a serious and dangerous character that manifested themselves in the Punjab in 1914 and 1915. At that time although strong measures for dealing with them were taken martial law was never introduced.

General Beynon and martial law

It may be pointed out here that in the wireless of the 13th of April the Punjab Government in suggesting the declaration of martial law said that they were doing so "with concurrence of General Officer Commanding and Chief Justice, High Court." The General Officer Commanding, General Beynon, was asked about this and the following is his evidence on this point :—

Q. That proclamation was signed by you on the 19th of April. You had been the highest military officer in this part of the world for some substantial time before that, and may I take it that you gave advice upon the question whether martial law was necessary before the question was referred to the Government of India at all ?

A. It was mentioned to me but I do not think you can really say my advice was given. At all events I had nothing to do with the bringing in of martial law.

It appears from Mr. Thomson's evidence that the Chief Justice, when he agreed over the telephone to the suspension of the functions of the ordinary Criminal Courts, did not know the actual number of criminals to be dealt with, but he based his opinion on "the general state of affairs—existence of rebellion, etc."

Loot the object of attacks on communications.

General Beynon also says in his report that the mob wanted loot and the easiest way to get that was to smash up a small wayside station and hold up a train going through and loot it. He further says that the raiders did not attempt to destroy bridges except for burning sleepers on unprotected small ones, nor did they even appear where there was any force sufficient to do them any material damage.

The Government of India.

Then it is said that we must look at the situation as it presented itself to the Government of India at the time ; and a passage in the memorandum by the Government of India is relied on in the Majority Report. Reference is there made to the disturbances at Bombay, Ahmedabad and Calcutta. The matter was apparently represented as a big affair with ramifications in the various parts of the country ; and the Punjab Government had said that a state of open rebellion existed in certain parts of the province.

We appreciate the position in which the Government of India were placed when the Lieutenant-Governor in charge of the Punjab

insisted upon the introduction of martial law. The Government of India accepted the recommendation of the Punjab Government. This is what General Hudson says :—

Q. What was there which induced the authorities at headquarters to think that martial law was necessary ?

A. Martial law was considered necessary because the people who were in touch said it was.

Q. It was really thought necessary in view of the internal state of the places themselves as it was represented by the people on the spot.

A. Absolutely,

Continuance of martial law.

16. If our view is correct that it was not necessary to introduce martial law on different dates on which it was introduced in different places, it will follow that its continuance for the period for which it was continued was still less justifiable. Assuming for this purpose that its initial introduction was necessary, we are clearly of opinion, on the evidence placed before us, that it should not have been continued beyond a few days.

We have already referred in detail to the course of events at the various places which shows that quiet was completely restored and things became normal at all places in a few days. Colonel Johnson admitted that after the 15th of April there was no rising anywhere. General Dyer's evidence is as follows :—

Q. At what time do you say Amritsar became normal after the 13th of April ?

A. Very shortly after. The good efforts of the barristers and the pleaders and the police brought it right."

In another part of his evidence will be found the following questions and answers :—

Q. Can you tell us what was the need for continuing martial law for the period for which it was continued ?

A. No harm would be done. Martial law was being justly administered. It was not my job to discontinue martial law. I received my orders from higher authorities.

Q. I take it from you that martial law was continued because no harm was done and it was justly administered but there was no particular necessity for continuing it ?

A. As far as I could see law and order had come and I suppose there was an interval when martial law was not necessary but it may have continued to go on for a bit longer.

In a proclamation issued by the Lieutenant-Governor on 26th of April at Lahore he said "Order has been restored almost everywhere by the prompt action of the troops—British and Indian—whom the mischief makers attempted to malign and by the loyal co-operation of the quiet mass of rural population. Existing precautions must however be retained till all criminals are brought to justice.

The Punjab Government in their case presented to us, say "on the 16th of April order began to slowly assert itself. No large town was henceforth seriously affected, and the disorder was confined to isolated attacks on the communications and to outrages by the villagers. The 17th April showed a further progress in recovery of law and order. On the 19th, the matters may be said to have returned to the normal in the greater part of province." There is no further record of open disorder." They again say "In Amritsar and Lahore, the civil authorities had already on April 15th requisitioned the aid of the military and obtained it in sufficient force to crush any active disorder. For Gurjanwala, additional troops were easily available on the 16th. In Gujrat and Lyallpur open disorders had terminated some days before martial law was declared." In speaking of Lahore, they say, "the actual period of disorder may be said to have ended with the termination of HARTAL." The HARTAL at Lahore ended on the 17th, the shops were opened. It also appears that a considerable body of opinion had immediately asserted itself in favour of law and order. The Punjab Government in their report say ;—

"Even before the actual restoration of order there had been many proofs that responsible and moderate opinion was declaring itself against the campaign of lawlessness. On the 13th April the Hon'ble Sardar Bahadur Gujjan Singh issued a manifesto exhorting Sikhs to stand aloof from the agitation. On the 17th two manifestos issued from Rohtak contradicting the unfounded rumours in regard to the Rowlatt Act that were current in the villages; on the 18th a manifesto signed by a number of prominent men in Gurdaspur advocated a return to order. A similar manifesto issued from Ferozepore District. On the 20th a number of Muhammadans in Lahore, on behalf of the leading Muhammadan Associations, condemned the passive resistance movement and its results. On the 21st a manifesto issued from the Chief Khalsa Dewan, the chief political organization of the Sikhs, urging the latter to stand by Government. On the 24th the Punjab Zemindar's Central Association, Lahore, impressed on all landholders the paramount necessity of putting an end to "the sad conditions resulting from the passive resistance movement," and on the 25th the leading Hindus of Lahore issued a manifesto condemning in the strongest terms all resistance to law and order, whether active or passive. A similar manifesto was also issued by the Anjuman-i-Ahmediya, Lahore. On the 23rd May, the Pirs of the chief Muhammadan shrines in the Punjab assembled at Lahore and expressed their sense of loyalty to Government and their condemnation of the recent disturbances."

The reasons for continuing martial law, after the disorders had ceased, are stated by the Punjab Government thus:—"The course of martial law administration subsequent to that (termination of disorder) was really in nature a substitute of civil administration of a summary type, of which the primary objects were to establish a MORALE which would afford a guarantee against the recrudescence of disorder, to safeguard railway and telegraph communications against further interruptions and to restore the position of Government as the guarantor of peace and good order which had been sacrificed between the 10th and 17th April." In so far as the object to be achieved was the establishment of a proper MORALE and to restore the position of the Government, by which we suppose is meant to restore the prestige of Government, we do not think it affords a sufficient justification for subjecting the whole population of large districts to martial law administration. As regards safeguarding the communications we have already pointed out that it had already been effectively secured: and any further safeguard, if necessary, could have been secured by continuing martial law on the railways.

Sir Michael O'Dwyers reasons for continuing martial law, after disorders had ceased, are the same nine reasons which we gave for the initial introduction of martial law and we have sufficiently dealt with them in a previous section. We may observe that some of these reasons, particularly 3 to 6, had lost much of their force by the experience of the period between the 10th and the 20th as none of the apprehensions underlying these reasons had materialized.

The Government of India were, it appears urging upon the Punjab Government that the continuance of martial law in any area must depend on the continuance of a state of rebellion in that area. When their telegram of the 26th April, in urging the establishment of summary courts for the disposal of minor offences the Punjab Government said that unless that was done martial law might unnecessarily be protected, because the powers of the commissions depended on the existence of martial law and those commissions would be able to dispose of all the cases speedily, the Government of India in their reply of the 29th April said as follows:—

"Government of India think termination of martial law in any area must depend entirely on continuance of state of rebellion in that area; and the fact that cases depending before courts established under Regulation is not an adequate reason for suspension of ordinary law."

It appears from Sir Michael O'Dwyer's evidence that the Government of India enquired on the 3rd May if martial law could not then be withdrawn. The Punjab Government held on the

14th May 1919 a conference with the military and railway authorities and prepared a memorandum in reply.

A careful perusal of that memorandum is instructive. In our opinion, the question was discussed from altogether a wrong point of view. The real question to discuss was as put by the Government of India, whether there was such a state of rebellion in the districts in question as to justify the continuance of martial law. Instead of that the matter was considered from the point of view as to what the advantages were that were to be derived from the continuance of martial law. The memorandum after discussing the question from the military and railway points of view (we have already dealt with these points), says:—

"From the civil point of view it was considered that the following advantages are being derived from the continuance of martial law:—(1) It has undoubtedly a steadying effect on the population not only within the martial law areas but also outside.

(2) In Lahore the fixing of prices is popular with the masses. If martial law were discontinued this would have to be done by means of a special Ordinance. (3) It is proposed to recover from the disturbed areas by means of a levy made under martial law a sufficient amount to cover certain incidental expenses which cannot be recovered by claims under Section 15-A of the Police Act. Among items which have been suggested are:—

- (i) the cost of military operations;
- (ii) the cost of extra defences which the disturbances have shown to be necessary, e. g., at the Lahore telegraph office and the power station;
- (iii) the cost of sending women and children out of the disturbed area and maintaining them in the hills (orders sanctioning a levy for this purpose have already been issued in certain cases though as far as is known the levy has not yet been made). The objection based on the desirability of recovering these sums of money from the disturbed areas is, however, not insuperable, as it would be possible to authorise their recovery under a special Ordinance;
- (iv) It is considered desirable that in order to avoid demonstrations the trials of the principal offenders before the Martial Law Commission should be completed before martial law is discontinued. It is expected that all the most important cases will be decided by end of the month."

Here we are presented in a concentrated form the wrong viewpoint which impelled the Punjab Government to introduce and to continue martial law. It is, we think, unreasonable to suggest that martial law is justified because of the moral effect it produces on the

population so treated as well as in other parts of the province. This idea of creating an impression and moral effect on a wide scale unfortunately pursued the Punjab Government and those who administered martial law, and it runs through and accounts for most of the severe measures by the authorities during this period. To advocate the continuance of martial law in order to enable the authorities to fix prices of commodities is on the face of it equally unreasonable. The idea of maintaining martial law in order to enable certain expenses to be recovered from the population of the disturbed area shows that martial law administration was required to be continued for punitive purposes. The suggestion that martial law should be continued in order that the trials of principal offenders under martial law should be completed, while the martial law administration lasted so that the demonstration might be avoided again displays a notion about the objects of martial law which we are unable to uphold. The principle that the supersession of the ordinary laws and the ordinary civil administration and the serious curtailment thereby of the ordinary rights of freedom of individuals and the safeguards for the same can only be justified by the supreme necessity of quelling rebellion or disorder, and cannot be continued a day longer after that necessity has ceased, has not been steadily kept in view.

In the above memorandum the Punjab Government put forward an additional reason for continuing martial law which further emphasises their notion about this matter to which we have already referred. In paragraph 5 they support the continuance of martial law on the ground that it will enable them to exclude from the province persons from outside the province who are likely to publish inflammatory or misleading accounts of the events in the Punjab, without having resort to the Defence of India Act.

The Government of India by their telegram of the 18th and 20th May intimated that martial law in Gujrat and Lyallpur ought to cease immediately. In the latter telegram, they said they "are also strongly of opinion that the cessation of martial law should be expedited. Your particular attention is invited to the terms of the Regulation for the conditions precedent to the continuance of martial law." The Punjab Government in their memorandum of the 22nd May in referring to the above, say as follow :—"In the last sentence of your telegram you draw attention to the terms of Regulation as to the conditions precedent to the continuance of martial law. The suggestion is that it would be an exaggeration to describe the existing state of affairs as open rebellion. The Lieutenant-Governor recognises the weight of this criticism ; but in so far as it is a technical objection to the continuance of martial law

it can be cured by publishing a notification containing a reference to the existence of a state of war with Afghanistan which has supervened since the 15th April when martial law was first declared." That a state of open rebellion no longer existed in the districts concerned was in the view of the Lieutenant-Governor, only a technical objection. It was not realised that that was the fundamental condition on which the whole justification for martial law rested. The objection, technical as it appeared to the Lieutenant-Governor, does not appear to have been cured in the manner suggested by him. It is difficult to hold that existence of the state of war with Afghanistan could support the continuance of martial law in the districts concerned if the state of the alleged open rebellion had ceased long ago. The Punjab Government were apparently unwilling to discontinue martial law early even in Gujrat and Lyallpur. But the Government of India by their telegram of 30th May intimated that it should be abrogated in Gujrat at once and from Lyallpur "as soon as reports from that district indicate that this step can be taken." In fact, the discontinuance of martial law at Lyallpur was delayed as late as the 9th June, presumably because the district officers were not in favour of such discontinuance. Certain correspondence between the Commissioner, Multan Division, and Deputy Commissioner, Lyallpur, which was produced before us, shows that one of the objects for continuing martial law was to avoid trouble in getting in land revenue. The Commissioner in his letter dated the 20th May, 1919, says as follows:—"His Honour spoke to me about martial law in your district. It is now the only rural area in which martial law exists. It has been kept on only because of the scare that there might be trouble in getting in revenue. I told His Honour that I understood that your fears on this subject had been somewhat diminished during the last few days; and that if an adequate military force is maintained in Lyallpur martial law is not required in any place at Lyallpur, except the town, its vicinity and the railways. If you have anything to say against this view, will you please write direct to the Chief Secretary and send a copy to me."

The Deputy Commissioner on the 24th May wrote to the Chief Secretary as follows: "With reference to the enclosed demi-official letter from the Commissioner, I think that, so far as the district is concerned, that is the rural area, if troops are left here we should have no difficulty about realisations even in the event of any village giving any trouble. I am anxious to keep martial law in Lyallpur Municipal Area until (1) Mr. Hoyle, Assistant Commissioner, with the powers of Summary Courts has finished his trial of cases connected with events after the 30th March but prior to the procla-

mation of martial law, (2) Government has passed orders on the reference which was made about levies under martial law."

That the Commissioner and the Deputy Commissioner of a division should have pleaded for the continuance of martial law and the Punjab Government should have assented to keep it on "only because of the scare that there might be trouble about getting in the revenue," shows how far the Punjab authorities had travelled from the correct notions about martial law.

The Government of India acquiesced in the continuance of martial law so long because as they explain in their memorandum "they decided that it would be unsafe and unfair to those directly responsible for the maintenance of order to disregard the views of the local Government who necessarily had detailed information as to the conditions of the disturbed area, which was not available to the Government of India."

As regards the complication created by the war with Afghanistan which has been relied on as a reason for the continuance of martial law, the evidence shown and it is common knowledge that on the news of the war being received there was a tremendous rally round the Government and people from all parts of the country and notably in the Punjab, by holding meetings, denouncing the action of the Amir of Afghanistan and offering help, made it clear that the country was solidly behind the Government. General Dyer says that on the declaration of war the Sikhs offered to supply 10,000 soldiers to proceed immediately to the front.

The Firing at the Jhallianwala Bagh

Jhallianwala Bagh incident

1. What the military authorities did at Amritsar up to the declaration of martial law is, as has already been observed, taken by the Punjab Government as done in the aid of the civil authority and they say that such action will be governed by sections 130-131 of the Criminal Procedure Code. The action of the civil authorities, in asking the Officer Commanding "to consider himself in charge of the military situation and to take such steps as he thought necessary to re-establish civil control," it may be argued, amounted to the establishment of *de facto* martial law, but for the purposes of judging the Jhallianwala Bagh incident, it is immaterial whether General Dyer was acting merely in aid of the civil powers or on his own initiative as the Military Commander at a place where *de facto* martial law existed. On the morning of the 13th of April, General Dyer issued a proclamation, the relevant portion of which order for this purpose is as follows :—

"No procession of any kind is permitted to parade the streets in the city or any part of the city or outside it at any time. Any such processions or gatherings of four men will be looked upon as unlawful assembly and will be dispersed by force of arms if necessary."

Proclamation prohibiting meeting insufficiently promulgated.

2. It appears that this proclamation was promulgated by General Dyer himself who went to certain parts of the town with the NAIB-TAHSILDAR and others. The people were collected at certain places by beat of drum and the proclamation was made known to them in the vernacular ; printed copies of the Urdu translation of the proclamation were also distributed. There was produced before us a map of the city with the route followed by General Dyer and the places at which the proclamation was promulgated marked on the map. There is no doubt, on this map and other evidence placed before us, that the proclamation was insufficiently promulgated, important portions of the town having been left out. The number of people who could have heard the proclamation promulgated is put down at 8 to 10,000 people ; the total population of the city is put down at 160,000 to 170,000. There was a large influx of people from outside owing to the BAISAKHI fair which is an important religious festival ; and there was also a cattle fair. The

reason for this insufficient promulgation is given in the evidence of Mr. Plomer, Deputy Superintendent of Police :—

Q. You thought that it was sufficient notice for a town like Amritsar to give of an important proclamation ?

A. I did not think anything. When it was too hot to walk in the city I took the nearest route out.

Q. You did not suggest to the General that a longer time might be given ?

A. No. When we got to the Majid MANDIR the General remarked that it was getting too hot for the troops so I took the route to Lohgar Gate.

