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THE CONGRESS PUNJAB INQUIRY, 1919-1920.

The Hon'ble PANDIT MADAN MOHAN MALAVIYA,
Additional Member, Imperial Legislative Council, and
Ex-officio President, Punjab Sub-Committee,
Indian National Congress, 1919.

The Hon'ble PANDIT MOTILAL NEHRU, *Additional*
Member, United Provinces Legislative Council, and
Ex-officio President, Punjab Sub-Committee,
Indian National Congress, 1920.

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REPORT

OF

THE COMMISSIONERS

APPOINTED BY

THE PUNJAB SUB-COMMITTEE

OF

THE INDIAN NATIONAL CONGRESS.

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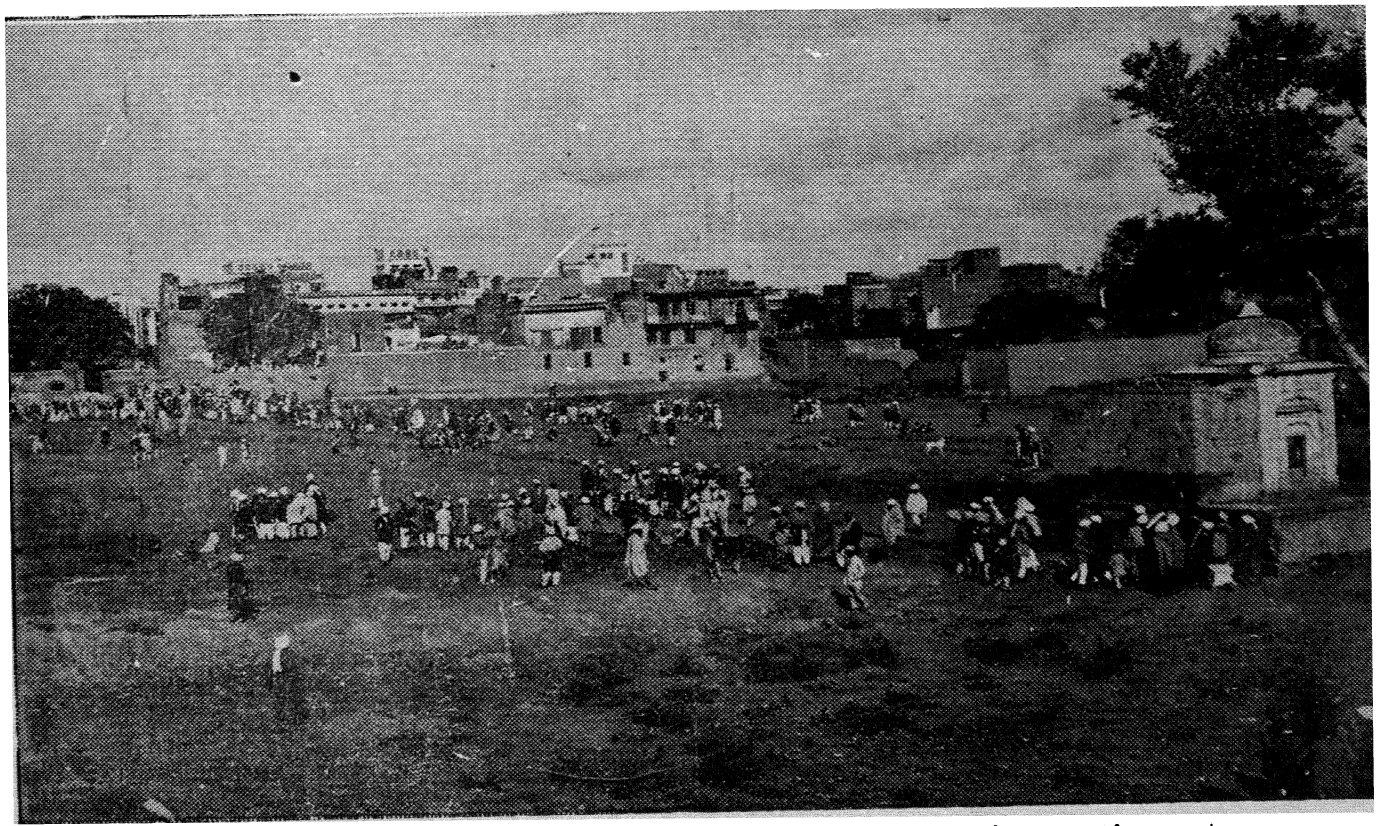
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A bird's eye view of Jalleanwala Bagh. On the left will be seen the entrance from which firing was opened.

Vaidya Brothers' Press.

To

The Hon'ble Pandit Moti Lal Nehru,

Ex-officio President, Sub-Committee,

ALL INDIA CONGRESS COMMITTEE,

LAHORE.

SIR,

On the 14th November 1919, the Punjab Sub-Committee of the All India Congress Committee appointed yourself, the Hon'ble Fazlul Haq, and Messrs. C. R. Das, Abbas Tayabji, and M. K. Gandhi, as Commissioners, with Mr. K. Santanam as Secretary, to examine, sift, collate, and analyse the evidence already collected by and on behalf of the Sub-Committee regarding the events of last April in the Punjab, and to supplement such evidence where necessary, and to present their conclusions thereon.

On being nominated President—elect of the National Congress you considered it necessary to resign your office as Commissioner. The resignation was duly accepted by the Sub-Committee and as the work of taking evidence was practically concluded when you resigned, no other commissioner was appointed in your place.

The Hon'ble Fazlul Haq was called away on important business immediately after his arrival. Mr. M. R. Jayakar of the Bombay Bar was therefore appointed in his place.

We entered upon our work on the 17th November 1919.

We examined the statements of over 1700 witnesses and we have selected for publication about 650 statements, which will be found in the accompanying volumes of our report. The statements excluded were mostly statements proving same class of acts.

Every admitted statement was verified by one of us and was accepted only after we were satisfied as to the *bona fides* of the witness. This does not apply to a few statements from Manianwala and neighbourhood, which were mostly brought at our request by Mr. Labh Singh, M. A., Bar-at-Law. Every such statement bears his name at the foot thereof. No statement was accepted without sufficient cross-examination of the witnesses.

It will be observed that many witnesses are men of position and leaders in their own districts or villages.

It will be further observed that some of the witnesses have made very serious allegations against officials. In each and every case the witnesses were warned by us of the consequences of making those allegations and they were admitted only when the witnesses adhered to their statements, inspite of the knowledge of the risk they personally ran and

the damage that may ensue to the cause by reason of exaggeration or untruth. We have moreover rejected those statements which could not be corroborated, although in some cases we were inclined to believe the witnesses. Such for instance were the statements regarding ill-treatment of women.

Needless to say that our inquiry was confined to the Martial Law area and to the districts in which it was proclaimed. The principal places were personally visited by us. Thus Lahore, Amritsar, Tarn Taran, Kasur, Gujranwala, Wazirabad, Nizamabad, Akalgarh, Ramnagar, Hafizabad, Sangla Hill, Sheikhupura, Chuharkana, Lyallpur, Gujrat, Malakwal, and Sargodha were visited by some one of us. In most places large public meetings were held and the public were invited to make their statements to us. The nature of the evidence already recorded was placed before the meetings and those, who wished to challenge the accuracy of the statements made, were invited to send in their statements even under pledge of confidence if they so desired. No contradiction was received by us.

We have freely availed ourselves of the evidence led before the Disorders Inquiry Committee, in order to strengthen or correct our conclusions. It may be mentioned that the vast majority of the statements appended were received by us before Lord Hunter's Committee began its sittings.

The majority of the statements were given in the vernaculars. We have endeavoured to procure the most accurate translations ,but the statements appended to our report may be treated as original, as we checked the witnesses through the translations and made corrections or amendments ourselves, wherever necessary.

We have also studied the records of the trials by Martial Law Commissioners or Summary Courts, in so far as they were available to us, and we have studied the judicial records of several cases that arose during the recruiting period and out of recruiting methods.

In conclusion we desire to place on record our great obligation to the leading men of every place we have visited and the many workers in Lahore and elsewhere who have rendered valuable assistance without which we could not have brought our labours to a close within the time at our disposal.

We are
Yours faithfully,
M. K. GANDHI.
C. R. DAS.
ABBAS. S. TAYABJI.
M. R. JAYAKAR.

BENARES,
20th February 1920.

CHAPTER I.

The Punjab.

(Historical and Geographical.)

Historically the Punjab may be considered the most important province of India. It was here that the Aryas of Vedic times first made their home. It was here that the hymns of the Rig Veda were first chanted. It was to this province, at the great University of Taxila, that seekers after knowledge flocked from various parts of the world. It was in this province that the Pandus and the Kaurus, the great heroes of the Mahabharata, fought out their great battles.

It was here that Osiris, King of Egypt, first touched Indian soil and Semiramis, Queen of Assyria, who at the head of her vast armies tried her fortune for the dominion of India, suffered a crushing defeat. The Scythians and Tartars and Persians had to measure swords with the sons of the Punjab in their attempts to penetrate into India. It was in this province that Alexander the Great, though victorious, for the first time met a foe, under King Porus, who shattered his dream of a world-wide dominion.

The Punjab proper is the land watered by the five rivers, the Sutlej, the Beas, the Ravi, the Chenab and the Jhelum, from which it derives its name. It is situated in the North West of India, and is bounded on the north by a portion of the Himalayas and Kashmir, on the west by the Indus, on the South by Sindh and Rajputana, and on the east by the river Jamna.

The present area of the Punjab is 135,773 square miles, out of which a little less than 100,000 square miles is directly under British rule, the rest being ruled by Indian princes and chiefs. The population in 1911 was slightly less than 20 millions. The Province used to be much larger before, but in 1901 it was partitioned and a new province, now called the N. W. Frontier province, was carved out of it. Another slice was taken off in 1912, when the Capital of the British Indian Empire was shifted to Delhi, and the city of Delhi and a part of the surrounding territory were constituted into a distinct province.

The Punjab is inhabited mostly by Hindus, Muhammadans and Sikhs. The Sikhs have their home in the Punjab and number about 3½ millions. The chief occupation of the people is agriculture, but other industries are making headway and a considerable number of factories worked by steam have sprung up in various towns of the Punjab.

The Punjab supplies the flower of the British Indian Army. During the late war the contribution of the Punjab to the army was the largest of all the provinces of India.

Among the fighting classes the Sikhs hold the foremost place and Rajputs and Jats come next. The Rajputs and Jats of the western and southern parts are mostly Mussalmans and those of the eastern and northern parts are Hindus. The Jats of the Central Punjab are mostly Sikhs.

We give in Sir Michael O'Dwyer's own words the Punjab's war contribution in men. Speaking on the 7th April last, Sir Michael O'Dwyer said:—

"I have spoken so often about the war and the Punjab's share in it during the last year, that I need say but little to day. We started the War with 100,000 men in the Army.

"In 1917 I was able to tell you that in the first 2½ years of the war we had raised 124,000 combatants. In the next year we raised over 127,000 and a year ago the total was over a quarter of a million. We were then in the most critical stage of the war and in response to His Majesty's August Message and the Premier's appeal, I asked the Province to raise another 200,000 men including 180,000 fighting men within a year. Many people thought, that was an extravagant demand. Those people did not know the spirit of the Punjab. April and May 1918 were the harvest months and we advisedly did not push recruiting. But 21,000 men were enrolled.