Q. And then this proclamation was stopped ?

A. Yes.

No attempt was made to put printed copies of the proclamation at the entrances of Jallianwala Bagh, although it is said, as will be seen hereafter, that it was the place where a number of public meetings had previously been held. General Dyer returned to his camp at Ram Bagh at 12-40 P.M., and on his arrival there he learnt that a big meeting was going to be held at Jallianwala Bagh at 4-30 P.M. It appears that General Dyer, as soon as he heard about the contemplated meeting, made up his mind to go there with troops and fire. He intended to fire upon them with machine-guns, but he was unable to use machine-guns owing to the accident of his being unable to take the armoured cars into the narrow entrance leading to the Bagh. When he took the machine-guns with him he did not know of this difficulty as he had never seen the place before. Similarly, if he had more troops available than the 50 he had, according to him, he would have ordered all of them to fire. When he reached there, he saw a large meeting of people squatting on the ground and being addressed by a person from a small platform. The number of those attending the meeting are varyingly estimated from 15,000 to 20,000, but General Dyer at the time believed it to be 5,000 or 6,000. He put 25 Baluchis and 25 Gurkhas on the raised ground at the entrance and without giving any warning or asking the people to disperse, immediately opened fire at the people in the meeting who were at a distance of 100 and 150 yards. The people, as soon as the first shots were fired, began to run away through the few exits the place has got, but General Dyer continued firing till the ammunition ran short. In all 1650 rounds were fired, and the casualties have now been ascertained to be at least 379 killed and about 1200 wounded.

His was not the case of a person who had to take a quick decision on a sudden emergency. After he received the information about the contemplated meeting he had four hours to think before he started to go to Jallianwala, he took half an hour to reach there and he arrived there with his mind already made up as to the action he was going to take. His action was in accordance with a determined resolution that he had deliberately arrived at.

In the report he made on the 25th August, 1919, to the General Staff, 16th Division, General Dyer says: "I fired and continued to fire till the crowd dispersed; and I considered that 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 mere 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." Then in the evidence before us, General Dyer said:—

Q. I think you had an opportunity to make up your mind while you were marching to decide what was the right course. You came to the conclusion that if there really was a meeting, the right thing for you would be to fire upon them straight way?

A. I had made up my mind. I was only wondering whether I should do it or I should not.

Q. No question of having your forces attacked entered into your consideration at all?

A. No. The situation was very, very serious. I had made up my mind that **I would do all men to death** if they were going to continue the meeting.

Q. Does it or does it not come to this; you thought that some striking act would be desirable to make people not only in Amritsar but elsewhere to consider their position more correctly?

A. Yes. I had to do something very strong.

Q. You commenced firing the moment you had got your men in position?

A. Yes.

Q. The crowd had begun to go away when you continued firing?

A. Yes.

Q. The crowd were making an effort to go away by some of the entrances at the further end of the Bagh?

A. Yes.

Q. You put your pickets one to the right and one to the left of the entrance. Towards some places the crowd was getting thicker than other places?

A. They did.

Q. From time to time you changed your firing and directed it to places where the crowds were thickest?

A. That is so.

Q. Is that so?

A. Yes.

Q. And for the reasons you have explained to us you had made up your mind to open fire at the crowd for having assembled at all?

A. Quite right.

Q. When you heard of the contemplated meeting at 12.40 you made up your mind that if the meeting was going to be held you would go and fire?

A. When I heard that they were coming and collecting I did not at first believe that they were coming, but if they were coming to defy my authority, and really to meet after all I had done that morning, I had made up my mind

that I would fire immediately in order to save the military situation. The time had come now when we should delay no longer. If I had delayed any longer I was liable for court-martial.

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

A. I think, probably, yes.

Q. In that case the casualties would have been very much higher?

A. Yes.

Q. And you did not open fire with the machine-guns simply by the accident of the armoured cars not being able to get in?

A. I have answered you. I have said if they had been there the probability is that I would have opened fire with them.

Q. With the machine-guns straight?

A. With the machine-guns.

Q. I gather generally from what you put in your report that your idea in taking this action was really to strike terror? That is what you say. It was no longer a question of dispersing the crowd but one of producing a sufficient moral effect.

A. If they disobeyed my orders it showed that there was complete defiance of law, that there was something much more serious behind it than I imagined, that therefore these were rebels, and I must not treat them with gloves on. They had come to fight if they defied me, and I was going to give them a lesson.

Q. I take it that your idea in taking that action was to strike terror?

A. Call it what you like. I was going to punish them. My idea from the military point of view was to make a wide impression.

Q. To strike terror not only in the city of Amritsar but throughout the Punjab?

A. Yes, throughout the Punjab. I wanted to reduce their MORALE; the MORALE of the rebels.

Q. Did you observe that after the firing was opened there were a number of people who lay on the ground?

Yes.

Q. And your men continued to fire on these people who were lying on the ground?

A. I cannot say that, I think that some were running at the time and I directed them to fire, and sometimes I stopped firing and re-directed the firing on other targets. The firing was controlled.

Q. Did you direct the firing on people who were lying down in order to save themselves?

A. I probably selected another target. There might have been firing on the people who were still lying down though I think there were better targets than that.

Key to General Dyer's action unjustifiable.

The last but one extract supplies key to the action of General Dyer. He fired on this meeting, and killed about 400 people and wounded about 1,200; because in his view, they were rebels and he was "going to give them a lesson" and "punish them" and "make a wide impression" and "strike terror throughout the Punjab" and he "wanted to reduce the morale of the rebels." That was why he began to fire without warning and calling upon them to disperse,

He continued firing even when the people began to run away, and went on firing till his ammunition was nearly exhausted.

Innocent people among the crowd.

Now, because certain people on the 10th April, had committed certain outrages at Amritsar, to treat the whole population of Amritsar as rebels was unjustifiable; it was still more unjustifiable to fire at the meeting which was not engaged in doing any violence, in order to give them a lesson and to punish them, because they had disobeyed his orders prohibiting meetings. It is clear that there must have been a considerable number of people who were perfectly innocent and who had never in all probability heard of the proclamation. The Punjab Government in their case submitted to us say that large crowds of villagers had collected for the BAISAKHI fair; and that "there was a considerable number of peasants present at the Jallianwala Bagh meeting on the 13th; but they were there for other than political reasons." And they say in another part, "It is clear that a considerable number of them (villagers) did attend as spectators." It is therefore obvious that the crowd on which General Dyer fired comprised people who did not belong to the city of Amritsar at all, and who, therefore cannot even vicariously be held responsible for the acts of the hooligans on the 10th April. General Dyer said in his evidence as follows:—

Q. On the assumption that there was a crowd of something like 5,000 and more, have you any doubt that many of these people must have been unaware of your proclamation?

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

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

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

Possible to disperse without firing.

General Dyer also admits that it was quite possible that he could have dispersed them without firing.

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

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

Q. Why did you not adopt that course?

A. I could disperse them for some time; then they would all come back and laugh at me, and I considered I would be making myself a fool.

It is now admitted that among the 369 dead, now officially recognized, 87 were ascertained to be residents of outside villages. The proportion of the outside people in the meeting must have been appreciable as shown by the fact that it attracted the attention of General Dyer even within the extremely short time—30 seconds—between his arrival and the opening of fire. He says in his report that the crowd appeared to be a mixed one consisting of city people and outsiders.

**General Dyer's action approved by General Beynon and
Sir Michael O'Dwyer.**

3. It appears that the action of General Dyer was approved by General Beynon and also by Sir Michael O'Dwyer. General Beynon on the 14th April sent the following telegram:—"Your action correct. Lieutenant-Governor approves." Sir Michael O'Dwyer in his evidence before us, states that General Beynon spoke to him over the telephone about the Jallianwala Bagh incident and said that he fully approved of it and asked him (Sir Michael O'Dwyer) if he approved of it. Sir Michael O'Dwyer says that he at first said that it was not for him to criticise his (General Dyer's) action or to approve or disapprove of it. But General Beynon added that the situation in Amritsar had been completely restored. He (General Beynon) said that General Dyer would like to know that if he (Sir Michael O'Dwyer) approved of his action. The entry in War Diary of the 16th Division under date the 14th April is to the following effect: "At a Conference at Government House, General Dyer's report on his action at Amritsar was considered and action taken was approved by the Lieutenant-Governor."

Information before Sir Michael O'Dwyer when he approved.

Sir Michael O'Dwyer told us that before General Beynon's telephonic message came on the 14th April that morning he had got an account of the incident from the Deputy Commissioner which contained the information that General Dyer had fired without warning and had gone on firing about 5 to 10 minutes and dispersed the crowd inflicting 200 casualties, by which Sir Michael says he understood dead casualties. It was with this information before him that Sir Michael O'Dwyer expressed his approval of General Dyer's action later in the day.

**Sir Michael O'Dwyer's point of view was and still is the same as that of
General Dyer.**

We must say we are not surprised that Sir Michael O'Dwyer should have expressed such approval, for it appears from his evidence before us that he holds practically identical views with

those of General Dyer in this matter. In his view, it did not matter if the people assembled at the Jallianwala Bagh that evening were different people from those who had committed murder and arson on the 10th, the very fact that they had assembled was enough to treat them as people who had committed murder and arson : and he also believes in the effect of General Dyer's action in crushing the alleged rebellion. In the written statement submitted to us he says : "The casualties were large and regrettable but the loss of life was inevitable, when a truculent mob which had already committed murder and rebellion assembled to defy authority." The following extract from his VIVA VOCE examination is instructive :—

Q. I want to ask you a few questions about the Jallianwala Bagh incident. You say on page 10 "the casualties were large and regrettable but loss of life was inevitable when a truculent mob which had already committed murder and rebellion, assembled to defy authority."

A. You have got my ADDENDUM to that statement.

Q. Yes. I will deal with that. The view there seems to be as if the crowd that had assembled there had committed murder and rebellion. Is there any evidence that that particular crowd had committed any murder or rebellion?

A. I do not suppose it could be said with reference to any particular crowd, but Amritsar city, as a whole, had committed murder and rebellion.

Q. You treated the whole city to be in rebellion and therefore everybody in the city as taking part in that rebellion. That was your view?

A. The view I took there was that that meeting was held to show their hostility to Government and their sympathy with the people who had committed rebellion and murder.

Q. It may be that those who assembled there that evening may have been different people altogether from those who committed actual murders and arson and other violent acts?

A. Yes, but they were there to show their sympathy with the people who committed murder and rebellion and their hostility to the Government which was repressing it.

Q. There is no evidence to show that they assembled there for that?

A. I think it may be inferred from the fact that they had assembled there knowing what the conditions in Amritsar had been for the previous three days and knowing that any such meeting had been prohibited.

Q. I am coming to the prohibition. But there is no evidence to show that the assembly there expressed their sympathy with those who had committed murder and arson?

A. I think the fact that they had assembled there was enough ; they would not have assembled there without good reason, at a critical time like that.

Q. The mere fact that they had assembled justified the conclusion that they had assembled there for the purpose of expressing sympathy?

A. I think after what had happened in Amritsar for three days and taking that the prohibition issued that morning.

Q. I am coming to the prohibition. You say they assembled to express sympathy. There is no evidence at all. You infer it?

A. Yes, I infer it.

At another place in his written statement, Sir Michael O'Dwyer says :—

"Speaking with perhaps more definite knowledge of the then situa-

tion than any one else, I have no hesitation in saying that General Dyer's action was the conclusive factor in crushing the rebellion."

Effect of General Dyer's action in the country

4. General Dyer wanted by his action at the Jallianwala Bagh to create a "wide impression" and "a great moral effect." We have no doubt that he did succeed in creating a very wide impression and a great moral effect, but of a character quite opposite to the one he intended. The story of this indiscriminate killing of innocent people not engaged in committing any acts of violence but assembled in a meeting, has undoubtedly produced such a deep impression throughout the length and breadth of the country, so prejudicial to the British Government, that it would take a good deal and a long time to rub it out. The action of General Dyer as well as some acts of the martial law administration, to be referred to hereafter, have been compared to the acts of "frightfulness" committed by some of the German military commanders during the war in Belgium and France.

It is pleaded that General Dyer honestly believed that what he was doing was right. This cannot avail him, if he was clearly wrong in his notions of what was right and what was wrong; and the plea of military necessity is the plea that has always been advanced in justification of the Prussian atrocities. General Dyer thought that he had crushed the rebellion and Sir Michael O'Dwyer was of the same view. There was no rebellion which required to be crushed. We feel that General Dyer by adopting an inhuman and un-British method of dealing with subjects of His Majesty the King-Emperor has done great disservice to the interest of British rule in India. This aspect it was not possible for the people of the mentality of General Dyer to realise. The following extract from his (General Dyer's) evidence may be referred to in this connection :—

Q. Did it ever occur to you that by adopting this method of "frightfulness"—excuse the term—you were really doing a great disservice to the British RAJ by driving discontent deep?

A. No, it only struck me that at the time it was my duty to do this and that it was a horrible duty. I did not like the idea of doing it but I also realized that it was the only means of saving life and that any reasonable man with justice in his mind would realize that I had done the right thing; and it was a merciful act though a horrible act and they ought to be thankful to me for doing it.

Q. Did this aspect of the matter strike you that by doing an act of that character you were doing a great disservice to the British RAJ?

A. I thought it would be doing a jolly lot of good and they would realize that they were not to be wicked.

People like General Dyer have the fixed idea that the effective way of governing in India is force. It is the same idea that General

Drake-Brockman of Delhi gave expression to in his written statement at Delhi: "Force is the only thing that an Asiatic has any respect for."

Wounded and the Dead.

5. The conduct of General Dyer, after the firing was over, was in keeping with the attitude which dictated the firing. He immediately left the place with his troops and did not do anything to see that either the dead were attended to or the wounded received help. He did not consider it to be "his job." It is said that it would not have been quite safe for him to have stayed at the Bagh any longer, as there was the risk of the crowd that he had dispersed overpowering his force as his ammunition was finished. But for the purpose of arranging for the dead and the wounded he need not have waited at the Bagh, but he could have given the necessary directions for the purpose after reaching his head quarters at Ram Bagh. Either he was in supreme command in supersession of the civil authority or he was there in aid of the civil power. If the former, we think he ought to have done something about the matter. If the latter position was the correct one, he should have informed the civil authorities and they should have made the necessary arrangements. But neither the civil nor the military authorities seem to have done anything at all. The following is General Dyer's evidence on the point.

Q. After the firing had taken place did you take any measure for the relief of the wounded?

A. No, certainly not. It was not my job. But 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 taken in custody for being in the assembly. I was ready to help them if they applied.

Q. Were any measures taken immediately for dealing with the dead?

A. They asked that they might bury their dead.

Q. That was much later?

A. My recollection is that when I got back they came and asked me and I said certainly. It never entered my head that the hospitals were not sufficient for that number of wounded if they had liked to come forward.

When General Dyer, in this part of his evidence, said that when he got back, the people came and asked that they might be allowed to bury the dead and he gave the necessary permission, he was under a misapprehension. The asking and giving of such permission took place the next day, viz., 14th April. In the report which General Dyer made of the operations from the 11th to 14th April to General Beynon, and which is appendix III to that officer's report to the Adjutant General dated the 5th September 1919, he, after narrating the Jallianwala Bagh incident, proceeds to say that he returned to the head-quarters at 6 P.M. (13) and at 10 P.M. he marched through the city to make sure that his orders as to the inha-

bitants not being out after 20 hours (13th) was obeyed; he found the city absolutely quiet and not a soul was to be seen. He then says, "the inhabitants have asked permission to bury the dead, and this I am allowing." This evidently refers to the 14th; the day on which he made the report. This is further borne out by the entry made by Captain Briggs in the War Diary about this permission. The order itself which is appendix VI to General Dyer's report of 25th August 1919 permitting the burning or burial of the dead, is dated the 14th April. When this was pointed out to General Dyer he admitted that the permission was given on the 14th of April.

6. As already stated above, Sir Michael O'Dwyer learnt on the 14th April from the Deputy Commissioner about the Jallianwala Bagh, that General Dyer had fired without warning and had gone on firing for about 10 minutes, and that there were 200 dead casualties. It does not appear that any steps were taken by the Punjab Government for a long time to ascertain the real facts about so serious an occurrence and to find out the correct number of casualties. Sir Michael O'Dwyer, when asked about it, says in his evidence that, on the 15th April he had an interview of about a quarter of an hour with General Dyer and that afterwards the Punjab Government were awaiting General Dyer's report. Sir Michael O'Dwyer said that in the latter part of April, General Dyer had been taking moveable columns to the various parts in the neighbourhood of Amritsar and that when he came back he was sent early in May to the Afghan War. General Dyer did not make his report till the end of August 1919, and that was made in response to a communication from the Adjutant General dated the 19th July 1919 evidently asking for a special report. The Punjab Government do not appear to have taken any steps till the end of June to ascertain the casualties. Mr. Thomson, the Chief Secretary, said:—

Q. Do you know what steps were taken to ascertain what the number of the casualties were?

A. There were no steps until about the end of July when we told the Deputy Commissioner to make enquiries.

It appears that notices were issued on the 8th August, inviting people to give information regarding those who had met their death at the Jallianwala Bagh. During the discussion in the Imperial Legislative Council on the 9th September 1919, in speaking about this matter the Government enquiries showed dead casualties to be 291 and that any information which puts the number beyond this should be received with the gravest caution.

In his evidence before us Mr. Thompson admitted that certainly 379 dead casualties had taken place, and that there was possibly still a small margin for more.

Administration of Martial Law

Some Martial Law Orders Designed and used for Punitive Purposes.

1. Now we will proceed to examine the administration of martial law in the various districts. A careful consideration of the various martial law orders in the different districts leaves the impression that over and above securing the maintenance of law and order, they were designed and were used for punitive purposes, they interfered considerably with the ordinary life of people and caused much inconvenience and hardships. Such interference so far as really necessary, cannot be objected to but in our view as stated hereafter some of them were not necessary. Although these orders were issued by the martial law administrators in whom the power was legally vested, so far as the headquarters were concerned, the civil authorities were in touch with the martial law administrators and in Lahore. There were daily consultations between the Lieutenant-Governor, the Chief Secretary and the military authorities. Some of the martial law orders had the approval of the civil authorities, and some were issued at their suggestion. Mr. Thompson says that, as a rule, on matters connected with the ordinary life of the people they were consulted before order were promulgated. Regarding these regulations, the Punjab Government in their case says, "they involved no inconsiderable interference with the ordinary life of the people" and "that the total effect was punitive and to some extent restrictive." They further admit "The Curfew orders, the restrictions on travelling, the impressment of vehicles, the orders regarding roll-calls unquestionably involved much inconvenience to the people of Lahore."

Intensive Martial Law Administration in Lahore

2. Martial law appears to us to have been administered intensively by Lieutenant-Colonel Johnson in the Lahore civil area. He issued numerous notices and orders, controlling the daily life of the people very minutely.

Attendance of ward representatives from morning to evening to receive orders.

For the purpose of promulgating these orders, he required every ward in the city to keep at least four representatives from 8 A. M. till 5 P. M. at the water works station to learn what orders, if any, were issued and convey such orders to the inhabitants of their ward, and he ruled that the onus of ascertaining the orders issued by him

lay on the people through their representatives. There are many wards, and this must have necessitated the attendance of a considerable number of persons of some position from morning till evening every day during the period martial law lasted, involving considerable inconvenience, humiliation and neglect of their ordinary business.

Nature of the Order.

On the 15th April, he issued what is known as the Curfew Order, prohibiting all persons other than Europeans or those in possession of special military permits from leaving their houses or being in the streets between the hours 20-00 and 05-00. This was subsequently modified so as to make it applicable after 9 P.M., then 10 P.M., and ultimately on and from after the 24th May, it was restricted to the hours of 12 P.M. to 2 A.M. He ordered the shops to be opened and business to be carried on, proceeded to fix in detail the prices of almost all commodities, and issued orders for the prevention of adulteration of milk. He commandeered from Indians their motor-cars and other vehicles, electric lights and fans, and notified that misuse or waste of pipe water would be deemed a contravention of martial law. With regard to this impressment of motor-cars, etc., of Indians, it appears that it was dictated by the desire to teach the population of Lahore a lesson. Though Order No. III was in general terms asking for the delivery of all motors and vehicles of all descriptions Lieutenant-Colonel Johnson had issued exemption certificates to Europeans; no such exemptions being made in the case of Indian residents. He, in his written statement, says as follows :—

Teaching the Indian population a lesson.

"Under Order III all motor-cars had to be surrendered for military service, but in cases where I was satisfied that cars were essential to the business or profession of a European, their cars were at once released and an exemption certificate issued. I refrained from granting exemptions in the case of Indian resident in Lahore, as I thought it desirable to bring home to them all—loyal or disloyal alike—some of the inconveniences of martial law in the hope and belief that in future the weight of their influence will be wholeheartedly thrown against seditious movements likely to lead to the introduction of martial law."

In reference to taking of motor-cars belonging to Indians and giving them to Europeans, Lieutenant-Colonel Johnson, when he was asked whether it was the right thing to do, said : "Yes, I wanted to teach them a lesson." Regarding the order impressing the hackney-tongas, he admits that the main reason for doing it was that they had struck work as part of the hartal.

Q. What were the reasons for commandeering tongas and vehicles which were plying for hire? Was it not that they also took part in HALTAL?

A. That was the main reason. They were taking part in HALTAL. No one could move in Lahore if he wanted to; they refused to carry him.

Exhibition of martial law notices on properties and obligation cast on owners to see notices preserved.

He made it unlawful for two persons to walk abreast; and prohibited all meetings and gatherings of more than 10 persons. His treatment of students, and the orders he passed about them and the manner in which the orders relating to the exhibition of martial law notices on buildings and other places we will deal in detail later on. By order VIII issued on 10th April, Lieutenant-Colonel Johnson notified, "All orders to be issued under martial law will be handed to such owners of property as I may select and it will be the duty of such owners of property to exhibit and to keep exhibiting all such orders. The duty of protecting such orders will, therefore, devolve on the owners of property and failure to ensure the proper protection and continued exhibition of my orders will result in severe punishment."

What determined the selection of properties, suspicion of being 'not very loyal.'

The selection of these properties was made on the recommendation of the Criminal Investigation Department police, on the ground that the owners of those properties were not "notoriously loyal," or were suspected to be not very loyal.

It is obvious that an order like this making the owner of the property liable to severe punishment if any notice affixed on his property was defaced by any one of the hundreds and thousands of persons that may be passing in the street, on which that property abuts, was putting a very unjust burden on them. The fact that in the selection of these properties entered the consideration that the owners thereof were suspected to be not "very loyal" reveals the punitive object of the measure. This is what Lieutenant-Colonel Johnson says:—

Q. You left the selection of these houses to the Criminal Investigation Department?

A. They submitted a list. I requested them to submit a list of the people who were not notoriously loyal. I selected the houses from the geographical position from the map.

Brain-wave of Colonel Johnson

Lieutenant-Colonel Johnson appeared to be quite proud of what he had done. When asked "Do you think it a reasonable order to make," he answered "Quite. I would do it again. It was one of the few brain-waves I had." It appears that a notice was stuck on the compound wall of the Sanatan Dharam College. It was sub-

Manner in which the Order was worked. Professor and students of a College interned for 30 hours.

sequently torn by somebody. Thereupon Colonel Johnson ordered that every male person found in the precincts of the compound should be arrested. Sixty-five students and all the professors of that college were accordingly taken to the Fort which is three miles away, and interned there for about 30 hours. They were then released after taking guarantees from the Principal that the defacing of notices would not happen again. Lieutenant-Colonel Johnson told us that he was waiting for an opportunity to show them the power of martial law; and he took this opportunity of doing so. The object and character of this action would appear from the following extract from Lieutenant-Colonel Johnson's evidence:—

Waiting for an opportunity to bring home to people power of Martial Law.

Q. Your view then was and your view still is, that it was a reasonable order to make?

A. I had got to stop notices being torn down and I wanted to make an example of somebody who had torn them down.

Q. You considered it then, and you still consider it to be a reasonable order?

A. Undoubtedly.

Q. And your frame of mind then was, as you indicate in your report on page 11, that you were waiting for an opportunity to bring home to all concerned the power of martial law?

A. That was so, Sir.

Q. You were longing for an opportunity?

A. Only in the interest of the people themselves.

Q. I did not suggest it was any other interest; it may or may not have been but you were longing for an opportunity to show them the power of martial law?

A. Quite.

Q. And you got this opportunity?

A. And I took it.

Q. And you marched these 500 students and their professors in the sun 3 miles?

A. That is so.

Q. And you still maintain that was a proper exercise of your authority as Martial Law Administrator?

A. Absolutely. I would do it again to-morrow in similar circumstances.

Principal of another College Dealt with.

A poster of an objectionable character was found on the outer wall of the Dayal Singh college. Upon that, Lieutenant-Colonel Johnson issued an order that if the college authorities did not find out the writer and report his name to him the same day by 12 noon, he would take drastic measures against all concerned. Lieutenant-Colonel Johnson summoned the Principal and fined him Rs. 250,

and sent him in the custody of two soldiers to collect the fine. The Principal, on the payment of the fine, was released. A little later, it happened that the man on whose information, as to the poster having been found on the college wall Lieutenant-Colonel Johnson had acted, was convicted of perjury at Kasur and on that the fine was remitted. Then Colonel Johnson undertook on a large scale the punishment of students of seven colleges.

Roll-call of students four times a day. 1,000 students made to walk 16 miles a day in the heat of May for many days.

Then Lieutenant-Colonel Johnson issued orders that the students of the D. A. V. College, the D. S. College and the Medical College should attend a roll-call four times a day for a period of nearly three weeks. This necessitated a large number of students walking in the hot may sun of Lahore 16 miles every day. Lieutenant-Colonel Johnson was under no misapprehension about it, for when it was put to him that the students had to walk 17 miles a day, he protested that it was 16 and that he had measured it on the map. When his attention was drawn to the hardship involved he said: "No hardship at all for able-bodied young men. It was only a mild type of physical exercise for able-bodied young men. According to Lieutenant-Colonel Johnson, this order was passed not as a punishment, but for the purpose of keeping the students out of mischief. When it was put to him whether it ever occurred to him that this treatment of students was eminently calculated to make those young men very bitter with hatred towards the British Government for the rest of their lives, he answered that the atmosphere of the colleges was such that he could not make it worse.

It appears that in all over 1,000 students were so punished. Some of them were expelled permanently from the college and were declared unfit in future to enter any college; others were punished by being rusticated for various reasons; and yet others had their scholarships and stipends stopped.

It appears that these punishments were awarded not after investigation into individual cases; but Lieutenant-Colonel Johnson decided that a certain percentage of the students in each college should be punished. When the Principals of the various colleges sent up the lists of punishments, in cases in which he thought that the punishments were either not adequate or did not come up to the proper percentages, he remitted the list to the Principals concerned to bring up the lists to the proper percentage. This is what Lieutenant-Colonel Johnson says about the matter:—

Q. Did you tell them what percentage of students were to be punished?

A. No; not at the meeting.

Q. Then you fixed a particular day by which the punishments, which they fixed upon, should be submitted to you for approval?

A. That is so.

Q. And they sent up lists to you of the punishments they suggested?

A. They did.

Q. And when you got these lists it was your view that these punishments were insufficient?

A. Some of them were. Some of them were adequate.

Q. And on that did you inform the Principals that unless the punishments were raised the colleges would be closed and the students would be stopped from attending University examinations?

A. That is so.

Q. Have you got that correspondence between yourself and the Principals on the subject?

A. No, I have not.

Q. What happened to it?

A. It was filed in the offices of the Martial Law Administrator. It was taken over with the rest of the office by the officer who succeeded him in command of Lahore.

Q. It must be available somewhere in the official records?

A. I take it, it is.

Q. Now in the correspondence did you suggest to the Principals that a certain percentage of students should be punished?

A. I am not sure; possibly I did.

Q. You suggested just now that you did so at some stage?

A. I thought I did, in this correspondence.

Q. You fixed the percentage of each college which should be punished.

A. I took the same percentage as the other colleges whose punishments I thought were adequate.

In this connection, Lieutenant-Colonel Johnson expressed the view that by teaching them that there is penalty even for 'suspected sedition', you are stopping it. It is true that some of the students of the colleges in Lahore had been in the unruly mobs on the 10th April and some gave utterance to sedition. But because some were guilty to punish all whether guilty or innocent as Lieutenant-Colonel Johnson proceeded to do, was in our opinion not justifiable. Such a measure was almost certain to produce bitterness in the minds of the students by reason of their feeling that they were unjustly dealt with. When it was put to Lieutenant-Colonel Johnson that the fact that he had received reports of the improper behaviour of certain students, was not enough to make him decide to punish all, he gave the following reply:—

Q. Because you got reports of the character you mention with regard to 20, 30, or even 50, you thought that was enough to justify in making orders of this character affecting thousands?

A. I thought I was justified in making the orders at the time; I still think, and I shall always think so.

The correspondence between Lieutenant-Colonel Johnson and the Principals on this matter shows that when two of the students

who in it was decided to punish by rustication for one year asked permission to withdraw their names from the examination for the current year, and the Principal was disposed to grant that request, Lieutenant-Colonel Johnson wrote that either the names of these two students should be reinstated in the list for that year or two others substituted in their places.

In our view the criticism with regard to the various orders about the students above referred to that "it would have been prudent if the military authorities had consulted the college authorities as to the orders to be passed, and that the college authorities have disapproved of the orders as serving no purpose," does not sufficiently take note of their gravity. We are of opinion that these orders on their merits were unsatisfiable and were conceived in a spirit of some vindictiveness and were eminently calculated to leave behind considerable feelings of bitterness in the minds of the young generation.

Threat of reprisals

By his order No. I it was intimated that "if any fire arm is discharged or bomb thrown at the military or the police, the most drastic reprisals will instantly be made against the properties surrounding the outrage." Colonel Johnson says that he called 100 leading men of the city and had explained to them what action he would take by way of reprisals. He told them that if any bomb fell or that if any British soldier or any body was wounded or injured as a result of that bomb, that spot would be deemed the centre of a circle having a diameter of a hundred yards and that he would give them one hour in which to remove everything living from that circle and that at the end of that time the demolition of every building other than mosques or temples would take place inside that circle. Such an announcement that innocent people who may happen to be within such a circle, would be dealt with in such a manner, we cannot uphold. He further intimated that the continuance of electric lights and water will depend on the good behaviour of the inhabitants and their obedience to our orders. It is not from want of sufficient tact in drawing them that these orders suffer. It is apparent from what we have stated above that they were designed to cause annoyance and hardship to the Indian population with the object and for the purpose of "teaching them a lesson" as Lieutenant-Colonel Johnson frankly admitted. When it is remembered that those who composed the unruly mobs in Lahore on the 10th and 12th April formed only a small proportion of the population of Lahore, the injustice of treating the whole Indian population of Lahore in this manner becomes obvious.

2. Amritsar.

3. In Amritsar, most of the Lahore orders were repeated, e.g., the Curfew order, prohibition against gatherings and processions, restrictions on travelling, exhibition of martial law notices, impressment of cycles, etc., declaration of stocks, fixing of rates of food-stuffs, milk etc.

Crawling Order

Among the orders passed by General Dyer at Amritsar was an order that has been styled "Crawling Order." This order was passed on the 19th April, eight days after General Dyer arrived and four days after the declaration of martial law. This order was passed with reference to a street where Miss Sherwood had been brutally attacked on the 10th April by the mob. The street is narrow but of considerable length, and has abutting on it on both sides houses of different dimensions. The order was to the effect that no Indians should be allowed to pass through the street, but if they wanted to pass they must go on all fours, and pickets were placed at certain points in the street to enforce obedience to this order. The pickets had instructions to be there from 6 A. M. to 8 P. M. It is not suggested that the assailants of Miss Sherwood were the residents of the street. This order must have had the immediate result of seriously inconveniencing the residents of houses abutting on the street, and thereby punishing people who were *PRIMA FACIE* innocent. General Dyer says he thought that all the houses had back entrances, but when one sees the street as the committee did, it is difficult to see how he carried that impression. Evidently it would not have affected his judgment or the order even if he had known that all the houses had no back entrances, for in his evidence before us, General Dyer seemed to think that it was really very slight inconvenience to the residents of the street. According to him they could go over the roofs of their houses. We are unable to understand how General Dyer expected the residents of these houses to go from the roof of one house to another, the houses being of different heights, and by that means reach the street.

Q. As I understand there are many houses with no back entrances at all?

A. I was not aware of that at the time.

Q. If it be the case that many of the houses have no back entrances what justification is there for pronouncing an order that necessitated the inhabitants lawfully residing in these houses to crawl on all fours when they had to leave their homes?

A. They could leave at other times. My picket was only there from 6 A.M. to 8 P.M. I do not think it a very great inconvenience for them if they had to suffer a little for all that Amritsar had done. I thought it would do no harm under martial law. They could easily get the necessities of life by other

means. It would not have taken much ingenuity to get necessary things. They might have suffered a little amount of inconvenience.