"From June to September the recruiting campaign was carried on everywhere with great enthusiasm, and in those four months 78,000 men or over 19,500 per month joined the colours. In October owing to the influenza epidemic the number dropped to 14,426 and in November when we were about to make a fresh effort our enemies collapsed and hostilities came to an end, and the number fell to 6,313, but in six months from June to November we had raised 99,000 men, or half of the total promised, and in the eight months April to November our total was 121,000 men, including 1,00,000 combatants. If the need had continued, we should have completed our quota of 200,000. As it is, we can claim to have raised about 360,000 combatants during the four years of war, or more than half the total raised in the Indian Empire, excluding, of course, the splendid contribution from our gallant neighbours and allies in Nepal.

"The distribution of the 355,000 combatants by main religions and tribes is roughly as follows:—

Muhammadans		170,000
Pathans	5,000	
Muhammadans from North & Central Punjab, commonly known as Punjabi Muhammadans	136,000	
Muhammadans from South Punjab	25,000	
Kashmiris	1,500	
Other Muhammadans	2,500	

Sikhs		90,000
Hindus		90,000
Jats	30,000	
Dogras	24,000	
Other Rajputs	10,000	
Ahirs	10,000	
Gujars	6,000	
Gaur Brahmans	5,000	
All others	5,000	
Punjabi Christians		4,000

"The Muhammadans forming 5/9th of the population gave 48 per cent. of the recruits, Hindus with 3/9 of the population, furnished $\frac{1}{4}$th' while the Sikhs though only 1/9 of the population also furnished $\frac{1}{4}$th.

"As I said last year the fighting men were drawn almost exclusively, and the non-combatants mainly from the rural population, both for Army and even in the Indian Defence Force the Towns-folk made but a slight response to the call for men, though they helped generously in the War Loan. But most of the rural Hindus did splendidly in recruiting and their proportionate recruitment, though much below that of the Sikhs is nearly equal to that of the Punjabi Muhammadans."

The administration of the Punjab is carried on by a Lieutenant Governor, who has a Legislative Council under him—the members of which are partly elected and partly nominated.

The capital of the Punjab is and has always been at Lahore, which is a big town with a population of about 250,000, situated at a distance of about 1200 miles from Calcutta, 300 miles from Delhi, 784 miles from Karachi, and 1162 miles from Bombay.

The Province is divided into 5 divisions under Commissioners, comprising 28 Districts under Deputy Commissioners or Collectors, *viz.*, Ambala Division comprising the Eastern part of the Punjab including Simla, the Summer Head Quarters of the Government of India; Jullundur, including the mountainous and sub-mountainous parts, Lahore the Central parts, Rawalpindi the North-Western and Multan the Western part of the Punjab.

CHAPTFR II.

Sir Michael O'Dwyer's Administration.

"Gentlemen, I have often been criticised for dwelling on the achievements of the Punjab in season and out of season. But my pride in the province is based on no narrow parochial spirit. I have spent 15 years away from it, during which I have seen many other parts of India. I might indeed say, much have I seen and known, cities, men and manners, climates, Councils, Governments. But nowhere did I find the same qualities as the Punjab can show, from the prince's palace down to the peasant's hut. I found I could meet the Punjabi, whatever his class or condition, as man to man without suspicion or mistrust. I found him in the mass loyal but not subservient, brave but not boastful, enterprising but not visionary, progressive but not pursuing false ideals, or mistaking the shadow for the substance. These are the qualities which have made the Punjab among the provinces of India 'not least but honoured of them all,' and these are the qualities which combined with the moral courage that will be so essential in the times before you, will keep the Punjab in the vanguard of progress and prosperity."

This is what Sir M. O'Dwyer said in a public speech made on the 7th April, the day after the universal *hartal* in India and three days before the firing on unarmed people at Amritsar and Lahore and the murders and arson in Amritsar.

The quotation is from the speech he delivered at his last meeting in the Council prior to his then intended departure.

But the same speech also contains the following:—

"The Government of this province is and will remain determined that public order, which was maintained so successfully during the time of war, shall not be disturbed in the time of peace. Action has, therefore, already been taken under the Defence of India Act against certain individuals at Lahore and Amritsar, who, whatever their motives, were openly endeavouring to rouse public feeling against the Government. The British Government, which has crushed foreign foes and quelled internal rebellion, could afford to despise these agitators, but it has a duty of protection to the young and the ignorant, whom they may incite to mischief and crime, while themselves standing aside. I, therefore, take this opportunity of warning all, who are connected with political movements in the province, that they will be held responsible for the proper conduct of meetings, which they organize, for the language used at and the consequences that follow such meetings. Subject to these provisions the

"Government has no desire to restrict, in any way, the right of public meetings; but it is a matter of common knowledge that those who organize such meetings, even with quite legitimate objects, often lack moral courage or authority to restrain some of the more violent speakers. It is also, I fear, only too true that owing to the wild reckless language which a handful of noisy agitators habitually indulge in, sober and reasonable men, with regard for their *izzat*, shrink from attending such meetings. Restraining influences are, therefore, either absent or are not exercised. Hence the necessity for my warning, which is addressed to the press as well as to the platform. I would ask, in all seriousness, is this the calm and reasonable atmosphere which is needed to prepare the way for constitutional reforms ? It certainly is not, and those who are creating that unhealthy atmosphere are the deadliest enemies of the cause of reform, which they propose to champion. Fortunately, their influence does not correspond to the noise they make. They do not speak with the voice of the Punjab."

He then expatiated on the inoffensive nature of the Rowlatt Act and said about it what was not true, namely, that it conferred on the police no powers of arbitrary arrest, search or interference. Every one who has read the Rowlatt Act knows that it does contain such powers, and that it is because it contains such powers that it was so strongly objected to by the people. Sir Michael, however, was not satisfied with his fanciful description of the Rowlatt Act. He wanted to show what he felt about the great demonstration of the 6th April, which for thousands upon thousands was of a semi-religious character because of the fast. He laughed at it in this manner:—"The recent puerile demonstrations against the Rowlatt Act in both Lahore and Amritsar would be ludicrous, if they did not indicate, how easily the ignorant and the credulous people, not one in a thousand of whom knows anything of the measure, can be misled. Those who want only to mislead them incur a serious responsibility. I would remind them of President Lincoln's famous saying; 'you can, if you are very clever and very unscrupulous, mislead all people for sometime and some people for all time, but you cannot mislead all people for all time'. Those who appeal to ignorance rather than to reason have a day of reckoning in store for them." No other Head of Government in India laughed at the people on the 7th of April. Every one but Sir M. O'Dwyer realized more or less the meaning of the 6th of April, but Sir Michael's one desire was to provide "a day of reckoning" for those, who he thought, were appealing to passion or ignorance rather than to reason. It is not without considerable pain, that it will be our duty to show in the following pages, how it was Sir Michael who almost invariably appealed to passion and ignorance rather than to reason, and how serious a responsibility he incurred in misleading both the people and his superiors. It will be our painful duty to show also the meaning he attached to the phrase "day of reckoning". He had occasion to speak again on the 10th. He

spoke in the evening after he had learnt what had happened at Amritsar. and Lahore. He spoke to the representatives of the martial races of the Punjab, who had met at the Montgomery Hall to present him with an address. We give the speech in full as reported by the Associated Press :—

" I am glad to think that the excitement of this evening has not prevented us from meeting here to-night. I am proud to meet in this unique gathering, so many representatives of the great martial races, Muhammadan, Sikh, and Hindu of the Punjab, who though differing in origin, religion and social customs, are united to one another and to the British Government by two bonds of steel, the bonds of loyalty and valour.

" You realize the difficulties of the administration and the necessity of taking measures to prevent peaceful and orderly progress being disturbed by disorder and anarchy. You have seen within the last few weeks how a law passed to safeguard the lives and property of the people against such outbursts of anarchy and revolution—a law that is only to be brought into operation if, unfortunately, those conditions should arise—has by the persistent falsehood and misrepresentation of a small but noisy class been made to appear as a deadly weapon aimed at the people, whom it is intended to protect in situations of great emergency. Those of you who have studied that law know how baseless that agitation is. You can gather something of the motives of those behind that agitation from what took place a few days ago at Multan, when the Rowlatt Bill agitation was made a pretext for offering an insult to gallant Punjabi Muhammadans, Sikhs and Goorkhas, that had returned from the front, after fighting the battles of India and these insultors had, as we know, no martial spirit themselves and no appreciation for the valour and loyalty of those, who had been safeguarding their hearths and homes. Their object is to attack Government and insult those who are true to their salt. Loyal men must and will oppose their evil designs. I would, therefore, ask you to explain the motives and policy of Government, as shown in that law, to those within your influence, and to expose the campaign of falsehood, that is being carried on in certain quarters in order to mislead the ignorant and credulous masses and the scum of the bazars of the towns and to incite them to crime and disorder.

"The promoters of the agitation began by announcing a policy of so-called passive resistance. What form has that taken? You heard what happened at Multan on Saturday. At Lahore and Amritsar on Sunday coercion and intimidation were used to law-abiding citizens, and in Bombay they have begun openly to defy the law. This movement, unless promptly checked, will bring about disorder and bloodshed. It has already done so at Amritsar and Lahore and will endanger the lives and property of law-abiding citizens. Government looks to you and to all

loyal citizens, whatever their political views, to join with it in openly denouncing this dangerous agitation and bringing it to a speedy close. Your co-operation with Government in this and similar matters will be as valued and as much appreciated as your memorable war services.

"The situation is for the moment critical, and prompt action on your part and that of Government is required. Government will do its duty without hesitation, and will support you in doing yours. Government will enforce the law and if that leads to bloodshed the responsibility is with those, who make others break the law.

"This is my last word of counsel, and I know you will take prompt action on it and enable me to restore public order before I leave the province. The trouble, though serious, is not widespread and, with your help, will soon be dispelled.

"It will be a proud memory to me that in time of war or of internal trouble, I never appealed to the martial races of the Punjab in vain. I am confident that by your action and that of the loyal and sturdy men you represent, you will, within the next few weeks, establish a further claim to my gratitude and to the consideration of Government.

"I must now say good-bye. In leaving the province I shall carry away recollections of what you have done. I shall not forget you, nor your work, nor your interest."

We have copied this speech in full, as it shows at a glance Sir Michael O'Dwyer's mentality. It was given to the martial races of the Punjab. He had not hesitated to incite them against the people. He has distorted facts, as for instance regarding the conduct of the people of Multan against the soldiers. We have investigated the incident and we have found that no insult was offerred to the soldiers, who passed through Multan. He has wilfully misrepresented the scope of the Rowlatt Act to his audience and then threatened the people with punishment, practically for taking part in political agitation.

We now propose to give a brief outline of Sir Michael O'Dwyer's administration, showing how he estranged every class from him, and how he tried to reduce the influence of the educated classes over the masses.

He had considerable experience of the Punjab before he was appointed Lieutenant Governor, to which post he was called in 1913. He signalised his rule by contemptuous references to proposals for reforms. He said in reply to an address of welcome a few weeks after his appointment:—"During the short time I have held charge of this province, I have received many excellent and well-meant suggestions, as to how I should carry on the administration, what I should do to meet the aspirations of the people, to further the movement towards Self-Government, towards the separation of executive and judicial functions, and in regard to other matters of state policy. Abstract speculations of this nature have their

interest and value, though they would gain in value, if in addition to enforcing the duties of the administration, some stress were laid on the elementary duties of the people as citizens and subjects. I should have welcomed and I shall welcome any practical suggestion, as to how Government can dischrge more efficiently its primary obligation to secure life and property, and how the people can be aroused to a sense of the duty towards the community. All other questions of policy are, in my opinion, subsidiary to these two and should stand over till these obligations are adequately discharged." He thus gave notice to his hearers that those reforms which they held to be vital for the progress of the country were "abstract speculations" and that he expected his hearers to help him in securing life and property and awakening a sense of duty to the community. One would have thought that life and property had become fairly secure, and that this security was claimed to be the proudest achievement of British Rule, and that the yearning for the reforms mentioned by his audience did show a sense of duty to the community. In the same speech he addressed a homily to the vernacular press. It was followed by action under the Press Act. Security was demanded from several vernacular newspapers; the security already deposited was forfeited in some cases. A month later in his very first speech, as President of the local Legislative Council, he gave to the Press a second warning:—"If the action already taken did not have the desired effect, Government will deal with the offenders as with any other individuals that break the law by promoting disorder or disaffection, and will employ all the means, the law places at its disposal, and of these the taking and forfeiture of the security are the least." This warning was followed by a more stringent policy regarding the press, although he himself in the same speech, referring to the peace that was prevalent in the province, said—"the great results already achieved are due to the mutual confidence and intimate association of the administration and the people, which have always been a marked feature in this province". He had occasion, six months later, of expressing his views regarding a proposal that an executive council be established in the province. To this very innocent proposal he thus replied on the 13th April 1914.—"The proposal had come upon him rather as a surprise. The people of the province had from the start been habituated to regard the Lieut. Governor as the sole head of and in the last degree responsible for the administration of the province. The province had progressed and prospered under that system in a manner which can stand comparison with any other province or presidency, and that the matter could come within the range of practical politics only if it could be shewn that the present administration of the province suffers from certain defects, and that the addition of an executive council would remove those defects." He then insulted those who had come to honour him, by quoting 'for forms of Government let fools contend.'

Five months later the war broke out and the Punjabis had a fairly full experience of the working of the Defence of India Act, in the passing

of which he had no small share. What share he had and what powers he wanted, so as to supercede the ordinary procedure and safeguards of law, may be seen from the following recommendations of his, which were subsequently adopted by the Imperial Government. We take them from the Sedition Committee's Report, page 151:—

" The Lieutenant Governor considered that ' it is most undesirable at the present time to allow trials of any of these revolutionaries or other sedition mongers who have been or may be arrested in the commission of crime or while endeavouring to stir up trouble, to be protracted by the ingenuity of counsel, and drawn out to inordinate length by the committal and appeal procedure, which the Criminal Law provides. His Honour, therefore, submitted for approval a draft ordinance which provided, subject to the sanction of the Local Government to its application in these cases, (*a*) for the elimination of committal procedure in the case of offences of a political or quasi political nature; (*b*) for the elimination of appeal in such cases; (*c*) for the taking of security from persons of the class affected by a more rapid procedure than that prescribed by the ordinary law; (*d*) for the prompt punishment of village officers and the finding of villagers colluding with and harbouring revolutionary criminals."

He abused the powers given to him by the Defence of India Act by prohibiting the entry into the province of Messrs. Tilak and Pal. He interned hundreds of local men with little or no cause. He gagged the vernacular press, prevented the nationalist papers edited outside the Punjab from circulating in the province, as for instance " New India," the " Amrit Bazar Patrika," the " Independent." He prohibited the circulation even of precensored vernacular papers, and brought about a state of things, whereby it became practically impossible for the people of the province to have a free interchange of independent views, or a free ventilation of their grievances in the public press, and then, having prevented free speech and free writing, allowed himself to think, and gave outsiders to understand that the people of the Panjab were the happiest under his rule.

Not only did he abuse emergency legislation for the purpose of throttling political aspirations, but he absued his position as a ruler by summoning public men, using threats and giving them warnings. Lala Duni Chand, who has an unbroken record of public service, had personal experience of this part of Sir M. O'Dwyer's administration. This is what he says in his statement given to us by him:—

" As a secretary of the Indian Association I had to call public meetings, and after the issue of the notices I was called either by the Chief Secretary to Government or the Commissioner of Lahore to see him, and they always put such obstacles in my way of holding public meetings that many persons in my place would have done anything but

"held public meetings in Lahore. The Chief Secretary and the Commissioner told me more than once, presumably on behalf of Sir Michael O'Dwyer, whom to invite and whom not to invite as speakers from outside the Province.

"Not only this but when some of the members of the Provincial Legislative Council attended the last Provincial Conference at Lahore, these gentlemen were called by the Chief Secretary, and were taken to task in such a way, that they would not have the courage to attend other public meetings in the Bradlaugh Hall". (Statement No. 553).

In 1917 nineteen members of the Imperial Legislative Council signed their famous memorandum, setting forth their proposals for reforms. A meeting was held to approve of the scheme. Four of the signatories to the notice of the meeting were Punjab men. He sent for them and administered to them a severe rebuke for having dared to think for themselves and to sign the notice. Then followed the Congress League Scheme, and he tried his best to wean the Punjab from it, and lost no opportunity of belittling the effort to bring about a hearty union between Hindus and Muhammadans. He dared to confound the issue by comparing the Home Rule movement, led by Mrs. Besant and Mr. Tilak, whose goal was attainment of Self-Government within the Empire by constitutional and peaceful means, with the *Ghadr* revolutionists, whose goal was frankly to sever the British connection by violent means, and with the mad people of the South West Punjab, who desolated many a home by harbouring chimerical views of establishing an Islamic Kingdom through German aid. He put down the *Ghadr* movement in a merciless manner, and, we fear, not without inflicting injustice on hundreds of innocent men. He affected to consider the pillage of defenceless homes in the South West Punjab in 1915 by treating the pillage, in the early stage, as mere grain riots, and took energetic measures only when his hands were absolutely forced, and when he saw that these depredations were becoming so serious that they might even jeopardise the work of recruiting.

On the 13th of September 1917 a resolution was moved by the Hon'ble Mr. Muhammad Shafi, asking that the legislative and administrative system in the Punjab be assimilated to that of the province of Bihar and Orissa. There was no opposition to this mild resolution from any quarter. Sir M. O'Dwyer himseelf rose to speak in its favour, but, to the amazement of everybody, he packed into a single speech as much irrelevancy and vilification of educated classes as he possibly could, till at last, the Hon'ble Pandit Madan Mohan Malaviya, who could brook it no longer, interrupted his speech and called for an apology, which at the instance of the Viceroy he had to tender. His Excellency the Viceroy also called upon to dissociate himself from Sir Michaels' views. We would give a few extracts from that speech of Sir Michael's;—

"Speaking of my own province, while I would welcome a speedy progress, I must say that those conditions (meaning the three conditions set forth by Mill as indispensible for Self-Government) are not likely to be filled for many a long day". He observed again:—"We should be glad if those who are so fond of basing political claims on the loyalty of India and the sacrifices of the Indians and the sacrifices of the Indian Army, which is mainly a Punjab army, would shew their loyalty to the King Emperor and their sympathy for the province, which is bearing the burden of sacrifice, not by words, however eloquent, but in some practical form, for instance, by active help in the recruiting campaign in other provinces."

The following is another passage from the same speech to shew Sir Michael's utter want of appreciation of the educated classes:—"in these days when we are in danger of being deafened by political harangues and of being blinded by the shower of political manifestoes, it is well occasionally to return to mother earth to clear up our minds of shams and illusions, and to ask ourselves what will all this noise and talk do for the man on the soil, the man behind the plough, the man whose life is a long drawn question between a crop and a crop". The implications of the speech are obvious. It was for this affront to educated classes that he was made to apologise.

The meaning of an apology in ordinary English is, that when a man apologises for his speech or action he does not repeat it. Not so Sir Michael. On October 30th the same year—nearly a month after the apology—he practically went back upon it in the following words:—

"In a speech last month in the Imperial Council I described the signal services of the Punjab in this war with an emphasis, which some people considered excessive, as it involved a comparison with other provinces and their action during the war. I still adhere to my argument, that the loyal services of the Punjab in providing men, money, and materials, for the Empire, stand out pre-eminent, and establish a special claim on the consideration of the Government. I also re-affirm my contention, that the services of the martial classes, on whom the burden of sacrifice has fallen, are receiving and should continue to receive prior recognition from Government, and that as the so called political concessions will be of less benefit to them than to other classes, we have to look round for forms of recognition and reward, which they regard as suitable and desirable".

In this revised version we see not only a repetition of the offence but a repetition in an aggravated form. He returns to the topic by way of complaint and gives a colouring to facts in order to prove, what nobody has denied—that the war services of the Punjab were singularly great. He isolates the martial classes from the others, insults the former by imputing to them want of political ambition, and tries to wean them

from association with the others by holding out prospects of special recognition. His contempt of the educated classes and his inclination to withhold political power from them are easily traceable in the extract we have quoted.

But nothing perhaps shews more clearly his dislike of the educated classes than his memorandum on the question of constitutional reforms, published together with the Government of India's despatch of March 5th 1919. Describing the demands made by the educated classes for the whole of India, he says:—"If it is clear that the demands emanate not from the mass of the people, whose interests are at stake, but from a small and not quite disinterested minority, naturally enough eager for power and place, we must, if we are faithful to our trust, place the interests of the silent masses before the clamour of the politicians however troublesome and insistent.Here I may quote Burke's warning, 'because half a dozen grasshoppers under a fern make the field ring with their importunate cries, while thousands of great cattle, who repose beneath the shadow of the British oak, chew their cud and are silent, pray do not imagine that those who make the noise are the only inhabitants of the field.' " We need hardly comment upon the deadly insult implied in the quotation. He then goes on, in the same writing, in total disregard of facts, to shew that the educated classes have nothing in common with the masses, and that the latter are beginning to disown the educated leaders. He belittles the efforts regarding Home Rule made by Mrs. Besant, Mr. Tilak, Mr. Jinnah. Hon'ble Pandit Malaviya and the Raja of Mahmudabad. He exaggerates out of all proportion the non-Brahmin classes movement, reduces the All-India Moslem League to an unimportant body, deplores the awakening of the Punjab inspite of his prohibitive orders against Messrs. Tilak and Pal, and then he says gratuitously that the advancement to be considered should be " not of the political classes alone but of the Indian people", and winds up this portion of his memorandum by saying:—"I have felt it necessary to emphasise this principle because I can find no adequate recognition of it in the Government of India proposals. Perhaps it is taken for granted. But an obligation so solemn should not be kept in the background; and in its absence the proposals read as if the only question to be considered is how to satisfy the aspirations of a certain proportion of the educated classes. The latter, no doubt, claim to represent the masses, but perhaps after what has come to light in the last few months, it is hardly necessary to expose the hollowness of the claim. Apply any practical test—the prevention of religious riots, the composing of sectional differences, the raising of recruits for the combatant army or the Defence Force—when any of these questions is to the fore, the politician usually retires into the background. His influence for good is generally nil, but he can and sometimes does add to the trouble by injudicious or malicious interference.