Q. How were they to get food, if most of the houses had no back entrances?

A. Those who had not back entrances if they had to get the necessities of life, might have gone on the roof and improvised means. If not they could wait until 8 o'clock in the night and then go out and get the things.

Q. All this thing might have a very different effect from the effect you wished. Instead of being a just punishment on those who were intended to be punished, it might cause a great deal of ill-feeling among those who resented treatment of this sort and who were not responsible for the acts that were done?

A. Amritsar had behaved very badly, and I think most of the inhabitants of Amritsar either gave assistance or were only waiting to see what was going to happen apparently. At any rate, they did not offer any help until after the firing and if they suffered a little under martial law.

Q. Do you admit that during a period of turmoil when the mob was having the upper hand, it is difficult for the peaceful citizen to give assistance in quelling the disturbances and it is just on that account that the extreme act of firing upon a mob is justified?

A. Yes, they were obstructing law-abiding citizens, I presume, but I think that on that occasion we only thought of punishing the wicked and men who had beaten Miss Sherwood who had to go through that street were punished. It was not my intention to punish anybody else.

General Dyer says that he did not expect that any body would pass through the street and subject himself to this order of going on all fours. It was, however, a very curious coincidence that within a few minutes after he had passed the order and put the pickets, 12 persons had to be arrested for being insolent and he ordered them to be taken into custody, and the police took them there through that street and the picket enforced the crawling order on them. General Dyer appears to have been pleased at this providential result. In his report he says: "I inspected that spot where Sherwood ultimately fell and I gave orders for a triangle to be erected there; I then posted two British pickets, one to each end of the street, with orders to allow no Indians to pass, that if they had to pass, they must go through on all fours. I never imagined that any sane man would voluntarily go through under those conditions and I was still searching for some fitting punishment when Providence stepped in. After giving my orders I proceeded further through the city, as I passed I gave orders for eleven insolent inhabitants to be handed over to the police, and brought to me at Ram Bagh at 9 A.M. next morning. I did not know that the police who accompanied my force had been left at the far end of the street in which the pickets were posted. Arrived at that near end of the street, the prisoners were confronted by the non-commissioned officer in command of the picket and made to crawl, between the two pickets, a distance of about 150 yards."

Flogging in that street.

General Dyer further put up a triangle in this street for flogging

people, and six persons who were under arrest in the Fort for the assault on Miss Sherwood, on being found to have committed some breach of Fort discipline, were brought and flogged there. These people were ultimately found guilty of the assault on Miss Sherwood, but at the time they were so flogged they were merely under-trial prisoners. There is no record forthcoming of the trial and punishments of the eleven persons above referred to, who were arrested for the breach of the salaaming order, or, of the other six persons who were flogged in the street.

Q. What certainty had you at the time you ordered them to be whipped at this spot that they would be found guilty of this offence against Miss Sherwood?

A. I did not know they would be found guilty, I lashed them.

Q. When they were lashed for a breach of Fort discipline they were not yet found guilty of the crime against Miss Sherwood, these particular men?

A. The chances were from what I had heard and been told that these were the particular men. If they were not the particular men and another man was beaten still it did not matter very much whether he was beaten there or somewhere else, if he was convicted. I did not wish to run the risk if he had committed the offence against Miss Sherwood, of his being beaten somewhere else; therefore when I heard that these were the men, I had them beaten in the same street.

Q. Were you not rather doing that from the point of view of striking the popular imagination?

A. No, I had only that in view that these men had in a dastardly manner beaten a woman and knocked her down six times in the street, and that nothing was too bad for them either from the point of view of a British man or a Hindu or a Sikh or any other man.

Sir Michael O' Dwyer Disapproved crawling order.

Sir Michael O' Dwyer strongly disapproved of this order and telephoned to General Beynon to have the order withdrawn as he considered it an improper order; and he informed the Viceroy as to what he had done in the matter.

Gujranwala and other districts. Order requiring Indians to alight from conveyances and to Salute European Officers.

4. Among the Martial Law Orders issued in the Gujranwala district, one attracts particular attention. That order which was issued on the 22nd April required the inhabitants of Gujranwala district whenever they met any Gazetted European civil or military officer to show respect to them by alighting from any wheeled conveyance or animals that such inhabitants might be riding and close any open umbrellas that they might be carrying and to salute the said officers. This order was extended to the Lyallpur district on the 30th April and to the Gujrat district on 2nd May. These orders calculated to humiliate the whole Indian population of those districts and have naturally left much bitterness. In our view, the order, as it was issued

and enforced, was wholly indefensible. Lieutenant-Colonel O' Brien, Deputy Commissioner of Gujranwala, says that he approved of the order :—

Q. Is it not enforcing humiliation on the Indian people, to make them alight from their carriages to salaam an European officer? Does it not savour of that?

A. You perhaps put the other way. It is rather this way. I go to the other extreme in insisting on the ordinary salutations being paid.

Q. It was necessary to go to the other extreme?

A. Perhaps so.

Q. For what purpose? What was the necessity for going to the other extreme and making this order?

A. The tendency of the present day is to abolish respectfulness. The Indian father will tell you that sons are not respectful even to their parents.

Q. The Indian young men are not following the ways of respectfulness and you therefore thought you would improve them by going to the other extreme and enforcing this order?

A. I say I did not pass this order. I generally agreed.

Q. That is the ground on which you defend it? I put it to you: if an order of this sort is in force would it not create considerable resentment and bitterness among the people, and would not they feel humiliated?

A. I do not know. The feeling of bitterness already existed.

Q. You thought there was bitterness sufficient and therefore any order of humiliation could not add to the bitterness.

A. I do not think its effect would be much.

This idea of exacting respect towards Europeans is responsible for the following order issued on the 8th May :—

Restrictions on travelling by railways imposed as a punishment for decreased respect towards Europeans.

"Whereas it has been shown to my satisfaction that the attitude of the inhabitants of Gujranwala towards Europeans has decreased in respect and whereas this is in contravention of notice under Martial Law No. 7, dated 22nd April 1919, I now order that as a punishment the restrictions regarding booking of passengers from Gujranwala and from the stations of Eminabad and Kamoki to the South, and Rahwali and Ghakkar on the North, which were relaxed to-day, the 5th instant, shall be again imposed on these stations for a further period of 14 days from this date."

It appears from this order that restrictions regarding the booking of passengers were imposed in some cases, not because they were deemed necessary for the maintenance of law and order, but as a punishment. It further shows the incapacity on the part of some of the Martial Law Officers to release the grave injustice of punishing the whole populations including a large majority of loyal and innocent people for the misdeeds of the few.

Roll-call of students.

5. Orders were issued, which were made applicable to the districts of Gujranwala, Gujrat and Lyallpur, that students should attend roll-calls daily once or more often as the Area Officer determined and there salute a British flag. These parades were to be attended also by the masters, and in the Gujrat area the order also provided that "if any boy is absent without any proper cause, his father would attend in his place." It appears that these orders were enforced even in the case of infants of four and five years. Here again it is the same conception that because some school boys had joined the crowds during the disturbances, the whole class of school boys was to be subjected to this order, irrespective of their being guilty or innocent.

Q. Then it comes to this, Major Smith, that certain boys in this area had taken part in the disturbances.

A. Yes.

Q. Therefore you thought that it was necessary, partly by way of punishment and partly by way of inculcating respect in their minds, to enforce this order on the infant boys of five or six, who had not taken part in these disturbances at all.

A. Yes.

Q. Do you still think it was a wise thing to do?

A. Yes.

The Government case after referring to the rumour that was circulated owing to this order that several school-boys had died of sunstroke, says:—The actual fact is that on one occasion at Wazirabad, four of the small boys fainted from the heat, but suffered no serious effects. The mid-day roll-call was then abandoned."

The notion of punishing whole communities for the offence of the few is responsible for the following notification: the following order was issued as late as the 19th May:—

All students punished because two failed to salaam.

"Whereas two students of over 14 years of age failed to salaam to me on the 16th instant, thereby contravening 'Notice under Martial Law No. 7' and whereas it now transpires that they gave me their wrong names and addresses, I hereby direct that all students of over 14 years of age of the:—(1) Municipal Board School, Lyallpur, (2) Arya School, Lyallpur, (3) Sanatan Dharm School, Lyallpur, (4) Government High School, Lyallpur, shall parade in front of my office in the Public Library at 08-00 (eight) hours daily until the two offenders are given up, or failing this until such time as I consider necessary. They will be accompanied by a schoolmaster from each school, and will march past a Union Jack which will be erected in front of my office, and salaam to it as they pass, under the supervision of an officer appointed by me.

"The schoolmaster accompanying the boys of each school, will bring with him daily a nominal roll of all the boys of over 14 years of age at his school, signed as correct by the Head Master, and showing, against the name of each absentee from the parade, the reason for his absence. These parades will commence from Monday, 9th instant."

This order remained in force for one week.

Six boys flogged at Kasur because they happened to be biggest.

6. In this connection may be mentioned the way in which the students were dealt with at Kasur. It appears that some of the students had taken part in the disturbances, and two of them were identified as taking part in the riots and were subsequently arrested and sentenced. One schoolmaster represented that his boys had gone out of hand. Mr. Marsden, Sub-Divisional Officer, Kasur, suggested and Lieutenant-Colonel Macrae approved that certain boys should be picked out to bear punishment for the whole. Thereupon the headmasters were asked to select six boys and send them. When they were so sent up, they appeared to the authorities to be miserable looking. It was thereupon ordered that all the boys of the schools concerned should be paraded at the station, and the six biggest boys were selected. They were given six stripes each.

Q. Then on the 18th, some school boys were flogged and you gave directions that the biggest six boys were to be selected for that purpose?

A. I said generally speaking take the six biggest. The misfortune was that they happened to be big.

Q. It was irrespective of whether they were innocent or guilty; because they were big they had to suffer?

A. Yes.

Q. Do you think that is a reasonable thing to do?

A. Yes, I think so under certain conditions.

Q. It was a mere accident that a boy being big should invite on himself punishment?

A. It was his misfortune.

Q. His misfortune was that he was big?

A. Yes.

Reprisals on property of absentees and their relations.

It appears that orders for reprisals against the property of people who had left Gujranwala, Wazirabad and Hafizabad in order to avoid arrest, were issued. These orders threatened reprisals not only against the property of those absconders but also against that of their fathers or nearest relations (see Orders Nos. 28 and 29). The way in which these orders were carried out appears from the following instances. One Jamiat Singh Bugga who was a man of considerable position in Wazirabad and who was paying Rs. 2,000 as income-tax and had done considerable war work for which he had

received official recognition, attended a meeting held on the 14th, in connection with the HARTAL which took place the next day, but does not appear to have taken any part in the demonstrations. It is not known whether he left Wazirabad for some legitimate business or because of the fear of being arrested. It is not known whether the orders for his arrest had already been issued at the time he left. Subsequently when the authorities went to his house and were informed by his son that he was not there, an order was passed by Lieutenant-Colonel O'Brien that the whole of his property be confiscated: and after pronouncing this order, two men were deputed to turn out the inmates of the house and take possession of the property, and several females and children were so turned out and the property was taken possession of. After a few days, Jamiat Singh surrendered himself on the 26th and the property was released about the 4th of May on the application of his son. The following is Lieutenant-Colonel O'Brien's evidence about the matter :—

Q. Then you went there and ordered that the whole property of Bugga be confiscated?

A. Yes.

Q. And after pronouncing this order, you deputed two men to turn out the men of the house in the Jallianwala Lane and to take possession of the property?

A. Arrangements were made.

Q. You know that in that house there were four females and six infants?

A. I do not know that.

Q. Did you not know that the wife of this man and the mother of this man were there?

A. I presume they would be able to make arrangements for them; they have lots of friends.

Q. And all these females and children were turned out from the house and the house was taken possession of under your orders.

A. Yes, that is right.

In another case, three brothers had absconded. Not only was their property confiscated, but their father was arrested and his property confiscated. This was at the town of Sheikhpura in the district of Gujranwala. The order passed by Lieutenant-Colonel O'Brien in this case was produced before us and runs as follows :—

“Until the arrest of Amar Singh, Atma Singh, Santokh Singh, sons of Gauhar Singh, the crops of the latter are confiscated to Government. Watch and ward to be put on them and any one cutting them will be liable to imprisonment or to be shot. Gauhar Singh is dismissed from the post of LAMBARDAR. Arrangements to be made for his successor.

Atma's timber shop of Sheikhpura is also confiscated to Government. The brick kiln, etc., of Amar Singh in Hardoi, Sheikhu-

pura and Chuharkana is also confiscated to Government. Any other property that the sub-inspector comes to know of should also be confiscated and a report made to me."

Another similar instance is that of Raila Ram who, it appears from Mr. Bosworth Smith's evidence, was arrested because his son Manga had absconded. It appears that with regard to people who left their places of residence and were wanted, orders were issued prohibiting any people connected with them from cutting the crops in their fields until they returned.

In Kasur, a general order was issued on the 25th April to the following effect:—

"And further also all such residents who have left Kasur on or after the 10th April 1919 will return to Kasur within four days from this date, failing, measures will be taken against their property." Captain Doveton told us that in connection with this order, six houses were visited and opened, and in some cases clothes and vessels found inside were burnt and destroyed.

8. We find that in connection with the activities of the mobile columns that were sent out in the rural areas, in some places they took certain people from villages as hostages. It appears to have been done on fairly large scale. Those people were not themselves guilty of having done anything, but they were taken in order to ensure the good behaviour of their respective village, and for the purpose of creating a general impression and also to put pressure on the villagers to give information about offences that had been committed. Mr. S. M. Jacob, Director of Agriculture, who was associated with one of the mobile columns gives the following as the object of this measure:—

"It was more or less protective, to prevent a recurrence of cutting (of wires), I think that was the idea underlying the orders which directed the taking of hostages."

Q. How was that prevented by taking the hostages? Supposing there was cutting of wires after you took hostages what was intended to be done to the hostages?

A. I suppose it is only more or less to impress the villagers that there was such a thing as Government after all, and they had some power. I imagine that was the idea.

Q. When you took hostages, did you tell the villagers why you were taking them?

A. I told them that I was taking them in order to prevent recurrence.

Q. What impression did you think you conveyed by that? If recurrence happened, what would happen to these people?

A. That was left to their imagination.

Lambardar flogged and fined.

In another place he says "As far as I remember they were kept there (in the Police thana) in order to exert pressure on the village

to give information." It appears that Mr Jacob who accompanied Major Braid's mobile column took six hostages from one village. As the Lambardar did not show inclination to help and was unable to give when asked any information as to how and by whom the wire were cut near the village, Mr. Jacob had him stripped naked except for his loin-cloth, bound him to a tree and inflicted 15 stripes on him and fined him Rs. 200 which he collected on the spot. Mr. Jacob admits that he eventually found out that this LAMBARDAR had no information and the cutting of the wires had really taken place at some other place. Mr. Jacob says that he inflicted this punishment on this LAMBARDAR, acting as a summary court-martial. It is difficult to understand this as it appears that the notification nominating Mr. Jacob as one of the officers under martial law was issued only on the 23rd of April, nor does this case find a place in the return of cases supplied to us. A similar case is recorded in the report of Lieutenant-Colonel Bourne who was in charge of one of the mobile columns. In his report dated the 19th April he says as follows :—

"Narwar—The ZAILDAR and LAMBARDAR were present. As they were told the evidence was strong and they denied all knowledge, they were given ten minutes to produce evidence. Failing that I told them I would have them beaten. They refused to give evidence and two LAMBARDARS and four others were beaten by a sowar by my order. I then gave them ten minutes again and as they still refused I arrested the ZAILDAR, two LAMBARDARS and five others and brought them in."

9. Mr. Bosworth Smith, it seems, conceived the idea of erecting at Sheikhpura a building to commemorate the events of April 1919, and it was meant that people would go there and repent for what they had done on the 15th April. The proposed house of repentance has been called 'TOBA GHAR' or 'JAIL GHAR' Mr. Bosworth Smith says about this as follows :— •

Q. Did you make any suggestion about erecting any house of repentance? Did you suggest any TOBA GHAR to be built at any of these villages?

A. I suggested that possibly good might come out of evil by getting the leading men to subscribe by building a Jail GHAR at Sheikhpura.

Q. Then your idea was that people should go inside that building and repent of what they had done on the 14th or 15th April?

A. That was the idea.

This idea of Mr. Bosworth Smith, it appears, did not receive encouragement from the higher authorities and did not materialise.

Rs. 3,500 Collected from people for supplying wants
of soldiers.

10. It appears from the evidence of Munshi Kirpa Singh, TARSILDAR of Wazirabad, that about Rs. 3,500 were collected from

the inhabitants of Wazirabad after the declaration of martial law, and the amount was used for supplying the wants of the soldiers stationed there.