" It is often stated as an argument for Self-Government, that there are no religious riots in Native States. For this there are many reasons,

"but a leading one is that the professional politician does not exist there, or, if he does, is not allowed to interfere. The one recent and serious religious disturbance that I am aware of in Native States—between Sunnis and Shiahs in Bhopal—was fomented largely by the interference of a Muhammadan lawyer from Bombay anxious to advertise himself. In the Punjab, though sectarian feeling often runs very high, it rarely leads to riot or bloodshed, because the local authorities know on whom to depend to compose matters. Those are not politicians but quiet men of local influence."

Here we have Sir Michael O'Dwyer seeking to prove of the whole of India that the political classes are a useless body for all practical purposes.

So much for Sir Michael and the educated classes. But though he claimed to regard the others with affection, he estranged them from him and his Government by his methods of recruitment and collection of war contributions. It is not however without considerable hesitation that we feel bound to deal with this matter. We realize the necessity that existed during the war for a vigorous campaign of recruiting and collection of monetary contributions. We realize, too, that if India claims, as it does, equal partnership with the other members of the Empire, she must bear her full share of the Empire's burden. We would, therefore, if we could, have avoided any reference to the methods adopted for collecting contributions in men and money. But in understanding and appreciating the sudden response of the classes and the masses to the proposal for *hartal*, and then, in the Punjab, the unexpected exhibition of mob fury, it is necessary to go into the causes that contributed to the remarkable demonstration and in the Punjab to the manifestation of violence. For we consider that no amount of misrepresentation about the Rowlatt Act, assuming that there was any, can possibly account for the response of the masses, and the participation of a number of people in violence. Nor can any sense of duty towards the Empire be allowed to disregard the sacredness of individual liberty or to ignore cruelty or compulsion, secretly or openly but illegally practised. The evidence that we have collected and the judicial records that we have read, conclusively prove that the methods adopted for securing recruits and donations or loans travelled far beyond the line of moral or social pressure, nor were these methods unknown to Sir Michael O'Dwyer. Indeed conscription was openly talked of, suggested and advocated, and we cannot help saying that open conscription would have been infinitely better than the so-called voluntarism, which was in effect worse than conscription, because the voluntarism pressed only the weakest and permitted the strong to go off scot free.

Let us glance at the actuality. Sir Michael said at a meeting on the 4th of May 1918, just after the Delhi programme had been settled:—"200,000

men for the regular army, voluntarism if possible, conscription if necessary." Col. Popham Young, speaking at the same meeting, said "When deciding how to apportion the effort it is inevitable that many must be guided, must even be compelled. We shall continue to work on the lines of voluntarism. We shall fix quotas for each District, Tahsil or village with reference to the material which is available, and shall in the great majority of cases obtain the number of men we require without resort to compulsion. But in order to be fair to those, who come forward at the call of duty, we must forthwith be armed with authority. We must be able to say that when there has been a failure on the part of the people to choose their champions for the areas, Government will step in and make the choice for them."

At the same meeting Sir Michael O'Dwyer himself said as follows:—

"Before I leave the subject of recruitment I must say a few words about conscription. No one, of course, dreams of conscripting the whole of India's manhood for the half million combatants required; and if we can do without conscription in any form no one will be better pleased than I. But, splendid as has been the volunteer response of the Punjab hitherto, we must face the fact that the strain has been severe, that the burden has not been evenly distributed, and that the tribes and localities which have done their duty are not a little resentful against those who have not. The land-owning classes feel that they are paying the main burden of the war both in purse and in person, and that there are other classes who pay little or nothing in either form. Inequality of burdens as between classes is always a legitimate grievance. It becomes more acute as the need of men becomes more insistent and the call for men more imperative.

"The contingency of failure of the voluntary system in certain areas is there and it would be cowardice not to face it. We have given our pledge, and we must take measures in time to secure its fulfilment. I believe that in the Punjab at any rate there is now a strong feeling in favour of some form of conscription to raise the necessary quotas, both within the province and as between the various provinces, the taking, for instance, of one fit man in ten or fifteen or twenty by lot, with the option of some pecuniary forfeit to be paid to the state. I hope I carry a large majority of my audience with me here, and, if so, it is right that the province, which hitherto has borne the main burden, should state its views in no uncertain language. The decision, of course, rests in other hands. But, gentlemen, the machinery cannot be set in motion at once. The men are wanted immediately. What, therefore, appears necessary is that Government should take power to enforce the quotas allotted to provinces, and that all the necessary preparations should be made in advance on the distinct understanding that the measure will not be applied if the quotas are forthcoming on voluntary basis."

A circular was issued by the Punjab Government making suggestions for obtaining contributions which could only be given effect to, by using more than normal pressure. We give below one paragraph from the circular. "I am to suggest that Deputy Commissioners might assist much in the campaign by estimating the contributions that might reasonably be expected from the various towns. In doing so they will derive such assistance form the local income tax returns, especially where the assessments have recently been revised by the special establishment. Income tax returns furnish, too, a fairly reliable index to the relative financial condition of individuals who are expected to help the loan and a rough standard, which it is believed is already being applied in some districts. To judge of the adequacy of their investments in it, it would not be unreasonable to expect that on an average an assessee would be in a position to invest in the War Loan from half to one-fourth of the income on which he is actually assessed. Applying this rough test or others, which may be found suitable to local conditions, Deputy Commissioners should be in a position to see whether towns and villages or individuals in their jurisdiction are doing what is expected of them.

"The Deputy Commissioner should then, by special meetings, formation of local committee of *Sahukars* and such expedients, endeavour to obtain the estimated sum as a minimum contribution. Local committee of traders and others presided over in large towns by Judicial Officers, Extra Assistant Commissioners or Tahsildars, will probably be able to effect a satisfactory distribution of the loan demand. Rivalry between towns and communities might be promoted by periodical publication and comparison of the amounts subscribed. Help might be afforded by a promise to recognise liberal subscriptions by Sanads, by the grant of Chairs, and by the gift of Special Certificates. On the other hand, it should be made clear to wealthy citizens that failure to do their duty in this matter will be taken into account in nominations to Municipal and notified area committees, in appointments of hononrary magistrates, and in any other forms of Government recognition, on the ground that such honours are reserved for those who have shown in a practical form their desire to assist the administration."

Consequently subordinate officials put pressure upon the people. A letter was written to an "addressee in the Amballa district, asking him to inform the D. C. within one week through Lala Rangi Lal, Sub-Judge, what amount the addressee wants to invest in the War Loan". The meaning of this is obvious.

Judicial processes were also pressed into service. The First Class Magistrate at Chakwal discharged an accused in the Criminal case No. 82 of 1917, noting that "the accused and his brother have between them subscribed Rs. 110 towards 'Our Day Fund', and according to verbal com-

promise made, accused is accordingly acquitted". Mehar Singh, son of Daulat Singh applied for remission of Income tax in Case No. 36 of 1917 in the same court. The magistrate in dismissing the application remarked among other things, "owing to the war, the profit of the mules is immense, but the objector has not contributed a pice to any war fund or any war loan. He has also a son whom he would not enlist." There is a village called Leihia in the District of Muzaffargarh. A large crowd besieged the residence of the Naib Tahsildar, assaulted the Chaprasi and the rural police man. Some people were arrested. 52 of them were tried under Section 147 of the Indian Penal Code. On appeal, the Sessions Judge acquitted some, reduced the sentences of the others. Mr. Coldstream, the Judge in question, remarked that "the people had real grievances for which they wanted to find expression". He said further, "It is a matter of common knowledge that the efforts of the subordinate officials in Muzaffargarh to raise the war loan and to find recruits, owing to the methods adopted by Zaildars and Lambardars on whom pressure was brought to help in the matter, led to severe frictions in many places. It must be admitted too that these methods were frequently unauthorized, objectionable, oppressive, and opposed to the intentions of the Government. In remote tracts, they were found intolerable by the people. These acts could not, of course, be proved by the prosecution and it would be absurd to expect proof of them to be adduced in defence in a case of the present kind. It is necessary in the cause of justice to make this clear, even if in doing so I have to get outside the judicial record. The facts I have stated are, as I have said before, matters of common knowledge". The judge opined that the oppressive methods were opposed to the intentions of the Government. In every place we have visited we have been informed that the officials, who have been known to the people for their oppression, have not only not been degraded or publicly reprimanded, bu they have been in many cases promoted.

In the Shahpur district, a Tahsildar was unfortunately even murdered. A Special Tribunal was appointed to try the case. 46 residents were prosecuted. 4 of them were sentenced to be hanged and 12 to transportation for life. 8 were discharged and 12 finally acquitted. Sir Michael O'Dwyer's note, from which we have taken the above facts, says that vague allegations had been made of ill-treatment of the people by the late Sayed Nadir Hussain and that the Tribunal had given every latitude to the defence to prove any facts which might extenuate the crime, but that beyond the fact that his methods of recruitment amounted almost to conscription, nothing was proved against him and the Tribunal had held that his reputation was unstained by any discreditable conduct.

In our opinion, the admission that conscription was resorted to is its own condemnation. But Sir Michael O'Dwyer must have read the evidence produced at the trial. This is what Muhammad Khan, who was

the reader for the deceased, deposed on behalf of the prosecution. "The Tahsildar's method was to have a list of all men in a village prepared by the Patwari. When he had got the list, it was the Tahsildar's practice to go into the village and hear if any objections were taken to the selection of the recruits. It was his practice to ask a family of 3 or 4 brothers to provide one or two recruits for the army.....He also secured some deserters from the neighbourhood of Gurna, who were sent under escort to the recruiting officer.....The Tahsildar had noted the fact of selection as recruits against many names in this list..... The *Z*amindars of this Ilaqa usually ran away on the approach of the Tahsildar, being not accustomed to service and being afraid to come in front of him." The president of the Special Tribunal made the following remarks in his notes:—

"Nadir Hussain Shah was overzealous and wanting in tact towas influence a wild people unused to join the army. The people had no traditions to back them..... On the 6th February, the Patwari prepared the lists of Bahk Lurhkan. Government had directed such a list of men with their relationships and ages. Hence on the 6th February the men knew that they were likely to be enlisted for army and alarm started."

Khan Ahmad Hussain Khan, Revenue Assistant, said before the court:—"I heard a complaint that he made men to stand naked in the presence of their women folk.....I never heard of any instance of a woman being tormented with thorns, but I have heard that men were confined between thorny bushes. I only heard of these occurrences of June. I never saw it done myself. What I have stated I have heard from *Z*aildars and other *Z*amindars. Ghulam Muhammad of Hazara Miani told me that some women had been ill-treated at Kaura Kot. And also in some Pathan village, perhaps Gurna. He told me that some women had been taken to Midh Ranjha and thence to Bhulwal in order to induce their relations either to return or to enlist. I also heard that the companions of the Tahsildar had grazed the crops of the absconders and looted their houses. I have heard that Sher Ali of Bucha kalan had 15,000 or 17,000 rupees of the Tahsildar's accumulated money. This money was reported as a result of bribery in recruiting. I have also heard that Sher Ali misappropriated this money .....The villagers' grievance was only about recruiting. They did not want to be recruited.....I only heard later on that two women of Ghullapur had been oppressed in the month of June. The Tahsildar himself informed me, that, finding a large number of deserters belonging to Chhani Rehan, he had brought some pressure to bear upon them by grazing the crops of the villagers, with the result that the absconders returned. Before his arrival the villagers had left the village." The court naturally refrained from finding that ill-treatment by the deceased was proved. It said "The Revenue Assistant, Khan Ahmad Khan stated all he had heard as to the behaviour of the Tahsildar at our special

desire, but on the whole the evidence before us shows that beyond the facts admitted by the prosecution that recruitment amounted almost to conscription; no instances of ill-treatment by the Tahsildar have been proved." On this the Government Communique remarks that "he had not insulted the people or outraged their feelings." There is no positive finding by the court to warrant any such assertion. On the contrary, if the Government had desired to find out the truth on the strength of the serious information in possession of the Revenue Assistant and given by him to the court, they would have made a searching inquiry into the question of treatment apart from the murder-trial.

We have collected some evidence of a direct nature, which being of a serious character we have refrained from publishing with our report. Mr. Gandhi who is responsible for that collection, has placed himself in communication with the Panjab Government in the matter.

In another case in the same district a mob is said to have gathered round a village and resisted the arrest of seven men. They were fired at and several casualties had occurred. The defence version that the men resisted, because they were afraid of enlistment, was rejected by the court. But the fact of the resistance and firing tends to prove the allegation of oppressing methods.

In the Multan division the manager of an estate under the Court of Wards in the Kabir Wala Tahsil went among the Khiji tribe for recruiting. A scuffle ensued resulting in casualties. The public prosecutor entered *nolle prosequi* against the manager. The question, however, remains why did the magager go among the tribesmen and why and what did they resist ?

We have some answer from the recruiting returns published by Sir Michael O'Dwyer. The recruiting returns of the Multan District at the end of December 1917 stood at 759 or 1 in 586 of the male population. By the end of November 1918 the number rose to 4636 or 1 in 93. Such a phenomenal record is only possible under methods of compulsion. The Commissioner said :—"I am afraid with a few exceptions, the leading men in the district have not done their duty. Instead of enlisting members of their own families, they tried to buy or coerce men of lower stratum; objectionable methods of coercion were resorted to by some headmen with the result that in some cases public tranquility was disturbed. Attempts were made in numerous cases and these were successful to fraudulently enlist foreigners from other districts and other divisions as residents of this district though this was against the orders of the Government." No wonder Sir Michael O'Dwyer was obliged to deplore the fact that "a large proportion of those who joined, deserted from their depots or units, and very few indeed faced the enemy in the field."

The Commissioner of Amballa Division reported that "in order to make up the quota, the people resorted to the not unnatural expedient

of subscribing large sums to be given to young men to enlist, 500 or 1000 Rupees being the price of a recruit."

Another popular devise was to compel men of supposed bad character either to enlist or furnish security under Section 109 or 110 of the Indian Penal Code to be of good behaviour. The report on the administration of Criminal Justice for 1917 says:—" District Magistrates have spent much time in recruiting work during the year. The large decrease in the number of persons called upon to give security under Section 110 of the Indian Penal Code is in a great part due to the heavy recruiting of the army."

An official went to the village Yara, District Karnal, and a number of boys were induced to offer themselves as recruits. The father of one of these entreated the Magistrate not to take from him his only son. The Magistrate would not listen and there was excitement and a scuffle. Some persons were brought up under the Defence of India Act and five were convicted. The conviction was set aside on appeal. It appears from the judgement that the lower court had acted under express orders of Mr. Hamilton, the District Magistrate. The Appellate Court says:— " The various orders passed by the District Magistrate from time to time clearly show that if these appe lants had also supplied recruits from among their near relations or if they were fit for enlistment themselves, they would have been let off, provided twenty recruits were made up from the village as was originally demanded from it." Indeed even twenty recruits were supplied, but the District Magistrate wanted the twenty recruits from the accused themselves.

In Gujranwala, in 1917, Sir Michael O'Dwyer, not being satisfied with the recruiting results, was pleased to rebuke the people on account of their remissness. Whether by accident or design, the then Deputy Commissioner was succeeded by Col. O'Brien and the recruiting barometer went up. The result was thus summarised by Sir Michael O'Dwyer in the August of 1918 at a Darbar held at Gujranwala: " A year ago Gujranwala had 3,388 men in the Army, or only one man in every 150 of the total male population. At the end of last month—it had 11,765 men with the colours, which gives a ratio of one man in every 44 of the total male population and one in every 14 of military age. Thus within a year you have raised 8,500 men. That is a triumphant instance of successful organisation, mainly due to the untiring activities of your admirable District War League under the inspiring and energetic guidance of your Deputy Commissioner, Colonel O' Brien,and his assistants, and backed up by the Divisional Recruiting Officer, Major Barnes, and his recruiting staff. "

This result was obtained by methods of which we have a graphic description from eye witnesses at Gujranwala, Manianwala, Chuharkana, Hafizabad and other places. From the numerous statements collected

by us and printed in the appendix we cull only an extract from one typical statement. Sardar Khan, part-Proprietor of Ratali in the Gujranwala District, deposed before Mr. Labhsingh, M. A., Bar-at-Law, who was specially deputed to collect evidence. He said:

"The Tahsildar came to our village in the month of Baisakh. At night, it was proclaimed by beat of drum that all should present themselves in the morning at the village *daira*. As it was harvest time and also as the people were afraid of being forcibly taken as recruits, only a small number of people attended in the morning. The Tahsildar therefore fined some 60 or 70 persons. The total amount of fine was Rs. 1,600. The people were again ordered to present themselves at the head quarters at Gujranwala which is 18 miles off. When the people went there on the fixed date, they were made to stand in a row and 7 young men were picked out. This was done by Fateh Khan Tahsildar. The other people were abused and beaten and told to bring more recruits." (St 591).

Sardar Sant Singh Vakil of Lyallpur thus summarizes the recruiting and war loan methods.

"War Loan was forcibly levied in this District. Title hunters exacted war loan from the masses in order to win honour for themselves. Rs. 33 per square were forcibly levied *en-masse*. No exception was made. Even an adjudged bankrupt had to pay it. The history of this levy is interesting. It was proposed that every square holder should be made to give Rs. 33, the value of one acre of land, to the Government. No square holder was consulted. The proposal came from the title hunters. It was accepted by the local authorities but was modified by the local Government. In place of gift, the Local Government took it as a loan, the interest going to the improvement of the village, and not to the individual contributors.

"Uttamsingh of Chak. No. 26 G. S. was prosecuted for an offence, when he was reluctant to pay it. The case was withdrawn on his making the payment.

"Imperial war Relief Fund.

"Ten tupees per square were levied. People paid it as they could not help it.

"Lambardars had to furnish recruits on the penalty of forfeiting the Lambardari rights. Several were actually dismissed. Thus the value of a recruit goes to Rs. 500. Police sent up people to be bound down for keeping peace. Magistrates refused bail and sent them to the lock up, till they agreed to furnish recruits. Criminal prosecution was withdrawn on the accused agreeing to offer himself as a recruit." (St. 516).

Thus Sir Michael O'Dwyer galvanized the Punjab into, life, and made the Punjabis feel akin in a manner, they had never done before.

When, therefore, the month of April last was reached and he had an occular demonstration of the oneness of the Punjab and the oneness of India, he was stupified and delivered his splenetic speech on the 7th April, from which we have already quoted. He wanted to make and did make a supreme effort to crush the spirit, that was struggling to be free from the thraldom, under which he had bound it during his iron rule. He scented danger in every honest speech made by the leaders and he detected conspiracy in every combination, and thus forgetting himself issued his orders against Dr. Satyapal, Dr. Kitchlew and Mr. Gandhi. He must have known that this could only end in exasperating a people, who had already been incensed against his rule. We feel tempted to say that he invited violence from the people, so that he could crush them. The evidence in the appendix shows that he subjected the Punjabis to the gravest provocation, under which they momentarily lost selfcontrol. They have paid dearly for it, but they have also, with amazing quickness, regained self control and risen purified through the fire of sufferings, mostlv undeserved, and earned the certificate for sanity given to them by Sir Michael O'Dwyer.

CHAPTER III.

The Rowlatt Bills.

The foregoing chapter makes it sufficiently clear that the people of the Punjab were subjected to a variety of pin-pricks by the local administration, and that, by its studied contempt for them, it had made it well-nigh impossible for the natural leaders of the people—the educated classes—to control the populace. It was in this atmosphere that the Rowlatt Bills came upon the Punjab.

It is common ground, that at the time these two Bills were published, there was little or no revolutionary crime in India. Indeed for years it had ceased to affect any part of India other than Bengal and the Punjab. In Bengal the party of violence came into being when discontent over the partition of Bengal grew to white heat. In the Punjab, it was due to the various measures of the local government, which deeply dissatisfred the people, and it became serious, owing to the gross ill-treatment of the proud Sikh settlers of Canada. They infected some local men, too, with their discontent, and the forcible interference with the returned immigrants: *ex* Komagata Maru, brought it to a head. The causes of violence in each case were well defined and in our opinion avoidable and remediable. Any way violence both in the Punjab and in Bengal was brought under complete check, as the Government contend, under the powers taken by them in virtue of the Defence of India Act.

This Act was passed as an emergency measure to cope with revolutionary outbreaks, that were feared during the war. It is possible to understand the use of such powers when all available fighting material had been removed from India to the battlefields of France and Mesapotomia, and when India's internal peace had to depend largely upon the loyalty and the peace loving nature of the people. Extraordinary powers taken by the Executive, like martial law, enable one policeman to do the work of perhaps four, but this is done at the cost of the liberty of the subject, by depriving him of all the wholesome checks which regulate police procedure. When, therefore, the hostilities ceased, the people had looked forward to the repeal of the Defence of India Act. They had done so the more because, in spite of the declarations made by the Government that the measure would be used only in case of real necessity and never for the purpose of stifling political agitation or hindering the movements of public men, it was used for the purpose of restraining political freedom. To mention no other case it was used in order to intern Mrs. Besant and her associates, because they represented in its intense form the Indian Home Rule movement. In it ,there never was any suspicion of violence entertained even by her worst enemies. The public had, therefore, grown

thoroughly distrustful of the Government, and had hoped that in view of India's unique war record, and the declaration of August 1917 foreshadowing reforms leading to responsible government, that Act would be repealed and that the people would have respite from the unwelcome attentions of the Secret Service Department.

They were therefore taken by surprise when the two Bills were sprung upon them. The Viceregal speech ushering in the Bills added to the disquiet, as it seemed to show that the Bills were designed to answer the fears of the British element in the Civil Service regarding its safety under the reforms. The Indian position was explained by Mr. Gandhi in the following letter which he addressed to the press, when he inaugurated his *Satyagraha* movement:—

Sir, I enclose herewith the *Satyagraha* pledge regarding the Rowlatt Bills. The step taken is probably the most momentous in the history of India. I give my assurance that it has not been hastily taken. Personally, I have passed many a sleepless night over it. I have endeavoured duly to appreciate Government's position, but I have been unable to find any justification for the extraordinary Bills. I have read the Rowlatt Committee's report. I have gone through its narrative with admiration. Its reading has driven me to conclusions just the opposite of the committee's. I should conclude from the Reports that secret violence is confined to isolated and very small parts of India and to a microscopic body of people. The existence of such men is truly a danger to society. But the passing of the Bills, designed to affect the whole of India and its people, and arming the Government with powers, out of all proportion to the situation sought to be dealt with, is a greater danger. The Committee utterly ignores the historical fact that the millions in India are by nature the gentlest on earth.