Q. During these days was every family taxed a rupee, four or five weeks after the declaration of martial law ?

A. The Malik sahib was in charge of the place and he had ordered this, and this money was collected.

Q. One rupee per family or per house ?

A. Per house.

Q. And how was this money spent ?

A. The soldiers were supplied with things which they required because they had not got ready money with them.

Q. In which week after the 16th of April and on how many days was this money collected ?

A. I do not remember the date.

Q. Was it the month of April or May ?

A. It was in April.

Q. And it was collected in a day or two ;

A. No, it took 10 or 12 days.

Q. What was the total amount ?

A. Rs. 3,500 about.

Q. Through which agency was this collected ?

A. Members of the Municipal Committee.

Armoured Trains and Aeroplanes

Firing from armoured train on the 16th of April not justified

1. It appears that on the 15th of April an armoured train which had machine guns and searchlights, in charge of a British soldier, was sent from Lahore to Sheikhpura. At Sheikhpura Lala Sri Ram Lud, sub-divisional officer, Sheikhpura sub-division, got into the train and proceeded to Chuharkana station. Some of the residents of Chuharkana and other adjoining villages had on the 14th and 15th done considerable damage to the railway lines and the railway station. The armoured train proceeded slowly from Sheikhpura and arrived near Chuharkana station in the early hours of the 16th April. Near the distant signal they found an obstruction placed on the line. After removing this obstruction they were proceeding further when they found men about the line and opened fire ; and one man was killed. The armoured train then proceeded to the Chuharkana station, but none of the rioters were there then. Lala Sri Ram Sud and the military escort got down from the armoured train, and went into a factory where it was suspected that some men were in hiding. Some rifle

shots were fired in the dark with a view to terrify the village people. There were no casualties. On the morning of the 16th, the armoured car proceeded a mile further and pulled up in the vicinity of Chuharkana. It may be mentioned that the Chuharkana railway station is not near the village but near what is known as the Chuharkana market. From this point the machine-gun was fired from the armoured train into the village and later the party seems to have gone into the village and done some further firing. The people in the village, who were thus fired at, were not at that time engaged in any acts of violence and we think that this firing was not justified. We set out below the examination of Lala Sri Ram Sud about this firing.

Q. So you moved your armoured train from the station to a place beside this village and pulled it up there ?

A. Yes.

Q. And then you fired into the village, did you ?

A. I have said in my statement that while we were in the armoured train we noticed the movement of a number of people in the village.

Q. Yes, I will deal with that in a minute. How far were these people whose movements you saw from the train ?

A. So far as the eye-sight could reach—

Q. How many yards from you ?

A. I cannot give the number of yards. It was as far as my eyesight went.

Q. You were on the railway line ?

A. Yes, and I could see the movement of the people.

Q. You were in your armoured train opposite to the village ? The village consists of houses ?

A. Yes, but we discovered the movements of the people on the outskirts of the village.

Q. That is between the village houses and the railway line ?

A. No, on the other side.

Q. There must be several rows of houses, there cannot be only one row ?

A. Yes, but I am speaking of the outskirts of the village. The outskirts could be seen but not the inside of the village.

Q. Where were these people, on the other side or where ?

A. By other side I do not mean a place which I could not see. I mean they were near the village, but on the outskirts of the village, and that I could see them from the armoured train.

Q. Were they between you and the village houses ?

A. No.

Q. Between you and the village houses there was nothing ?

A. No.

Q. Where were these people ?

A. These people were on one side of the village.

Q. What do you mean by other side, do you mean behind the houses ?

A. No, I do not mean that, I mean a side that I could see myself.

Q. They were in some outskirt that you could see ?

A. Yes.

Q. How many were there ?

A. I could see movements of people.

Q. You could not see the people at all ?

A. I could see the people. Some of them could be seen moving on horse-back a little further away. I could not give an exact idea of their number.

Q. You must have formed some idea? You cannot say whether they were 5 or 10 or 100?

A. No. I say I discovered movements of people.

Q. You saw the people and you cannot tell me whether there were five or a 100?

A. I cannot tell you. There might have been a hundred people hidden behind.

Q. I am asking you about the people you saw?

A. There were a good many people. They were considerably more than five certainly.

Q. Could you see their faces from there very well?

A. Yes.

Q. What were their movements?

A. They were moving.

Q. I want to know what you mean by saying you saw their movements, what movements?

A. They were not committing any mischief, I do not say that. They were probably in consultation.

Q. They were not committing any mischief?

A. No, not at that time.

Q. What were their actual movements?

A. People were coming into and going out of the village.

Q. You did not know what their object was?

A. As I came to know later their object was to attack us in the armoured train.

Q. Their object was to attack you?

A. Yes, they were collecting and some were going to call other people.

Q. From looking at them in the distance you made out they were going to call people from the village to attack you?

A. No, I did not say so. I said I learnt about it later, but we could guess that they were meaning some mischief to us.

Q. It is true that you learnt that afterwards; I am dealing now with what happened.

A. Unfortunately I cannot eliminate things that are in my brain; I have to take things together.

Q. What we are dealing with now is what you did at that time and what materials you had then and what was your frame of mind. For that purpose what you learnt afterwards is utterly useless. When you refer to their movements, what were their actual movements?

A. As I said they were coming and going, I fancied they were collected for some object.

Q. You saw some people going into the village and some people coming out of it and from that you concluded that they were collecting to attack you?

A. Yes, they were collecting with some sinister purpose.

Q. From the mere fact that some people were going into the village and some coming out at the time, you concluded that they were assembling for some sinister purpose?

A. Yes, I know what their temper was before. We were still there and they had collected and had not gone into hiding.

Q. May I take it in this way, that because when you arrived in your armoured train they did not go into hiding, you thought they were out for some sinister object?

A. Not exactly. I knew these men had done mischief, and on the arrival of the armoured train they did not disperse and so as they were still moving about I knew some mischief was intended.

Q. You say these people had done this mischief ?

A. The whole village was there. I could not make any distinction.

Q. You did not make any distinction ?

A. No, certainly not, and as a matter of fact, the whole village was there.

Q. And you considered the whole village to be guilty ?

A. Yes.

Q. And because they were not in hiding and were still showing themselves, you thought you were entitled to fire ?

A. Those people ought to have dispersed in the ordinary course.

Q. Your view was that when your armoured train arrived opposite the village, no villager ought to be seen, is that your idea ? That is what it comes to ?

A. It does not come to that, that no villager should be seen.

Q. When the armoured train came there you noticed certain movements ?

A. Yes, I noticed certain movements and I concluded those movements were intended for some sinister object.

Q. What I want to know is why did you conclude that ?

A. They were not there in the morning ; they had collected then ; why were they there ?

Q. What time of day was this, early in the morning ?

A. It was about 12 or 1.

Q. And your idea was that they had no business to be going out of or coming into the village at that time ?

A. Not going out and coming in. They had some horses with them, why had they these with them ?

Q. These village people should not have any horse at all ?

A. No, but they should not be on their horses at that time.

Q. Your reason for concluding that you must fire was because you saw some people on horses, is that so ?

A. As I say this was one of the factors. Do not take things in an isolated manner.

Q. One of the factors on which you decided to fire was that you saw people on horses ?

A. Yes, some coming and some going.

Q. And you thought these people had no business to be on horses at all ?

A. Not at that time.

Q. And on that you fired ?

A. Yes.

Q. What did you do next ?

A. We went out and saw a number of people and the British soldiers fired, but it did not take effect.

Q. Where did you see them ?

A. On the outskirts of the village.

Q. At the same place as you had seen those people before ?

A. On the same side.

Q. When you saw the people what were they doing ?

A. I cannot say.

Q. You did not notice what they were doing ?

A. I have already said what they were doing.

Q. But you now came near them, you had first seen them from the train ; you had now alighted, did you see what they were doing ?

A. At that time I did not notice what they were doing.

Q. You did not care to enquire what they were doing ?

A. I did not care to enquire.

Q. You at once decided to fire ?

A. Yes.

Q. Why did you decide to fire ?

A. Because we knew they were out for mischief. I had already come to know these men were doing some mischief.

Q. Because you had the fixed idea in your mind that these people were bent on mischief you fired ?

A. Yes.

Q. When you reached near them you did not enquire what they were doing at the time ?

A. No.

Q. Or look at them ?

A. We were looking at them.

Q. You did not care to see what they were doing, you straightaway opened fire at them ? How many shots were fired ?

A. I do not know, some shots were fired.

Q. How many people were killed ?

A. I do not think anybody was killed ; one man was wounded.

Q. And did you do this also to teach the people a lesson and strike terror ?

A. I said to avert that danger.

Q. To avoid the danger of their doing further mischief ?

A. And attacking, and eventually, it was found that they were ready to attack.

Q. After having done this, did you go back to the train ?

A. Yes.

The above extracts show that Lala Sri Ram Sud considered the whole village as guilty and resorted to this firing with a view to inflicting punishment and making an impression. In this connection may be noticed the evidence of Lieutenant Abdul Rahim Khan and Biwa Budha Singh, Executive Engineer, Lyallpur. They arrived at Chuharkana from Lyallpur by an ordinary train. But as the train was unable to proceed further, they were kept in the market by one Iqbal Singh, pleader, for the night. Next morning they boarded another armoured train which had arrived there, and when this train proceeded and arrived near the Chuharkana village, the armoured train in which Lala Sir Ram Sud was, came up from behind and stopped at a distance of 200 yards. Both these witnesses testify to the firing in the village from the armoured train No. 3 and the subsequent firing by the parties that went into the village. The armoured train in which Sri Ram Sud was, then returned to Sheikhpura where he alighted and from there went back to Lahore. It again returned from Lahore on the 17th, and taking Lala Sri Ram Sud at Sheikhpura, went to Chuharkana. There was no firing this time.

2. Then on the 18th the armoured train with Lala Sri Ram Sud again went from Sheikhpura and pulled up near the village of Mahnianwalia. The party went to the village and fired into a crowd of about 25 people found there. L. Sri Ram Sud said that he

did not know and did not see what they were doing but opened fire. We are of opinion that this firing on the 18th was not justified. The action of Lala Sri Ram Sud was intended to be punitive and for the purpose of creating an impression. The following are further extracts from his evidence :—

Q. Where is that village Mahnianwalia ?

A. It is between Moman and Dhaban Singh.

Q. Did anything occur there ?

A. Yes, as both the villages of Mahnianwalia and Pucca Dulla were concerned in the mischief in the case of Dhaban Singh, and had looted that Station, myself and the Officer Commanding took counsel together and thought it advisable that some lesson must be taught to these villagers. Then we walked into the village. I had no occasion to go into Pucca Dulla village, because it is further away. Mahnianwalia is nearer at a distance of one mile. Myself, the Officer Commanding and some soldiers walked together and on the way a crowd that was on the fields was fired upon.

Q. Was that crowd bent on mischief in your opinion ?

A. Yes, the whole countryside was bent on mischief on those days. It was only after this firing had been done that they came to their senses.

• Another firing on the 17th of April.

3. There was another case of firing which we think it is difficult to justify. Captain Flowerdew on the 17th April under official instructions came to Chuharkana. He wanted to arrest a person called Ram Singh, but he found that he had left the village of Chuharkana and was near a well two miles away in company of some other people. When Captain Flowerdew's party proceeded in that direction, Ram Singh's party observing them from a distance of half a mile, ran away. It is not clear whether Ram Singh was among the party. Captain Flowerdew was told in the village that he was. Fire was opened when one of the party was killed. The person killed was not Ram Singh who does not appear to have been traced that day. The fugitive apparently then got divided into two parties. The main party was followed by Captain Flowerdew, and the other party by Sergeant Davies. Sergeant Davies, it is said, came up an armed party, some of whom were mounted ; and Sergeant Davies opened fire and killed four. Captain Flowerdew in his evidence before us said that when Sergeant Davies came upon the armed party one of them fired at Sergeant Davies and thereupon Sergeant Davies opened fire. This attack on Sergeant Davies has not been mentioned in the report made by Captain Flowerdew on the 17th April (which is appendix IX to General Reynon's report of the 5th September 1919) or in any other contemporaneous document. We give below the explanation given by Captain Flowerdew of the omission.

Q. There is one more fact. Neither this report on which you have been examined nor any other thing mentions the fact that anyone fired upon Sergeant Davies ! A. No.

Q. And today you add this statement that one man fired upon Sergeant Davies and upon that he returned the fire ?

A. Yes ; I may explain it. At the time I wrote this report there was no need to prove to anybody that there were riots on. It was a self-evident fact.

Q. Because there were riots on, therefore to your mind it was quite clear that any party of soldiers that would go to any village would be fired on ?

A. No.

Q. The mere fact that there were riots does not necessarily prove that Sergeant Davies must have been fired upon ?

A. I did not refer to it because it was self-evident that there were riots at the time.

Leaving aside the firing by Sergeant Davies, we are of opinion that the firing on the people who left the vicinity of the well on seeing the party of Captain 'Flowerdew from a distance is difficult to uphold.

Aeroplanes.

4. On 14th April 4 aeroplanes from Lahore visited Gujranwala. One of them dropped eight bombs and also used its Lewis Gun, another only machine-gunned, the third also used machine-gun, and the fourth took no action. In all, 10 bombs appear to have been dropped but two have not been accounted for. The total number of rounds fired by two of the aeroplanes was 980. The total number of casualties was 9 killed by the aeroplanes as given in the Government case ; the number of the wounded by the police and the aeroplanes are not separately given ; but they were in all 27. It appears that Major Carberry in charge of one of the machines first went to Gujranwala and having hovered over it, went to Dulla village. He found there a crowd of 150 people on the road, and, as he says, walking in the direction of Gujranwala. He dropped three bombs on them and when they ran away in the village, he fired 50 rounds of machine-gun into the village. The following extract from Major Carberry's evidence about the incident shows that he was trying to produce a moral effect :—

Q. Those bombs you dropped on particular crowds that you saw there ?

A. Yes.

Q. Where were those crowds, in the streets or outside the village.

A. They were on the road outside the village ?

Q. That crowd consisted of how many people ?

A. I reported 150, I cannot tell you exactly.

Q. How many miles was this village from Gujranwala ?

A. About two miles north-west of Gujranwala.

Q. What was this crowd doing ?

A. They were going towards Gujranwala.

Q. How were you able to ascertain that they were coming to Gujranwala ?

A. They were walking in the direction of Gujranwala.

Q. And you dropped three bombs at them ? A. Yes.

Q. Then you say in your report that you fired machine gun into the village itself. A. Yes.

Q. That firing was not at any particular crowd?

A. It was at the people on whom I dropped bombs and who ran back to the village.

Q. When you first dropped bombs on a party of 150 strong they began to run away into the village? A. Yes.

Q. And you fired machine gun into the village also? A. Yes,

Q. That was over the houses in the village?

A. I suppose some of the shots hit the houses.

Q. You say that the people when they were fired at began to run away, i. e., after you dropped the bombs they began to disperse and got into some of the houses. That is what they attempted to do? A. Yes.

A. You fired machine gun into the village and threw bombs on those people who took shelter in the houses but there were other innocent people in those houses.

A. I could not discriminate between innocent and other people who were, I think, doing damage or were going to do damage.

A. You say that on 150 people, that were seen there, you dropped three bombs with the result that they dispersed and ran into the village. Was not your object accomplished? Was there any further need of firing machine gun?

A. The machine gun was not fired indiscriminately. It was fired on the people who were running away.

Q. You fired machine gun into the village?

A. I said the crowd scattered and ran back into the village, and I have said that 50 rounds machine-gun were fired into the village. I fired at the men.

Q. When the crowd split up and there could not be on the spot particular people in the village; they must be running away and entering the houses; then you fired machine-gun into the village which hit the houses in which there were perfectly innocent people?

A. I was at a height of 200 feet. I could see perfectly well and I did not see anybody in the village at all who was innocent.

Q. What I mean, Captain, is this. When you threw the bombs on them they began to run away. Was not your object really accomplished?

A. No.

Q. What was the further need of machine-gunning them and killing them? Your object was to disperse the crowds that had assembled and were attempting to proceed to Gujranwala. The throwing of bombs must have resulted in some casualties. Was there any further need of firing of machine-gun?

A. Yes, to do more damage.

Q. But then the object seemed to be to hit or kill more people in that crowd, although they had begun to disperse and were running away after the bombs had been thrown on them?

A. I was trying to do this in their own interests. If I killed a few people they would not gather and come to Gujranwala to do damage.

Q. Do I take it then, although by the first throwing of the bombs they began to disperse and run away, you still machine-gunned them in order to prevent the possibility of their re-assembling, the idea being to produce a sort of moral effect on them?

A. Yes. Quite right.

Bombs on Gujranwala Khalsa Boarding House.