Now look at the setting of the Bills. Their introduction is accompained by certain assurances given by the Viceroy, regarding the Civil Service and the British commercial interests. Many of us are filled with the greatest misgivings about the Viceregal utterance, I frankly confess, that I do not understand its full scope and intention. If it means that the Civil Service and the British Commercial interests are to be held superior to those of India and its political and Commercial requirements, no Indian can accept the doctrine. It can but end in a fratricidal struggle within the Empire. Reforms may or may not come. The need of the moment is a proper and just understanding upon the vital issue. No tinkering with it will produce real satisfaction. Let the great Civil Service Corporation understand that it can remain in India only as its trustee and servant, not in name but in deed, and let the British Commercial houses understand that they can remain in India only to supplement her requirements, and not to destroy indigenous art, trade, and manufacture; and you have two measures to replace the Rowlatt

Bills. They, I promise, will successfully deal with any conspiracy against the state.

Sir George Lowndes simply added fuel to the fire when he flouted public opinion. He has forgotten his Indian History or he would have known that the Government he represents has, before now, surrendered its own considered opinion to the force of public opinion.

It will be now easy to see why I consider the Bills to be an unmistakable symptom of a deep rooted disease in the Governing Body. It needs therefore to be drastically treated. Subterranean violence will be the remedy applied by impetuous hot headed youths, who will have grown impatient of the spirit underlying the Bills and the circumstances attending their introduction. The Bills must intensify the hatred and ill-will against the State, of which the deeds of violence are undoubtedly an evidence. The Indian Covenanters, by their determination to undergo every form of suffering, make an irresistible appeal to the Government, towards which they bear no ill-will; and provide the believers in the efficacy of violence as a means of securing redress of grievances, with an infallible remedy, and withal a remedy that blesses those that use it and also those against whom it is ussd. If the Covenanters know the use of this remedy, I fear no ill from it. I have no business to doubt their ability. They must ascertain whether the disease is sufficiently great to justify the strong remedy, and whether all milder ones have been tried. They have convinced themselves that the disease is serious enough and that milder measures have utterly failed. The rest lies in the lap of the gods. I am yours &c.

(Sd). M. K. GANDHI.

We give below the text of the *Satyagraha* pledge referred to by Mr. Gandhi in the foregoing.

"Being Conscientiously of opinion that the Bills known as the Indian Criminal Law (Amendment) Bill, No. I of 1919, and the Criminal Law (Emergeney Powers) Bill, No. II of 1919, are unjust, subversive of the principles of liberty and justice, and destructive of the elementary rights of individuals on which the safety of the Community, as a whole, and the State itself, is based, we solemnly affirm that, in the event of these Bills becoming law and until they are withdrawn, we shall refuse civilly to obey these laws and such other laws as a Committee to be hereafter appointed may think fit, and we further affirm that in this struggle we will faithfully follow truth and refrain from violence to life, person or property."

We now propose to examine, as briefly as possible, Bill No: 2, known as the Rowlatt Act. We will not discuss the Bill No. 1 which evidently appears to have been dropped by the government.

The Act takes its popular name from the President of the Sedition Committee, that was appointed by the government of India on the 10th

December 1917, with Mr. Justice Rowlatt as its President, "(1) to investigate and report on the nature and extent of the Criminal conspiracies counected with the revolutionary movement in India and (2) to examine and consider the difficulties that have arisen in dealing with such conspiracies and to advise as to the legislation, if any, necessary to enable Government to deal effectively with them." The Committee was required to sit *in Camera.* It presented its report on the 15th April 1918. With the exception of four sittings which it had at Lahore, the Committee had all its sittings in Calcutta. Mr. Justice Rowlatt in his covering letter addressed to the Government says:—

"As directed by the order oppointing us, we have on every occasion sat *in Camera.*" The public have no knowledge upto to day of the nature of the evidence given before the Committee or the names of those who gave it. Naturally the witnesses were not cross examined on hebalf of the public, for it was totally unrepresented before the Committee.

The Bills were the outcome of the recommedations of this committee. We have read the report and the recommedations. As the recommendations were intended to deal with a state of things that did not exist at the time they were made, it is not easy to understand them. We know the argument that without the Defence of India Act or its substitute non-eruption of violence could not be guaranteed. This argument involves two assumptions,—first that repressive legislation is necessary not merely to suppress crime of a revolutionary character, but that it remains under check only during the continuance of such legislation. Second, that there were yet men at large who are or were suspected to be revolutionaries.

The first assumption betrays bankruptcy of statesmanship and a confession of failure; the second, if true, betrays hopeless inefficiencey. The fact is that the demand for repressive legislation means disinclination to yield to the will of the people; in other words, government of them against their will. The point was clearly brought out by the Hon'ble Mr. Sastri in his memorable speech on the introduction of the Rowlatt Bill. He said that even though political amelioration did not satisfy the confirmed anarchist, it and not repression was the only true way of securing peace, and proceeded to say:—"Because the anarchist is in this unfortunate condition of mental derangement, are we to say, since these people are not going to be satisfied by polittcal concessions, we will not think of them; we will only apply the rule of law to them? That is not the way I think that sound statesmanship should go about the business. We should offer them satisfying measures of political emancipation. But after all it is not these anarchists that have to be satisfied. It is general atmosphere which feeds anarchy that we have got to cure, and when the anarchist finds that he gets no sympathy anywhere. that he cannot propagate his wicked doctrine in a soil where there is contentment and

political prosperity, he will naturally die, even if the long arm of the law does not get at him."

The Hon'ble Mr. Sastri's remarks on the suggestion that the innocent need not fear the admittedly repressive character of the measure, are also wortly of note, he says:—

"A bad law once passed is not always used against the bad. × × × × × In times of panic caused, it may be, by very slight incidents, I have known governments lose their heads. I have known a reign of terror being brought about; I have known the best, the noblest Indians, the highest characters amongst us, brought under suspicion, standing in hourly dread of the visitations of the Criminal Investigation Department. × × × × × × × When Government undertakes a repressive policy, the innocent are not safe. Men like me would not be considered innocent. The innocent then is he who forswears politics, who takes no part in the public movements of the times; who retires into his house, mumbles his prayers, pays his taxes, and *salams* all the government officials all round. The man who interferes in politics, the man who goes about collecting money for any public purpose, the man who addresses a public meeting, then becomes a suspect. I am always on the border—land and I therefore, for personal reasons, if for nothing else, undertake to say that the possession, in the hands of the executive, of powers of this drastic nature will not hurt only the wicked. It will hurt the good as well as the bad, and there will be such a lowering of public spirit, there will be such a lowering of the political tone in the country, that all your talk of responsible government will be mere mockery. You may enlarge your councils, you may devise wide electorates, but the men that will then fill your councils will be toadies, timid men, and the bureaucracy, armed with these repressive powers, will reign unchecked under the outward forms of a democratic government. Well, we are all anxious to punish the wicked. None of us desire that wickedness should go unpunished, but × × × × even the wicked must be punished in certain ways. When Skeffington was shot, I remember the whole world was shocked. × × × × × × × × × × Now even in war, when all humanity throbs with excitement and peril, and when nobody thinks of any thing except how to conquer the enemy, even then, my Lord, there are the laws of war. You have to play the game. × × × × × × × × × When there are criminals abroad in a conntry there are certain ways in which they ought to be brought to book. You ought not to lay them by the heels and punish them in ways that will shock the sense of justice; in ways that will make the innocent feel that there is no law in the land; in ways that will make honest, virtuous and public-spirited work impossible. The price even for the extinction of wickedness that is demanded then is far too high × × × × × Much better that a few rascals should walk abroad, than that the honest man should be obliged for fear

of the law of the land to remain shut up in his house, to refrain from the activities which it is in his nature to indulge in, to abstain from all political and public work merely because there is a dreadful law in the land."

Mr. Sastri did not believe in Sir William Vincent's dictum that the aim of the Bill, he was in charge of, was not "the suppression but the purification of politics." Mr. Sastri gave credit for good intentions, but, he exclaimed "Ah! if in this world good intentions always bore fruit it would be very well × × × × × × × × + × × × × × × × × × The history of legislation, both social and political, is strewn with instances of miscarriage of excellent intentions. Laws intended to cure poverty have aggravated it × × × × and I take leave to say to the Hon'ble Sir William Vincent that the laws now placed before us, which are aimed at purifying politics, may come dangerously near suppressing them. You cannot place on the Statute book such drastic legislation without putting into the hands of over enthusiastic executive officers what I consider short cuts to administrative peace."

This repressive measure had no public support behind it, and in warning the government against carrying the measure through in the teeth of the opposition "unanimous and unsparing, of their Indian colleagues," he thus asked the Legislative Council:—"whom have you behind now amongst Indians? The tragic story of India may be summed up in these words, that you have governed all these centuries in India in isolation, without having any responsible section of public opinion behind you × × × × No section of public opinion supports you. The nominated members have not given their blessing to this Bill. The zamindar members have not given their blessing. The lawyer members will have none of it. The members of commerce will have none of it. And yet the Hon'ble Sir George Lowndes told us, 'we must carry this legislation through, bebause we are satisfied that it is very right: we should have been glad of your help, but with our sense of responsibility we must go on even without your help, however much we would have liked it.' I admire the courage of the Hon'ble the Law member. I admire the candour with which he said, 'We have the responsibility to-day: you have none of the responsibility." We realise that position. We have none, my Lord, of the responsibility for this legislation, and I therefore refuse to believe when the case is put correctly before the public opinion that they will say, as the Hon'ble Sir William Vincent seemed to think sections of the English public might, that we had responsibility and shirked it. We have none."

Mr. Sastri then closed his speech with the following solemn warning:—

"Now there is only one more remark, my Lord, I must make and that in justice to the feeling in the Country of which for the moment I

am the spokesman. I do not think the Hon'ble the Law Member could have meant all that he said when he said that some of us were indulging in threats of agitation. I venture to think that no one here who has spoken against the Bill indulged in any thing, which might truthfully be described as a threat of agitation. None of us, certainly none of the Moderates, I take leave to say, has power to go and stir up a violent agitation in the country. It is impossible. Agitation must be there already. The heart must be throbbing, if any words that we use here can have a possible effect on the general political atmosphere. The agitation is there. I wish to assure my official Colleagues that none of us has had a share yet in this business, but, if our appeals fall flat, if the Bill goes through, I do not believe there is any one here who would be doing his duty if he did not join the agitation."

Inspite, howerer, of the passionate protest, the motion that the Bill be referred to a Select Committee was carried, and the amendment, that its consideration be deferred till six months after the term of office of the Legislative Council, was defeated on the 6th of Feby: 1919. 22 voted for the amendment and 35 against. We give the names below of the 35 who voted against the amendment and therefore *for* the bill, and the 22 who voted for the amendment and therefore *against* the bill. It will be noticed that the only Indian name amongst the 35 was that of the Indian member of the Viceroy's Executive Council. He could not vote otherwise without resigning:—

Ayes—22	Noes—35
The Hon'ble Sir Gangadhar Chitnavis.	His Excellency the Commander-in-Chief.
" Babu S. N. Bannerjea.	The Hon'ble Sir Claude Hill.
" Raja of Mahmudabad.	" " Sankaran Nair.
" Dr. T. B. Sapru.	" " George Lowndes.
" Pandit M. M. Malaviya.	" " William Vincent.
" Mr. S. Sastri.	" " James Meston.
" " B. N. Sarma.	" " Arthur Anderson.
" Mir. Asad Ali, Khan Bahadur.	" Mr. W. A. Ironside.
" Mr. V. J. Patel.	" Sir Verney Lovett.
" " M. A. Jinnah.	" Mr. H. F. Howard.
" Sir Fazulbhoy. Currimbhoy.	" Sir James DuBoulay.
" Rai Sitanath Ray Bahadur.	" Mr. A. H. Ley.
" Raja Sir Rampal Singh.	" " H. Sharp.
" Rai Krishna Sahay Bahadur.	" " R. A. Mant.
" Raja of Kanika.	" Major General Sir Alfred Bingley.
" Mr. Mazharul Haque.	" Sir Godfrey Fell.
	" Mr. F. C. Rose.
	" " C. H. Kesteven.

The Hon'ble Khan Bahadur Mian Muhammad Shafi.	The Hon'ble Mr. D. de S. Bray.
„ Khan Zulfikar ali Khan.	„ Lieutenant Colonel R. E. Holland.
„ Mr. G. S. Khaparde.	„ Surgeon-General W. R. Edwards.
„ Rai B. D. Shukul Bahadur.	„ Mr. G. R. Clarke.
„ K. K. Chanda.	„ „ A. P. Muddiman.
„ Maung Bah Too.	„ „ C. A. Barron.
	„ „ P. L. Moore.
	„ „ M. N. Hogg.
	„ „ T. Emerson.
	„ „ E. H. C. Walsh.
	„ „ C. A. Kincaid.
	„ Sir John Donald.
	„ Mr. P. J. Fagan.
	„ „ J. T. Marten.
	„ W. J. Reid.
	„ W. F. Pice.
	„ H. Moncrieff Smith.

The final passage of this Bill on the 18th March, with some modifications, which the member in charge of it accepted and which did not touch the scheme or the scope of it, brought about three notable resignations i. e. from Pandit Madan Mohan Malaviya, Mr. Mazarul Haque and Mr. M. A. Jinnah.

We shall now glance at the provisions of the Rowlatt Act and see whether it justified the widespread and unexampled agitation, that took place over it.

Originally, it was to be a permanent measure, but an amendment was accepted in the select committee limiting its continuance to three years from the termination of the war. We consider that this limitation does not affect the opposition to the Act on principle.

It contains 43 sections and is divided into five parts. The Preamble itself is interesting and it reads:—

"Whereas it is expedient to make provision that the ordinary criminal law should be supplemented and emergency powers should be exercisable by the Government for the purpose of dealing with anarchical and revolutionary movements."

It extends to the whole of British India. The first part enables the Governor-General in council, if he is satisfied that if in any part of British India anarchical or revolutionary movements are being promoted, and that scheduled offences in connection with such movements are prevalent to such an extent that it is expedient, in the interests of public safety, to provide for the speedy trial of such offences, to declare to that effect, and

thereupon the provisions of the first part would come into force in the area specified in the notification. The defenders of the measure, whilst they admit that the powers vested in the Executive are great, contend that it does not much matter, as so high an authority as the Governor-General in council has to be satisfied that anarchical or revolutionary movements are being promoted, and that scheduled offences in connection therewith are prevalent to an extent justifying the withdrawal of the ordinary safeguards against miscarriage of justice. Let us see how this high authority is generally satisfied. The initiative comes through a policeman of the lowest rank, who is often interested in exaggerating criminal movements, equally often, being hopelessly ignorant, is incapable of appreciating the facts before him, and is not unoften prone to corruption. He reports to his superior that a revolutionary movement is being promoted and that offences are being committed in connection therewith. The superior officer investigates. He is satisfied, or if not satisfied, the policeman in question submits further evidence, even though it may be concocted, and thus, the report, though it may be tainted at its origin or may be of doubtful value, travels upwards, gathering importance in its career, till at last it blossoms into a pronouncement by the Governor-General in council, receiving an authority wholly undeserved. A study of the events in the Punjab will show clearly what we mean and how rumours or suspicions assumed the dimensions of concrete revolutionary movements, and how utterly innocent men can be victims, sometimes even of malicious, and almost invariably of capricious prosecution and persecution.

Now let us see what some of the scheduled offences are. They include the highly technical offence of sedition; rioting with deadly weapons; promoting enmity between classes; causing grievous hurt by dangerous weapons; causing hurt to extort property or to constrain to an illegal act; putting a person in fear of injury in order to commit extortion, dacoity &c. Thus an energetic criticism of a government measure, a religious riot, a Hindu Muhammadan quarrel, extortion for private purposes or professional dacoity may all come to be recognized as having connection with a revolutionary movement, once a suspicion gains ground that such a movement is in existence.

What is the nature of this speedy trial? We must give it in the words of the mover of the Bill. These trials are to be conducted "expeditiously without committment, and with no right of appeal, and may take place *in Camera*." The court may sit for the whole or any part of a trial at any place in the province, as it may consider desirable, and at the instance of the Advocate General, at some place other than the usual sitting place of the High Court.

Section 7 provides that the Criminal Procedure Code, in so far as it may be inconsistent with part I of the Act under discussion, shall not

be applicable to the trials under it. Section 8 reduces the procedure to be adopted at the trials that may involve even the death penalty to that adopted for the "trial of warrant cases by magistrates." The accused is entitled to ask for one adjourment only, at the most for fourteen days. Section 18 brushes aside two most important sections of the Evidence Act. Sections 32 and 33 of the Indian Evidence Act provide that a dead witness's statement can be accepted, *inter alia*, only if it is against his pecuniary interests and has been previously subjected to cross examination. Both these safeguards are done away with under section 18, if the person making the statement before a magistrate is dead or cannot be found or is incapable of giving evidence and the court is satisfied that such death, disappearance or incapacity has been caused in the interest of the accused. This is a section which is capable of bringing about a complete abortion of justice. It is a most difficult thing for a Court to know when disappearance or incapacity, even death has taken place in the interest of the accused. The life of an innocent man may, therefore, be easily in jeopardy on the strength of an interested statement of a person who has never been cross-examined.

Under section 17, judgments pronounced at such trials are held to be final, subject neither to appeal nor to revision. It has been urged that neither the partial suspension of safeguards provided by the Criminal Procedure Code or the Evidence Act, nor the deprivation of the right of appeal or revision need cause uneasiness, because the Court shall be composed of three members, who shall have served as permanent judges of the High Court. As we shall shew in the course of our examination of the events of April last, the fact of High Court Judges constituting a special bench is an illusory comfort when the High Court atmosphere is withdrawn. The highest judge is capable of making a mistake in assessing evidence, or applying the law thereto, especially when he is unaided by the controlling influence of a well-thought out Code of procedure or rules of evidence.

So much for part I of the Rowlatt Act. It is punitive in character. Part II deals with preventive measures and is, therefore, as the mover of the Bill practically admitted, more open to attack. Whereas Part I contemplates the actual commission of scheduled offences, Part II authorises the Governor-General in Council, if he is satisfied that revolutionary movements likely to lead to the commission of scheduled offences are being extensively promoted, to notify that the provisions of Part II shall apply in the area specified. Therefore, section 22 enables the local government, where it has reasonable grounds for believing that any person is or has been actually concerned in a revolutionary movement, to place all the materials relating to such a case before a judicial officer who is qualified for appointment to a High Court and to take his opinion thereon. Thereafter, if the local government is satisfied that action under Part II is necessary, it may take security from such

person for a period not exceeding one year, that he will not commit or attempt to commit any of the scheduled offences, that he *shall* not change his residence without notifying the government, that he shall be restricted to a particular area, shall abstain from any act calculated to disturb the public peace or is prejudicial to public safety and shall report himself at the nearest police station at specified period.

Section 24 authorises the government to use "all means reasonably necessary to enforce compliance with its orders." Thus, upon mere suspicion, the most respectable man may find himself entirely at the mercy of the police. If this is prevention, it is worse than the disease, and a prevention itself calculated to produce the very disease sought to be prevented.

This part II creates a special machinery intended to check the local government. It is called the investigating authority. This authority has to revise the orders of the local government passed under section 22, and for that purpose, has to hold an enquiry, not at its option, but compulsorily *in camera*. "Such authority shall in every case allow the person in question a reasonable opportunity of appearing before it at some stage of its proceedings and shall, if he so appears, explain to him the nature of the charge made against him."

The Section 26 from which we have quoted specially provides that the person so charged shall not be represented by pleader, "nor shall the local government be so entitled." It charges this authority not to "disclose to the person in question any fact, the communication of which might endanger the public safety or the safety of any individual." If the "person in question:"—be it noted that the ordinary phraseology adopted for describing such persons, viz., "the accused" has been omitted in this part, and yet the person in question has to go through all the disadvantages of a trial without any single one of its real safeguards–"requests the investigating authority to secure the attendance of any person or the production of any document or thing, such authority shall, unless for reasons to be recorded in writing thinks it unnecessary so to do, cause such person to attend, or such document or thing to be produced." As if all this travesty of justice was not complete, section 26 further provides that "In making the inquiry, such authority shall not be bound to observe the rules of the Law of Evidence." We make bold to say that even a mind saturated with judicial tradition cannot do evenhanded justice, if it is surrounded with the licentious conditions created by the section quoted.

Section 27 regulates the disposal of the report of the investigating authority and it shows that the report has no binding effect upon the government. The same section enables the government to prolong the period under the original order to a further twelve months. Finally, the

investigating authority is to consist of "three persons of whom two s be persons having held judicial office not inferior to that of a district sessions judge and one shall be a person not in the service of the Cr in India."

If part II is worse than part I, again, in the words of mover, "Part III is more drastic." By way of solace, Sir Wil Vinsent adds, "It can, however, only come into operation when Governor General in Council is satisfied that scheduled offences l been or are being committed to such an extent as to endanger the pu safety." Part I applies when scheduled offences are prevalent to an extent that it is expedient in the interests of the public safet provide for the speedy trial of such offences. Part III applies when offences are so prevalent as to endanger the public safety. The li demarcation is thus very thin, and yet part III, section 34, enables local Government to bring the case of a suspected person be- judicial officer and after considering that officer's opinion it any order authorized under section 22 in part II and direct the arrest, without warrant, of any suspected pe confinement under such conditions and restrictions a- provided that the confinement is not one specially set a prisoners, and it may also direct the search of any r order. Then, when orders are passed, the course same as under part II, and thus, subject to the so calle the investigating authority, the person arrested may under confinement for two years without a proper trial. remembered that the Act has been passed not in order t... suspected person may occasionally be placed under confinement, it is intentionally designed to affect large bodies of people at a tir anxiety and excitement, it is not difficult to picture to oneself a r not of law and order, but of organised terror and disorder, or ma law without the name.

Part IV applies to persons already dealt with under the D India Act and whom it brings automatically under the provisi- II and to persons in confinement in accordance with the prov- Bengal State Prisoners' Regulation and brings them under also brings under part II persons affected by the Ingr Ordinance upon its expiry.