Then Major Carberry appears to have gone to another village and there fired the machine-gun on 50 people who, he saw, were coming to this village from Gujranwala. According to Major Carberry, he did not see any casualties. Then Major Carberry re-

tuned to Gujranwala and dropped a bomb which evidently fell over the Khalsa Boarding House. He further fired 30 rounds of machine-gun into the people in the precincts of this building. Then he dropped two further bombs somewhere about the railway station and fired 150 rounds of machine-gun into the crowds in the city of Gujranwala.

Another aeroplane from Lahore, in charge of Second-Lieutenant Vincent, fired about 25 rounds of machine-gun into a crowd of 20 or 25 near the level crossing. Lieutenant Vincent appears to have flown round the outlying villages and fired about 700 rounds of machine-gun on small crowds who had, according to him, dispersed and taken cover. This appears from Lieutenant Vincent's statement embodied in the report of Lieutenant-Colonel Minchin, Wing Commander.

We are of opinion that looking to the inherent difficulties in regulating the operations of an aeroplane on a town consisting of a large number of innocent people, the danger of a person in the aeroplane unfamiliar with the town not being able to make out unmistakably whether any particular people are peacefully engaged or otherwise and the consequent risk of hurting innocent people are so grave that the use of aeroplanes in case of such disturbances is to be deprecated. It is said that when no other means were available of sending relief the use of an aeroplane was the only means that could be adopted. It is difficult no doubt to lay down any general proposition applicable to all conditions, but as we have said above the danger inseparable from the use of aeroplanes for bombing is so considerable that it should as far as possible be deprecated. It appears that two days before these aeroplanes were sent to Gujranwala, there was a discussion at Government House where Sir Michael O'Dwyer says it was decided that when aeroplanes were to be used they should not drop bombs in any city or thickly populated area because they could not do so with discrimination. The suggestion to send aeroplanes to Gujranwala on the 14th was made by Sir Michael O'Dwyer. The following entry appears in the Government House War Diary :—

"General Staff Officer, 16th Division, asked to send aeroplanes and drop bombs if necessary and a good target presents itself. The opportunity for an aeroplane seems good."

The following entry appears in the General Staff Diary :—

"Private Secretary to Lieutenant-Governor telephoned to me as follows :—"Deputy Commissioner, Gujranwala, 12.30. HARTAL still going on, mob active, more expected. Bridges on either side station burnt. 15 Up Passenger stopped by mob. Police force insufficient.

His Honour considers this to be good opportunity for aeroplanes to use bombs as there is little opportunity of hurting friends."

I repeated this immediately to the General Officer Commanding and received orders to send what aeroplanes available."

We are unable to uphold the action of Major Carberry in dropping bombs on the Khalsa High School and on the people in the two villages. It is said that Major Carberry was merely carrying out the orders given to him by Lieutenant-Colonel Minchin which were to the effect that the crowds were to be bombed if open, and that gatherings near the local villages were to be dispersed if coming or going to Gujranwala. General Beynon's evidence shows that the orders originally emanated from him. He says "I can give you the exact orders. I can remember them fairly well. They were to proceed to Gujranwala and break any gathering found doing damage to the civil lines or station and disperse any crowd within, I think, two miles either proceeding to or coming from Gujranwala. I think so far as I remember these were the orders." We think that the latter part of the order was unfortunate and looking to the evidence of Major Carberry, sufficient discretion was not used in carrying them out. The two bombs that did not explode, by whatever machine they were dropped, were clearly against the instructions not to drop bombs in the native city. That they did not burst was merely an accident and cannot justify the action of the aeroplanes in dropping them. On the evidence we do not think it clear that the bombs which exploded near the level-crossing were dropped from Major Carberry's machine. His action in firing from the machine-gun into crowds in the street of the city we consider excessive.

Aeroplane dropping bombs on the 15th of April.

5. On the 15th of April, Lieutenant Dodkins flew over Gujranwala and its vicinity. He says he noticed about 20 people in a field about 1 mile away from the town of Gujranwala, and he fired at them 148 rounds with a Lewis gun. In a village, half mile west of Gujranwala, he dropped a bomb at people about 30 to 50 in number who were standing at the door of a house. Lieutenant Dodkins says he noticed someone addressing from the door. The 20 people that Lieutenant Dodkins saw were, it appears, not on any road, but in a field, and they were not armed with sticks, and Lieutenant Dodkins says they were doing no work but were standing and talking to one another. When asked how he justified firing at people who were in the field and doing nothing wrong he said "My orders were to disperse any crowd and that gathering of 20 people was a crowd and so I dispersed them." We presume that Lieutenant Dodkins did not in going to Gujranwala on the 15th act on any

specific orders for that is not alleged. He apparently acted under the general orders that were issued to the Royal Air Force. General Beynon's report of the 5th September shows that when information arrived of attacks on railway communications on the 15th and the 13th certain orders were issued to the various units of the military force. Paragraph 36 of the said report says:—"Orders were also issued then to the Royal Air Force that the pilots were to keep a look-out when carrying messages or reconnoitering for any gangs damaging the railways and they were to fire on them immediately." If Lieutenant Dodkins was acting under these instructions, it is obvious he exceeded them. If on the other hand his orders were "to disperse any crowd" without reference to the place where it was and what it was engaged in doing, the authority who gave such an order was wrong in giving such orders.

Courts under Martial Law

The effect of the various ordinances and the notifications by the two General Officers Commanding was to bring into existence the following courts during the period of martial law:—

Exclusion of legal practitioners.

(1) Summary courts presided over by area officers and civil officers authorised in that behalf to dispose of cases under Martial Regulations. Besides all officers designated as area officers, this term included every Officer Commanding a station or regiment, every Field Officer, every Officer Commanding a brigade and all officers appointed by the General Officer Commanding the Lahore Civil Area or by the Local Government. These summary courts had powers to pass sentences of imprisonment of two years, fines up to Rs. 1,000 and also whipping. (2) Tribunals composed of three Judges, which were empowered to try any person who was charged with any offence committed on or after the 30th March. These tribunals tried only major offences in relation to disorders. (3) Summary courts presided over by officers nominated by the Lieutenant-Governor, who were authorised by the notifications of the 5th May 1919, issued by the two General Officers Commanding, to try offences against the ordinary law, arising out of the disturbances but committed before the declaration of martial law. These notifications laid down the following limitations to the exercise of powers of those summary courts, namely that these courts (a) shall take cognizance only of cases sent by the police; (b) shall not try any person for an act

which is not an offence under the ordinary law ; (c) shall not try any person for an offence exclusively triable by a Court of Sessions ; (d) shall not pass in respect of any offence any sentence which is not authorised by the ordinary law for that offence ; (e) shall not pass any sentence which could not be passed by a First Class Magistrate. The legal sanction for constituting the last class of summary courts with powers to try offences against the ordinary law committed before the proclamation of martial law and for clothing them with retrospective powers is not very clear. General Beynon seems to think that he derived the power from the ARMY ACT. We think, however, that it is beyond our enquiry to investigate this point and express any opinion on it. We think that the trial of people who were not arrested for and charged with taking any part in the actual disturbances by special tribunals was unwise. People like Drs. Kitchlew and Satyapal who had already been deported before the actual disturbances took place and people like Lala Har Kishan Lal, Pandit Rambhuj Dutt Chaudhri and Lala Duni Chand who were not charged with taking any part in the disorders of the 10th and subsequent dates, but were tried for having by their previous acts and speech been guilty of sedition, should have been left to be dealt with by the ordinary courts. The course adopted was calculated to create the impression that they were prejudiced in getting a fair trial. The manner in which all legal practitioners of their choice were prevented from conducting their defence necessarily heightened that impression. It appears that Lala Har Kishan Lal and others were brought to Lahore about the middle of May, were arrested for the offences with which they were charged and the trial was begun in a day or two afterwards. They engaged legal practitioners from Calcutta, Bombay, Allahabad and Patna but were denied their assistance. This was brought about by an order issued on the 14th of May in identical terms by the General Officers Commanding the 16th (Lahore) and the 2nd (Rawalpindi) Division respectively :—

“Notice is hereby given to all people concerned that legal practitioners whose ordinary place of residence is outside the Punjab will not be allowed to enter the martial law area without the permission of the martial law administrator.”

The issue of such orders on the eve of their trial had all the appearance of depriving these people of the assistance of the counsel of their choice. It appears from Mr. Thompson's evidence that the idea of excluding outside counsel originated with the Punjab Government, and they suggested it to the military authorities. The reason for the suggestion was “the desire to prevent the disturbances of the political atmosphere now rapidly cleared by outsiders whose main purpose would not improbably be the revival of agitation under the

protection afforded by the court." Mr. Thompson admitted that this objection was inapplicable to all lawyers who had applied for permission to defend the accused. In fact, however, all lawyers were refused permission. General Beynon said that this was not the reason for which he issued the orders against the legal practitioners. According to him the reason was that it was not necessary to have these lawyers in, and that he did not want to have to keep an office to deal with applications. General Beynon said :

"My intention was that it was not necessary to have all these people in. They were not an advantage to me. That is how I looked at it from the military point of view." In another place he said, "I daresay I looked at it from the military point of view and it was not necessary from the military point of view that those gentlemen should enter the area."

Q. What was the reason that you considered their presence unnecessary ?

A. Because their presence was not considered necessary."

* The suggested reason with regard to keeping an office for dealing with numerous applications is not sound. There was an office which was dealing with application for permits of various descriptions and was issuing them in large numbers. Moreover neither before nor after this order there were any appreciable number of applications from lawyers. In fact, in a note supplied by the Punjab Government the number of applications before the 14th May are only two, one is on the 14th and eight on subsequent days. The form in which the order was made was really calculated to result in the military authorities having more applications to deal with. It appears that at one time the trial of Kali Nath Roy, the editor of the "Tribune," was actually postponed by the Tribunal for enabling Mr. Eardley Norton to appear for him. Then at a later stage Mr. Norton was prohibited from coming by an order to that effect made on the 11th of May.

* Mr. Andrews, who was deputed by certain papers as their representative, was also refused entrance into the Punjab. By these orders of exclusion the Punjab Government laid themselves open to the suggestions, that their desire was to prevent outside people from knowing what was happening in the Punjab. Mr. Thompson denied emphatically, disclaimed any such intention, and said that they had called a representative of the INDIAN MIRROR of Calcutta at Government expense and sent him round with Indian officers for the purpose of publicity work. The contention put forward that by this order the accused were placed in no worse position than they would have been in if they had been tried before the High Court at Lahore, because that court had the discretion to refuse permission to an outside practitioner to appear and that in all probability that court

would have refused permission is, in our opinion, not sound. The examination of Mr. Thompson on this point shows that the information subsequently gathered as regards the precedents in other courts were somewhat misleading. We venture to think that no High Court would have in the exercise of its discretion refused permission for an outside counsel to appear for an accused charged, as the accused were in this case, with the heinous offense of waging war which would expose them to the death penalty.

"Fancy" Punishments.

2. The evidence shows that Captain Doveton acting as an Area Officer, gave what have been described by Mr. Marsden, S. D. O., Kasur, as "Fancy Punishment."

In a number of cases, he ordered people to be taken to the goods-shed to load and unload bales for a day or two. In the case of those who were so ordered to work for a day, they were allowed to go home for the night on depositing some of their belongings as security for their returning the next morning. We think this, in effect, amounted to rigorous imprisonment while they were so at work in the goods-shed. This is what Captain Doveton says:—

Q. The work that these people were made to do was no easier than the work which the prisoners in jails under rigorous imprisonment are made to do?

A. I did not intend it to be.

Captain Doveton says that in case of individuals who were truculent and defiant he awarded this punishment in cases where the railway had any thing to recover from them. Captain Doveton says in his report as follows:—

"Shortly after the raising of martial law from the city there was a noticeable influx of a type of individual whose attitude towards authority was not a good example for the people of Kasur, many of these being not merely truculent but openly defiant. One heard such expressions as "HUKAM KYA CHIZ HAI," "HAM KO HUKAM NAHIN JANTI."* Unless there was some tangible offence it was unfortunately impossible to deal with such persons, but in cases where the railway had anything to recover from them, they were sent to do work in the goods yard equivalent to the amount to be recovered from them in the event of their being unwilling or unable to pay."

"In view of the fact that this particular station had been the scene of the murder and unprecedented violence a short time previously similar treatment was meted out to all persons who threatened railway officials or made a show of violence to them, by way of pointing out that the station was Government premises and that they should be regarded as such."

* "What is an order? I don't know any order."

These punishments have not been shown in the usual return of cases.

Compelling people to put their foreheads on the ground.

3. Captain Doveton explains that he treated these as minor punishments and inflicted them in case where the ordinary martial law punishments were unsuitable. It is difficult to accept the description 'minor punishment' as regards the orders to the work of loading and unloading in the goods sheds for a day or two. Then Captain Doveton compelled all people who were convicted by him of any offence to put their foreheads on the ground, irrespective of the nature of the offence. Captain Doveton gives the following reason for adopting this course :—

Q. What was it intended to accomplish, this order about their putting their foreheads on the grounds?

A. To the People of that place there was no such thing as authority and every body was his own master. The main object was to impress on the people that every body was not his own master and they had got to conform to order.

Q. Was that not sufficiently brought home to them by the convictions and sentences that you inflicted on them in addition?

A. I thought it was suitable.

We think it was unwise to have made people thus put their forehead on the ground. They must have felt it as a humiliation.

Flogging.

4. The following are the figures of the sentences of whipping inflicted in the five districts under martial law, ranging from 5 to 30 :—

(a) Lahore	80
(b) Kasur	79
(c) Ciniharkana S. D.	40
(d) Gujranwala	24
(e) Amritsar	32
(f) Gujrat	3
(g) Lyallpur	Nil

This makes the total of 258. It does not include the flogging inflicted on the six boys at Kasur and flogging inflicted on the six persons under trial for the attack on Miss Sherwood for the breach of Fort discipline. It also does not include any flogging resorted to when the mobile columns visited the various villages. The normal procedure adopted was to strip the person to be whipped and to tie him to a frame-work and then lash him. It appears that a marriage party in Lahore Civil Area were arrested because they were more than ten in violation of the Martial Law order No. 1 and some of them were flogged. The area officer in passing sentence on one of them made the following record. "He is young. Flogging

will do him good." Lieutenant-Colonel Johnson stated before us that this case was regrettable and that when he heard of it, he had the powers as summary court-martial of that officer taken away. It appears that the flogging in the beginning was done publicly; but after the 19th April or thereabout it was carried out in Lahore in Jail. Sir Michael O'Dwyer says that the Viceroy had written to him on the subject and he replied to him on the 21st of April to the effect that he had told the military authorities that it was very undesirable to have public flogging. Lieutenant-Colonel Johnson and General Beynon told us that the Commander-in-Chief advised them to discontinue public flogging. Sir Michael O'Dwyer in his evidence before us expressed the view that he did not think that there was really any harm in having on the first day a few public floggings which would make the people realise that law was re-established and people who had infringed the law must accept some chastisement. Although instructions from higher quarters, as stated above, had the effect of stopping public floggings in Lahore, in outside places it was not wholly discontinued. At Kasur a railway employee was flogged on the railway station on the 25th April and the sentences of whipping inflicted by Mr. Bosworth Smith of the Sheikhpura sub-division used to be carried out in the court compound after the rising of the court. Mr. Bosworth Smith explained that his court was held at the canal bungalow which was outside the town, and that the only people present would be the accused persons and the witnesses in other cases before him. He therefore said that the place "was not altogether private, and it was not public." Sir Michael O'Dwyer says that when he discovered that flogging was being carried out comparatively freely he spoke to the military authorities on the 19th April. Up to that time, Sir Michael O'Dwyer said only 12 floggings had been carried out. Apparently this had not much effect on the martial law administrator for it appears that as many as 68 sentences of whipping were subsequently passed in the Lahore Civil Area itself. This is not surprising as Lieutenant-Colonel Johnson told us that in his view, when the civil population runs amuck, if I may say so, as in this case, it is the only method by which you can deal with it." Sir Michael O'Dwyer says that after he had called Lieutenant-Colonel Johnson's attention on the 19th April, he had no reason to think that the sentences of flogging were in any way excessive. But in view of the figures given in the beginning of this paragraph we think that Sir Michael O'Dwyer was under some misapprehension. The sentences of flogging were attempted to be defended before us on the ground that it was the most convenient and speedy way dealing with offences under martial law, and that it was the ordinary punishment inflicted in the Army.

General Hudson, however, told us that for the last two years or so the Commander-in Chief has issued executive orders to the effect that no corporal punishment should be inflicted without getting sanction from the Army Headquarters and that although flogging is in the list of punishments in the Indian Army Act, it has been placed somewhat on the different footing by the executive orders above referred to. There is also considerable repugnance to the punishment of flogging as it is humiliating in its nature and in India for some time there has been considerable agitation in favour of the abolition of whipping as a punishment under the criminal law. Under these circumstances, we think that it was unwise to have resorted to flogging on a scale on which it was done and that this measure must have resulted in bitterness of feeling.

Trials Before Summary courts.

5. It appears that the cases of the breach of Martial Notices and Orders were not many and did not occupy the time of any of these courts for any appreciable time. The vast majority of the cases dealt with by these courts were in respect of offences committed between the 30th March and the date of the proclamation of martial law. In the Martial Law instruction No. 2, dated the 25th April 1919, in the Sialkot Brigade Area, it is provided by paragraph 12 that an evidence will be taken on oath and a very brief precis of evidence and the accused's statement submitted on or with Form No. 5.

We are informed that these summary courts were bound by these instructions. The procedure prescribed conformed neither with that prescribed under the Indian Army Act nor with that prescribed for summary trials under the Criminal Procedure Code. These courts were empowered to award punishments up to imprisonment for two years, fine up to Rs. 1,000 and also whipping; and it appears that they tried people for serious offences under the Defence of India Rules and for making seditious speeches and enforcing HARTAL. Their decisions were not open to appeal. Under the circumstances it was incumbent that the trial should be so conducted and the record so kept that there might be no room for any suggestion of prejudice. In the form above referred to, column No. 5 is headed "Witnesses and brief circumstances alleged against accused," and column 6 is headed, "Brief statement of witnesses for defence and statement by accused" and column 7 is headed "Finding." We had produced to us the records of these trials and a careful examination of them revealed to us the following in a comparatively large number of cases :—

(a) Column 6 was absolutely blank.

(b) The whole form appears to have been filled in by some clerk and initialled by the presiding officer in the last column.

(c) Under column 7, "Finding," only guilty or not guilty is mentioned.

This has been done even in cases where a great number of prosecution witnesses and a large number of accused were under-going a trial for a serious offence.

(d) Offences such as cheating, perjury, false personation, adultery, etc., evidently not in any manner connected with the disturbances, were tried. They were swept in under clause 15 under the Martial Law Proclamation as acts which were to the prejudice of good order and public safety.

The impression left on us is that these trials do not appear to have been conducted as satisfactorily as one would desire. We must say that some of these officers who presided over these courts appeared before us as witnesses but at that time we had not before us the records of these cases we were unable to put the above facts to them and hear their explanations.

Arrests under martial law.

We are unable to concur in the conclusions of the majority regarding arrests both by the military and the police during the period under review. People seem to have been arrested on mere suspicion and kept in custody for considerable periods. Some of them were never brought to trial, and others brought before the court had to be discharged because there was absolutely no evidence against them. We think that it was a very unsatisfactory feature that people were kept for many days under arrest without being brought before a court and remanded, and facilities for bail were unnecessarily curtailed, even with regard to bailable offences.

It appears that Lieutenant-Colonel O'Brien said that before the introduction of martial law he arrested certain leading people at Gujranwala and added that why he made those arrests was that such arrests were likely to have most good effect. He also made similar arrests at Wazirabad on the 16th and at Sheikhupura on the 19th April. He says, in none of these cases warrants were issued for their arrests and that they were arrested under the Defence of India Act. It appears that Lieutenant-Colonel O'Brien was not appointed an area officer under General Beynon's Proclamation of 19th April until the 23rd April, and notification of the Government of India empowering the District Magistrates in the Punjab to make arrests under the Defence of India Rules did not appear till much later. Lieutenant-Colonel O'Brien says that he had a conversation with the Chief Secretary over the telephone and he was given to understand that if he took action hurriedly it would be legalised afterwards if it was done in good faith.

We do not propose to enter into any detailed examination of these cases but give below certain illustration as examples :—

The following proceedings with regard to certain people arrested by the flying column in charge of Lieutenant-Colonel Bourne are given below :—

Present as below :—

I. Sahajpal village—

1. Jalal.
2. Barkat.
3. Peer Baksh.
4. Mehtab.

Arrested by Colonel Bourne on 16th April 1919, who says "No direct evidence but it (Sahajpal) is near the place where grass farm stacks were burnt."

Police Report "No evidence, should be discharged." The four men are accordingly discharged and released from custody. After it has been explained to them how wrong it was for people to attend to false reports and bad advice, etc.

II. Narwar village—

1. Saman Singh (Iambardar).
2. Bahadur Singh "
3. Radha Singh,
4. Boota Singh,
5. Hukam Singh,
6. Devi Chand.

and five others (not brought up by mistake).

Colonel Bourne says: The crowd who burnt the station came from the direction of Narwar.

Colonel Bourne asked the Ziadar and Iambardar Narwar of who denied all knowledge of who burnt railway station and to produce evidence as to the culprit, they failed to do so and were arrested with others named above.

The police report as regards these Narwar men "not wanted. No evidence. Village has been fined."

I accordingly discharge the Narwar men present to-day and release them from custody after admonishing them as in the case of (I).

I may note Narwar is fined Rs. 15,500 (half a year's revenue) by the G. O. C. Brigade on 21st April 1919.

The fine was paid on 24th April 1919.

Sanke village—

1. Veer Singh.
2. Chanchal Singh.

Sanke is a village in the neighbourhood of Wagha railway station (3 miles) was by the G. O. C. Brigade fined Rs. 300 on 21st April 1919. Fine paid on 24th May 1919.

Police say no evidence, should be dismissed. I accordingly discharge both these men and release them from custody after speaking to them as to others.

LAHORE CANTONMENT.

15th May 1919.

F. SPENCER,

Cantonment Magistrate and Area Officer.

These persons amongst others were arrested on the 16th or 17th of April and were released from custody on the 15th of May (practically after one month).

7. Similarly we may draw attention to the arrests of Dr. Kedar Nath Bhatia and Sardar Gurdial Singh at Amritsar and of Dr. Manohar Lal at Lahore. On the materials before us we cannot avoid the conclusion that there were no sufficient grounds for making these arrests. Dr. Kedar Nath, an old retired Assistant Surgeon, occupying considerable position in Amritsar, was arrested and hand-cuffed and kept under arrest for about a month, but without being brought to trial. Similarly Dr. Manohar Lal, a Barrister-at-Law of standing in Lahore, was arrested apparently because he was one of the trustees of the paper the "Tribune"; he was arrested and hand-cuffed and kept in the Lahore Jail for about a month, and released without being brought to trial. Mr. Gurdial Singh, a Barrister at Amritsar, at considerable risk to himself, did his best to prevent the crowd from getting unruly at the railway footbridge at Amritsar. Mr. Miles Irving acknowledged his services before us. It appears that he was arrested and at his trial Mr. Miles Irving gave evidence, testifying to the creditable part he had taken in assisting the authorities and he was discharged. Mr. Miles Irving said to that "I think people rather laughed at him. What he afterwards said to me was 'they are all laughing at me because I have done my best for you and all I have got is to be arrested.'" At Gurdaspur about eight pleaders were arrested and kept in custody for nearly six weeks and were then released without being brought to trial. In all 789 persons were arrested, who were never brought to trial.

8. It may be noticed that the sentences passed by the Martial Law Commissions were considerably reduced by Government. Out of 108 death sentences, only 23 were maintained and the remaining were commuted to transportation in some cases and in the rest to sentences of imprisonment going down to one year. Out of 265 sentences of transportation, only 2 were maintained, 5 were commuted altogether, and the rest were commuted to imprisonments varying from 10 years to one year. There is a great disproportion between the original sentences and those to which they were commuted and this gives ground for the suggestion of initial severity that has been made.

JAGAT NARAYAN.
C. H. SETALVAD.
SULTAN AHMED.

Punjab Disturbances

In the House of Commons.

June 1920

Mr. Gwynne asked the Secretary of State for India whether Sir Michael O'Dwyer communicated day by day with the Government of India concerning the various outbreaks in the Punjab and the measures taken by General Dyer to deal with them; whether this information was submitted forthwith to the India Office; and and if not, for what reason?

Mr. Montagu: I received daily telegrams from the Government of India from the beginning of the disturbances up to the middle of May. These telegrams embodied the reports of the Punjab Government and, as I have already stated, were all, except two important messages, communicated to the Press here. General Dyer was in charge in only one area, and there was no mention of him by name in those telegrams, and only one mention of him as General Officer Commanding, Amritsar. Some movements of troops that were under his command are also reported in those telegrams.

Mr. Gwynne: If the right hon Gentleman was receiving these communications daily from the Government of India, will he say why he stated in December that he knew no details except what he read in the newspapers?

Mr. Montagu: There has been a great deal of misunderstanding on the point. I can assure my hon. Friend that what I said then was true. I was referring to a question put by my right hon. Friend the Member for Peebles (Sir D. Maclean) on the publication of General Dyer's evidence in the newspapers. I then stated that I had published reports on the occurrences as I received them. If my Hon. Friend will look at it, he will see that the matters dealt with in the published newspaper evidence of General Dyer were not covered in this report.

Lieut. Colonel Sir F. Hall: Does the right hon. Gentleman think that the manner by which this gallant officer has been treated is likely to assist officers in general in dealing with outbreaks?

Mr. Speaker: That does not arise out of the question.

Mr. Palmer: Is it not a fact that the right hon. Gentleman actually told the House that he knew nothing of these occurrences, and that he would wire for information in regard to them, and left

the impression on us that he was entirely ignorant of the whole business?

Mr. Montagu: Perhaps the hon. Member will be good enough to look at the Official Report on the question and supplementary question I answered. Perhaps he will look also at the speech I made immediately after the occurrence, and the telegrams which resulted. I think then he will be in a position to take part in the Debate.

Mr. Gwynne: Is the right hon. Gentleman aware that he stated on 16th December: 'I thought I said I knew no details until I saw the account in the newspapers.'

Mr. Montagu: Every report I had received from the Government of India, with the exception of these two telegrams, was published. That is true. The occurrence to which my right hon. Friend drew attention was the details of the shooting by General Dyer at Amritsar. I had no information on that subject.

Lieut. Commander Kenworthy: Did the Government of India keep the right hon. Gentleman fully informed of events or did the telegrams hush up the most important part of the account?

Mr. Montagu: A great deal of this unfortunate controversy has arisen because there is an impression that I was accusing the Government of the Punjab or the Government of India of concealing facts. I never made such an accusation, and I am prepared to defend their conduct in awaiting the Committee's report.

Mr. Gwynne asked the Secretary of State for India on what date he first interviewed Sir Michael O'Dwyer in regard to the outbreaks at Amritsar and discussed General Dyer's action; and whether at any time he interviewed Miss Sherwood, who was assaulted during the riots, and, if so, when?

Mr. Montagu: The answer to the first part is, I think, on the 30th June, 1919; to the second, yes, on the 7th October, 1919.

Mr. Gwynne: Will the right hon. Gentleman explain how it was that he was able positively to state in December, if he knew from detailed information, both from Sir Michael O'Dwyer and Miss Sherwood in June, "I said I knew no details until I saw the report in the papers." If he sent the report to the papers he must have known it before he saw it in the papers. Is that a correct way of giving information to the House?

Mr. Montagu: I suggest that the hon. Member's question shows the wrong-headedness of the whole thing. Miss Sherwood could not possibly have given me any information of what General Dyer did because this gallant lady had been attacked long before all these incidents occurred. If the hon. Member wishes to accuse me of giving false information or making a statement which is not true

perhaps he will raise the point in Debate, when I shall have an opportunity of answering him.

Mr. Gwynne: I shall have great pleasure in asking the right hon. Gentleman to explain how it is he is able to say he knew nothing at all of any details when he had seen Sir Michael O'Dwyer and had all the details from him six months before.

Mr. Palmer: Does the right hon. Gentleman suggest that he knew nothing of the Amritsar shooting until he read it in the *Daily Express*?

Mr. Montagu: No, I never said so. The fact that there had been shooting at Amritsar was known to me and was published to the world when occurred in the telegrams I received from the Government of India. What I said in December and what I say now, is that I had no information as to the details, shooting without warning, and shooting to the exhaustion of ammunition, and the principles upon which General Dyer acted, and so forth. Those things came to me as a shock when I read them in the newspapers.

Sir W. Joynson-Hicks: When the right hon. Gentleman saw the Lieutenant-Governor of the Punjab, why did he not, in June and at that interview and other interviews, ask him for full details?

Mr. Montagu: I can answer that much better in Debate, and I should prefer to do so. I have many most important private interviews at the India Office, and it is very difficult to keep in one's head a year after exactly what occurred, but I think I can satisfy the House, if not the hon. Member, that everything I have said is absolutely true.

Mr. Remer: Will the right hon. Gentleman publish the account which Miss Sherwood gave him before the Debate takes place?

Mr. Montagu: How can I do that six months after I had the private interview with Miss Sherwood, of which no record was kept? The step I took about Miss Sherwood, if the hon. Member wishes to know, was to tell, I think, two important London newspapers that Miss Sherwood was in London, and that it would be a good thing in the public interest if she were interviewed. I do not know what other steps I could have taken.

On June 25, 1920 Brig.-General Surtees asked Mr. Montagu if, before the House discussed the affairs of the Punjab, he would lay upon the table copies of all memorials, protests, and declarations sent by Anglo-Indians to the Viceroy and himself regarding General Dyer.

Mr. Montagu replied that the only message of the kind he could trace was as follows:—

"Cablegram from the European Association of India Received in London, 9th June 1920—

"The Council of the European Association expresses indignation at the despatches of the Secretary of State and the Government of India on the Hunter Committee's Report. The Council consider the situation in India from 1918 onwards to be much more dangerous than is indicated by that Report, and consider that the Government of India and the Secretary of State have subordinated justice to political expediency. They consider that General Dyer was absolutely justified at Amritsar in considering the whole situation in India and that therefore the doctrine of minimum force does not apply ; that General Dyer's action stopped a revolution ; that the refusal of Government to support its officers is destructive of sound government and will place all officers in an impossible position in any emergency in which responsibility has to be undertaken. The Council asks, therefore, that General Dyer should be exonerated from all blame, and should suffer no loss of rank or emoluments, and that Government's proposal to punish the officers who suppressed the rebellion shall be abandoned."

On June 28th Sir Frederick Hall asked the Prime Minister if, in view of the conflicting statements that had been made as to the extent and nature of the information furnished to the Secretary of State for India by Sir Michael O'Dwyer and others with regard to the occurrence at Amritsar in the spring of 1919 and the dates at which such information was given, the Government would appoint a Select Committee of the House to inquire into the matter and to report after taking all available evidence.

Mr. Lloyd George replied that he saw no reason for the appointment of such a committee. The matter could be brought up in Debate.

On June 30th Mr. Rupert Gwynne renewed the attack on Mr. Montagu by asking him whether the Punjab disturbances in general and General Dyer's action at Amritsar in particular, were debated at length in the Legislative Council at Simla during September 1919 ; whether reports of these debates were received by him, and if so, on what dates.

Mr. Montagu : The answer to the first part of the question is in the affirmative. Many allegations were made by non-official members to which the reply of Government representatives was generally that these were matters on which judgment should be suspended till the Committee had reported. The debates were received in two parts on the 5th and 12th November.

Mr. Gwynne : Will the right hon. member say how, if that is the case, he could still state in December that he had no information on the subject of Amritsar except what he read in the papers.

Mr. Montagu : The hon. member still persists in misquoting. What I said on the 15th December was that I had no details of these

occurrences, not that I had no knowledge whatever. I have given accounts to the House. If the hon. member suggests that on reading the allegations of hon. members of the Legislative Council of India, I should have communicated those as authentic to the House whilst there was at that moment a Committee of Inquiry sitting, I venture to differ from him.

Sir Richard Cooper : Will the right hon. gentleman say how he was able to state positively that he had no information of the details when he had read the full account and that the discussion in the Legislative Council was a false discussion ?

Mr. Montagu : I cannot carry on a debate at Question Time but what I said was that I had no knowledge of the details of the occurrences.

Lieut.-Colonel Croft : Was not the right hon. gentleman shocked ?

Mr. Montagu : Certainly I think the words I used were that the evidence as reported in the newspapers was profoundly disturbing. I think those were the words.

Mr. Palmer : You said "shocking"

Mr. Montagu : Well, I accept "shocking." I had no knowledge whatever that General Dyer had made those statements that he was reported to have made until I saw the account in the papers.

Mr. Gwynne asked the Secretary of State for India whether Sir Michael O'Dwyer informed him at his interview on 30th June 1919, that General Dyer had ordered his troops to shoot on the prohibited meeting at Jallianwala Bagh without further warning than that already given by him by Proclamation causing death casualties to the then estimated extent of 200 persons ?

Mr. Montagu : So far as I can state with certainty the details of a conversation which took place a year ago, I am confident that nothing was said about warning. The casualties as ascertained at the time had already been published.

Mr. Gwynne : Is the right hon. Gentleman aware that Sir Michael O'Dwyer stated positively that he told the right hon. gentleman all the details, and he found he was then so well informed, and knew them as well as he did, of the shooting, and the casualties and the firing, and the crawling order ; and is he also aware that Sir Michael O'Dwyer wrote to him on 13th December of last year directly he saw the accounts in the papers that the right hon. Gentleman said he knew nothing about it and of the details ?

Mr. Speaker : The hon. Member has put a fresh series of statements and I think he ought to give notice of them.

Dr. Murray asked Mr. Montagu : Do all these questions not show that the time has come when the Debate on Amritsar should

take place to settle all these things, and can he not say when it will take place?

Mr. Montagu: The sooner it comes on the better I shall be pleased. I understand that General Dyer's statement to the Army Council is expected in the War Office to-day, and therefore I confidently hope it will be possible to hold the Debate next week.

On July 1st, 1920 Mr. Bonar Law announced that Thursday week, i.e., July 8th had been set apart for the Debate on the Vote for the Secretary of State for India. Members wanted two days, one, a Supply Day to discuss the Administration of India on the Vote for Sec. of State for India, and another specially for the Amritsar Debate. This the Leader of the House could not promise.

On July 5th Mr. Palmer (*by Private Notice*) asked the Secretary of State for India whether, in view of the forthcoming debate on the shooting at Amritsar, he would be willing to include on a White Paper the letter of Sir Michael O'Dwyer dated Delhi, December 30th, 1919, and his letter marked "private and confidential," which was sent in reply.

The Secretary of State for India replied: I do not think it is necessary to issue a White Paper. I propose, however, to circulate with the letter of the 30th December, 1919, and the reply which I caused to be sent by telegram through the Viceroy on the 2nd February, 1920. As the name of Sir T. Holderness has also been mentioned in this controversy, I propose to add with his permission a letter which he addressed to me on the 30th June last.

Mr. Palmer: Will the document include the letter marked "private and confidential"?

Mr. Montagu: I think that the Hon. Member is under a misapprehension. There was no letter. It was a telegram addressed to the Viceroy marked "private and personal".

Sir W. Joynson Hicks: Will the right hon. Gentleman add to these papers the report of the Brigade-major, which has been referred to all through the Hunter Commission, but has not been published in the papers so far as I can gather?

Mr. Montagu: I do not think that I can promise to publish any special papers in answer to a question asked without notice, but if a question is put down tomorrow I will answer it.

The following are the documents referred to:

Sir M. O'Dyer's Letter to Mr. Montagu

Army in India Committee,

Delhi, 30-31 December, 1919.

DEAR MR. MONTAGU,

Since I wrote last week Reuter has been cabling summaries of the discussion in Parliament of the Punjab disturbances. I enclose one of these dated London, 16th December, which reports the Secretary of State as saying *inter alia*, "he did not know the details (of the Amritsar occurrences) until he saw (the) reports in the newspapers." That telegram has led many people here to ask me if, when I reached England at the end of June, I took any action to inform the India Office of the position at Amritsar and elsewhere. The Press here, too, has been asking whether Meston and I, when we got home did anything to explain the situation in India.

At the time I got home I probably knew as much about the Punjab situation as any one in India or England, and I would not like you or any one else to think that I kept anything back. You will remember that you were good enough to give me two long interviews on 30th June (two days after I arrived), and on 24th July (those dates I get from my diary), a few days before I left town. On one or both of those occasions we went over all the main facts of Dyer's action at Amritsar, and the impression I then formed was that the India Office knew as much about all the material facts as I did.

I have a distinct recollection (though my diary is silent on this point) that at our conversation of 30th June I brought out the fact that Dyer, on 13th April, having already formally warned people that he would disperse any gathering by force, did not think it necessary to give any further warning to the gatherings which assembled an hour or two later in defiance of his proclamation. I certainly explained then that two British police officers were with him when he fired and that the District Magistrate thinking a gathering in defiance of the proclamation impossible, had gone off to look after the 80 panic-stricken women and children who had been collected in the Fort for safety after the murder of Europeans on the 10th. I also said that Dyer's rough estimate of the death casualties was 200; but my memory was not clear as to whether he had fired 1400 or 1600 rounds.

The question of Dyer's so-called 'crawling' order was not discussed. I said it was quite indefensible, that I had asked for its cancellation directly I saw it, and so had the Commander-in-Chief, and my recollection is that you told me you had gathered this from copies of my letters to the Viceroy which he had sent on to you. After leaving you on the 30th June I went on to see Sir T. Holderness, and a few days later I saw Lord Sinha. I endeavoured to explain to them, as clearly as I could, the whole situation in the

Punjab, and especially in Amritsar. I gathered from them also that India Office was already in possession of all the main facts though in some respects I was able to offer further explanation, *e. g.*, as to the necessity of sending aeroplanes to Gujranwala, the exclusion of legal practitioners, and the treatment in gaol of the Editor of the *Tribune*, regarding which Lord Sinha had received many letters and telegrams. Possibly Reuter's summary, as quoted above, may be giving to us here an incorrect impression. But, in any case, you will, I am sure, forgive me for trying—perhaps needlessly—to make it clear, that I endeavoured to put the Secretary of State and the India Office in possession of such knowledge as I had. You may remember too, that I stated to you on the 30th June, a fact which was not perhaps mentioned in the telegrams from India and may not have been reported at the time, that the aviator at Gujranwala, on the 14th April, seeing the English Church in flames had, very wrongly, dropped a bomb close to a mosque in the town, but, fortunately, it did not explode. In writing all this I am less concerned with my own responsibility in the matter than with how others may be affected by any misunderstanding or obscurity.

Dyer, at the first interview I had with him (on the 16th April), told me everything about the Amritsar events on 13th April as frankly and as fully as the limited time I could spare him—when there was rebellion all round—allowed. I did my best to repeat his version, with my own comments to you and others of the India Office on the very first opportunity. If I did not do so fully or clearly enough then the fault is certainly not his, but rests either with me or with those who were questioning me. But, as I have said above, there was even as far back as 30th June, little room for doubt as to the substantial facts, namely, the circumstances in which he opened and maintained fire on the prohibited assembly on the 13th April, covering death casualties which, at the time, he estimated roughly at 200 but which up to date inquiries put at 379.

Yours sincerely,
(Sd.) M. F. O'DWYER.

Telegram from the Secretary of State for India to the Viceroy, dated 2nd February, 1920.

Private and personal.—Following for O'Dwyer. I have received your letter of the 31st. December. Of course, I need hardly say that in the House of Commons I was not referring to conversations of which no record is kept and which cannot be a substitute for official information, nor did I make any complaint; indeed, I explained, and have explained frequently since, that I thought it was

quite natural that I should have received no detailed information. Let me say that I certainly do not hold you in any way responsible. I have no recollection of, and such notes as I took do not contain, any statement about the two British police officers. But in any case the details I was referring to were these : That Dyer is reported to have stated in his evidence that the crowd might have dispersed without his firing on them, that he fired without warning, and that he stopped firing because his ammunition was exhausted. I do not remember that you ever dealt with these things.

Letter of Sir W. T. Holderness

30th June, 1920.

"Dear Mr. Montagu,

As I am mentioned in Sir M. O'Dwyer's letter of 8th June which appeared in the Morning Post of 9th June, (*for this letter See P. 251*) as one of the officials of the India Office who were fully informed by him during the summer of 1919 of the disorders which had occurred in the Punjab in April of that year, and in particular of the circumstances of the action taken by General Dyer to disperse the crowd assembled in the Jallianwalla Bagh, I think it right, in justice to myself, to submit to you a few remarks on so much of his letter as concerns myself.

"Sir M. O'Dwyer writes, 'I put all my information at the disposal of the Secretary of State, and also of Lord Sinha, Sir T. Holderness and others at the India Office. The impression I then formed (in June and July last) was that as regards all the main facts the India Office was quite as fully informed as I was ; though I was naturally able to explain certain points, *e.g.*, the reasons for using aeroplanes at Gujranwala, for the exclusion of legal practitioners from other provinces by the Martial Law authorities, etc.'

"Indeed, all that time, my endeavour was to impress upon the authorities at the India Office the gravity of the situation in the Punjab, which to my mind they had not sufficiently realised."

"Lower down he quotes from a letter dated 30th December, 1919 which he wrote from India to the Secretary of State, in which the following passage occurs : 'Dyer, at the first interview I had with him on the 16th April, told me everything as frankly and fully as the limited time I could spare him (when there was a rebellion all around, would allow. I did my best to repeat his version, with my own views and comments, to you and to others at the India Office on the very first opportunity. If I did not do so fully enough, then the fault is certainly not his, but rests either with me or with

those who were questioning me. But, as I have already said, there was, even as far back as 30th June, little room for doubt as to the substantial facts, *viz.*, the circumstances in which he opened and maintained fire on the prohibited assembly on 13th April, causing death casualties which at the time he roughly put at about 200, but which the complete up to date enquiries put at 379."

"I gather that the interview which Sir M. O'Dwyer had with General Dyer was limited to a quarter of an hour, and that when Sir M. O'Dwyer left India in May the Punjab Government was still awaiting General Dyer's Report. (*See Hunter Committee's Report, page 117.*) General Dyer's Report was not made till August, 1919. It is this Report that contains the passage which gives the key to General Dyer's action and which is the centre of the controversy to which his action has given rise. "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." (*Hunter Committee's Report, page 30.*) Up to the time I remained in the India Office, General Dyer's Report had not reached it.

"I had the privilege of frequent conversations with Sir M. O'Dwyer during the summer of 1919, and learnt from him many particulars regarding the disorders in the Punjab that bore out his view that the situation had been one of extreme gravity. As regards General Dyer's handling of the Amritsar riots, I have a clear recollection that Sir M. O'Dwyer justified the casualties (then thought to be about 200 killed) by the necessity for dispersing a hostile and dangerous mob, inflamed by the license and savagery which for several days had prevailed in the city, and for regaining control over the populace. But I have no recollection that he considered the force employed to have been in excess of the immediate necessities of the case, and deliberately exercised in excess with the distinct object of producing a moral effect throughout the province. My recollection is fortified by the astonishment which I felt on reading the report of General Dyer's evidence which appeared in the *Times* of 15th December. I was by that time aware that a bitter controversy had arisen in India over the circumstances of the Jallianwala Bagh affair, and that the exact incidents were in dispute between the National Congress party and the Government. But the details given by General Dyer to the Commission came to me as a great surprise and were entirely unexpected.

"In conclusion, I would like to say, that if I had been called upon during the summer or autumn of 1919 to prepare a statement for publication regarding the Jallianwala Bagh incident, and had

framed it on the information verbally received from Sir M. O'Dwyer and on the scanty information transmitted by the Government of India, the narrative would have been of a different complexion from the account of the facts given by General Dyer. It would not and could not have included the critical features on which discussion has since centred. On the publication of General Dyer's evidence, the India Office would assuredly have been taken to task if it had forestalled the Committee's inquiries by publishing an imperfectly, and as some persons would have considered, misleading account of what actually had happened. The Government of India in their despatch forwarding the Committee's Report say that in view of the fact that a Committee was about to make a formal investigation, they had deliberately refrained from instituting preliminary inquiries. The India Office took the same view and I venture to think that its reticence has been justified by the event.

"It is perhaps superfluous to say that I kept you fully informed of my conversations with Sir M. O'Dwyer. My recollection is that while recognising the great value of the information placed by him at your disposal, you were as impressed as I was with the inadequacy of our knowledge of what really happened at Amritsar and elsewhere, with the conflicting character of the rumours and assertions appearing in the Indian and Anglo-Indian press, and with the necessity for awaiting a full inquiry on the spot by a strong Committee.

Yours sincerely,

(Sd.) T. W. HOLDERNESS.

On 7th July 1920, the day before the famous Amritsar Debate in the House of Commons, the Dyerites raised a howl against Mr. Montagu and plied him with questions.

Sir W. Joynson Hicks began the heckling by asking Mr. Montagu whether he would publish the Report of Major Briggs, the brigade-major to General Dyer, which was refused publication by the Hunter Committee owing to the death of the writer. Mr. Montagu said that the document referred to was not admitted as evidence by Lord Hunter's Committee and had never been communicated officially. It was appended to the statement submitted by General Dyer to the Army Council and will be published with that statement.

Then Viscount Curzon and others asked whether all witnesses included General Dyer called before the Hunter Committee was given an open opportunity of correcting the report of their evidence. Mr. Montagu could not give a definite reply, but said that Gen. Dyer's statement has been published.

Sir W. Joynson-Hicks asked by private notice whether Mr. Mantagu was in a position to announce the decision of the Army Council in reference to General Dyer and if, and when, he proposed to publish General Dyer's statement.

Mr. Churchill : I am about to lay a paper on the table of the House in dummy which will, I hope, enable hon. members to be in possession of General Dyer's statement in time for the debate to-morrow. With regard to the decision of the Army Council, they came to the following conclusion :—

"The Army Council have considered the report of the Hunter Committee, together with the statement which Brigadier-General Dyer has, by their directions, submitted to them. They consider that in spite of the great difficulties of the position in which this officer found himself on April 13th, 1919, at Jallianwala Bagh, he cannot be acquitted of an error of judgment. They observe that the Commander-in-Chief in India has removed Brigadier-General Dyer from his employment, that he has been informed that no further employment will be offered him in India ; that he has, in consequence, reverted to half-pay, and that the Selection Board in India have passed him over from promotion. These decisions the Army Council accept. They do not consider that further employment should be offered to Brigadier-General Dyer outside India.

Mr. Churchill also said that they have also considered whether any further action of a disciplinary nature is required from the Army Council. In view of all the circumstances they do not feel called upon from the military point of view, with which they are alone concerned to take any further action.

Sir W. Joynson-Hicks : Is my right hon. friend prepared to endorse the action of the Army Council and is he also prepared to defend it here to-morrow ?

Mr. Churchill : Yes, certainly.

Lieut-Colonel Croft : It is not a fact that General Dyer, after these events happened, was employed to take part in the operations in Afghanistan ?

The Speaker : The hon. and gallant gentleman is asking a question which has been answered before.

Commander Blairs : Will hon. Members be precluded from moving the adjournment of the House with regard to the War Office decision at a later stage, in view of the fact that the discussion to-morrow is on the India Office Vote ?

The Speaker : I can only answer in the well-known Parliamentary phrase "Wait and see" (Loud Laughter in which Mr. Asquith joined).

Sir W. Joynson-Hicks asked Mr. Montagu how many appeals had been referred to the Privy Council by persons convicted of rebellion, murder, and other serious offences during of Punjab disturbances; what had been the result of the appeals which had been heard; and what steps he was taking to defend the remainder.

Mr. Montagu: There have been six appeals of 52 persons. One appeal of 21 persons has been heard and dismissed. The remaining five are pending. If proceeded with, counsel of standing will be retained to defend them in accordance with the usual practice. My right hon. friend the Attorney General was one of those who acted in this behalf in the appeal which was dismissed. •

Sir W. Joynson-Hicks: May I ask what is the position of the appeals? Are they going to be proceeded with or not?

Mr. Montagu: That depends upon the appellants. My legal advisers have, I think, pressed that the appeals should be proceeded with.

Replying to Sir W. Jonyson Hicks and Colonel Yate with reference to the case of Dr. Muhammed Bashir, Mr. Montagu said Dr. Muhammed Bashir was sentenced to death by a Martial Law Commission in the Amritsar leaders' case, which included the charge against him of inciting the mob in the attack on the National Bank. The sentence was reduced by Sir Edward Maclagan, Lieutenant-Governor of the Punjab, to one of six years' rigorous imprisonment. The two High Court Judges appointed to examine cases tried by Martial Law Courts agreed that the part of the case against the doctor relating to the events at the National Bank rested on the uncorroborated testimony of an approver; one Judge was of the opinion that there was sufficient evidence to justify a conviction for waging war only, but the other Judge would not admit the sufficiency of the evidence to justify a conviction at all. The Punjab Government, in the circumstances, recommended the release of Dr. Muhammed Bashir and the Government of India accepted these recommendations. •

Sir W. Joynson-Hicks: Can the right hon. gentleman say what the conditions were, whether they had been fulfilled and whether this gentleman who was convicted, sentenced to death, and let out, is the leader of an agitation in the Punjab against this country?

Mr. Montagu: The conditions were (1) that during the remaining term of sentence he would not commit or abet the commission of an offence against the State or public tranquility, (2) that during the same period he would not directly or indirectly take part in any movement directed against the State or public tranquility, or likely to lead to the commission of any offence of the nature described above. If