Supposing that the notifications about affected parts I, II and III are cancelled, part V provides t' such cancellation, any "trial or investigation or made under this Act, such trial, investigation or or enforced and on the completion of any such which might otherwise have been made may such notification had not been cancelled."

of any person affected by part III outside the area in British India in which part III is not applicable and such person so arrested is then governed by the same procedure as in part III, as if part III for him was in force throughout British India.

Section 42 provides that orders made under the Act shall not be called in question in any Court and "no suit or prosecution or other legal proceeding shall lie against any person for anything which is in good faith done under this Act. The last section provides that the powers given by the Act are to be cumulitive and not in derogation of any other powers conferred upon the local government.

It is this Act which raised a storm of opposition unknown before in India. It has been contended on behalf of the government that there has been misrepresentation and exaggeration in connection with the Act. We hold that the Act hardly lends itself to popular misrepresentation. It has ...ly been misrepresented on the official side. A typical exaggeration ...e seen complained of is a cryptic phrase, "*na appeal, na dalil,* meaning 'no appeal, no argument, no pleader.' In our opinion, worst description of the Act on the popular side, it far evils, rather than overstates them. In our opinion, no ...rson can tolerate what is an outrage upon society. ...vernment became complete when they persisted in it ...mous popular opposition. We would note, too, that sufficient powers by means of ordinances to deal with situations. The government were wholly unjustified in ...e Statute book, on the eve of liberal reforms, an extraordinary ...o deal with anarchy, as if anarchy had been endemic instead of ...are in India.

CHAPTER IV.

SATYAGRAHA.

It was in order to combat the Rowlatt Act, which had raised a storm of unprecedented opposition inside the Council Chamber from the Indian members and outside from the Indian Press, that Mr. Gandhi launched out his *Satyagraha* movement.

People have only a hazy notion of what *Satyagraha* is and how it is applied. We therefore give it in the words of its author, who has prepared for us a special note upon it :—

"For the past thirty years I have been preaching and practising *Satyagraha*. The principles of *Satyagraha*, as I know it to-day, constitute a gradual evolution.

"The term *Satyagraha* was coined by me in South Africa to express the force that the Indians there used for full eight years, and it was coined in order to distinguish it from the movement, then going on in the United Kingdom and South Africa under the name of Passive Resistance.

"Its root meaning is 'holding on to truth'; hence, Truth-force. I have also called it Love-force or Soul-force. In the application of *Satyagraha* I discovered in the earliest stages, that pursuit of truth did not admit of violence being inflicted on one's opponent, but that he must be weaned from error by patience and sympathy. For what appears to be truth to the one may appear to be error to the other. And patience means self-suffering. So the doctrine came to mean vindication of truth, not by infliction of suffering on the opponent, but one's own self.

"*Satyagraha* differs from Passive Resistance as the North Pole from the South. The latter has been conceived as a weapon of the weak and does not exclude the use of physical force or violence for the purpose of gaining one's end; whereas the former has been conceived as a weapon of the strongest, and excludes the use of violence in any shape or form.

"When Daniel disregarded the laws of the Medes and Persians which offended his conscience, and meekly suffered the punishment for his disobedience, he offered *Satyagraha* in its purest form. Socrates would not refrain from preaching what he knew to be the truth to the Athenian youth, and bravely suffered the punishment of death. He was, in this case, a *Satyagrahi*. Prahlad disregarded the orders of his father, because he considered them to be repugnant to his conscience. He uncomplainingly and cheerfully bore the tortures, to which he was

subjected, at the instance of his father. Mirabai is said to have offended her husband by following her own conscience, was content to live in separation from him and bore with quiet dignity and resignation all the injuries that are said to have been done to her in order to bend her to her husband's will. Both Prahlad and Mirabai practised *Satyagraha*. It must be remembered, that neither Daniel nor Socrates, neither Prahlad nor Mirabai had any ill-will towards their persecutors. Daniel and Socrates are regarded as having been model citizens of the States to which they belonged, Prahlad a model son, Mirabai a model wife.

"This doctrine of *Satyagraha* is not new; it is merely an extension of the rule of domestic life to the political. Family disputes and differences are generally settled according to the law of love. The injured member has so much regard for the others, that he suffers injury for the sake of his principles without retaliating and without being angry with those who differ from him. And as repression of anger and self-suffering are difficult processes, he does not dignify trifles into principles, but, in all non-essentials, readily agrees with the rest of the family, and thus contrives to gain the maximum of peace for himself without disturbing that of the others. Thus his action, whether he resists or resigns, is always calculated to promote the common welfare of the family. It is this law of love which, silently but surely, governs the family for the most part throughout the civilized world.

"I feel that nations cannot be one in reality, nor can their activities be conducive to the common good of the whole humanity, unless there is this definite recognition and acceptance of the law of the family in national and international affairs, in other words, on the political platform. Nations can be called civilized, only to the extent that they obey this law.

"This law of love is nothing but a law of truth. Without truth there is no love; without truth it may be affection, as for one's country to the injury of others; or infatuation, as of a young man for a girl; or love may be unreasoning and blind, as of ignorant parents for their children. Love transcends all animality and is never partial. *Satyagraha* has therefore been described as a coin, on whose face you read love and on the reverse you read truth. It is a coin current everywhere and has indefinable value.

"*Satyagraha* is self-dependent. It does not require the assent of the opponent before it can be brought into play. Indeed, it shines out most when the opponent resists. It is therefore irresistible. A *Satyagrahi* does not know what defeat is, for he fights for truth without being exhausted. Death in the fight is a deliverance, and prison, a gateway to liberty.

"It is called also soul-force, because a definite recognition of the soul within is a necessity, if a *Satyagrahi* is to believe that death does not mean cessation of the struggle, but a culmination. The body is merely a vehicle for self-expression; and he gladly gives up the body, when its existence is an obstruction in the way of the opponent seeing the truth, for which the *Satyagrahi* stands. He gives up the body in the certain faith that if anything would change his opponent's view, a willing sacrifice of his body must do so. And with the knowledge that the soul survives the body, he is not impatient to see the triumph of truth in the present body. Indeed, victory lies in the ability to die in the attempt to make the opponent see the truth, which the *Satyagrahi* for the time being expresses.

"And as a *Satyagrahi* never injures his opponent and always appeals, either to his reason by gentle argument, or his heart by the sacrifice of self. *Satyagraha* is twice blessed, it blesses him who practises it, and him against whom it is practised.

"It has however been objected that *Satyagraha*, as we conceive it, can be practised only by a select few. My experience proves the contrary. Once its simple principles—adherence to truth and insistence upon it by self-suffering—are understood, anybody can practise it. It is as difficult or as easy to practise as any other virtue. It is as little necessary for its practice that everyone should understand the whole philosophy of it, as it is for the practice of total abstinence.

"After all, no one disputes the necessity of insisting on truth as one sees it. And it is easy enough to understand that it is vulgar to attempt to compel the opponent to its acceptance by using brute force; it is discreditable to submit to error, because argument has failed to convince, and that the only true and honourable course is not to submit to it even at the cost of one's life. Then only can the world be purged of error, if it ever can be altogether. There can be no compromise with error where it hurts the vital being.

"But, on the political field, the struggle on behalf of the people mostly consists in opposing error in the shape of unjust laws. When you have failed to bring the error home to the law-giver by way of petitions and the like, the only remedy open to you, if you do not wish to submit to it, is to compel him to retrace his steps by suffering in your own person, i. e., by inviting the penalty for the breach of the law. Hence, *Satyagraha* largely appears to the public as civil disobedience or civil resistance. It is civil in the sense that it is not criminal.

"The criminal, i. e., the ordinary law-breaker breaks the law surreptitiously and tries to avoid the penalty; not so the civil resister. He ever obeys the laws of the state to which he belongs, not out of fear of

the sanctions, but because he considers them to be good for the welfare of society. But there come occasions, generally rare, when he considers certain laws to be so unjust as to render obedience to them a dishonour, he then openly and civilly breaks them and quietly suffers the penalty for their breach. And in order to register his protest against the action of the law-giver, it is open to him to withdraw his co-operation from the state by disobeying such other laws whose breach does not involve moral turpitude. In my opinion, the beauty and efficacy of *Satyagraha* are so great and the doctrine so simple that it can be preached even to children. It was preached by me to thousands of men, women and children, commonly called indentured Indians, with excellent results.

"When the Rowlatt Bills were published, I felt that they were so restrictive of human liberty that they must be resisted to the utmost. I observed, too, that the opposition to them was universal among Indians. I submit that no state, however despotic, has the right to enact laws which are repugnant to the whole body of the people, much less a Government guided by constitutional usage and precedent, such as the Indian Government. I felt, too, that the on coming agitation needed a definite direction, if it was neither to collapse nor to run into violent channels.

"I ventured therefore to present *Satyagraha* to the country, emphasising its civil resistance aspect. And as it is purely an inward and purifying movement, I suggested the observance of fast, prayer and suspension of all work for one day—the 6th of April. There was a magnificent response throughout the length and breadth of India, even in little villages, although there was no organization and no great previous preparation. The idea was given to the public as soon as it was conceived. On the 6th April, there was no violence used by the people, and no collision with the police worth naming. The *Hartal* was purely voluntary and spontaneous. I took no steps to further the idea beyond publishing the following message on the 24th March last at Madras:—

"'*Satyagraha*, as I have endeavoured to explain at several meetings, is essentially a religious movement. It is a process of purification and penance. It seeks to secure reforms or redress of grievances by self-suffering. I therefore venture to suggest that the second Sunday after the publication of the Viceregal assent to Bill No. 2 of 1919 (*i. e.* 6th April) may be observed as a day of humiliation and prayer. As there must be an effective public demonstration in keeping with the character of the observance, I beg to advise as follows:—

'(1) A twenty four hours' fast, counting from the last meal on the preceding night, should be observed by all adults, unless prevented from so doing by considerations of religion or health. The fast is not to be regarded in any shape

or form, in the nature of a hunger-strike, or as designed to put any pressure upon the Government. It is to be regarded for the *Satyagrahis* as a necessary discipline to fit them for civil disobedience, contemplated in their pledge, and for all others, as some slight token of the intensity of their wounded feelings.

(*ii*) All work, except such as may be necessary in the public interest, should be suspended for the day. Markets and other business places should be closed. Employees, who are required to work even on Sundays, may only suspend work after obtaining previous leave.

'I do not hesitate to recommend these two suggestions for adoption by public servants. For, though it is unquestionably the right thing for them not to take part in political discussion and gatherings, in my opinion they have an undoubted right to express, upon vital matters, their feelings in the very limited manner herein suggested.

'(*iii*) Public meetings should be held on that day in all parts of India, not excluding villages, at which resolutions praying for the withdrawal of the two measures should be passed.

'If my advice is deemed worthy of acceptance, the responsibility will lie, in the first instance, on the various *Satyagraha* Associations for undertaking the necessary work of organization, but all other Associations will, I hope, join hands in making this demonstration a success."

The doctrine of *Satyagraha* as explained by Mr. Gandhi seems to be clear and intelligible as a theoretical proposition. But, we think that it is not easy, as it may appear at first sight, to reduce it to practice in every walk of life. For the practice of such *Satyagraha* a large amount of discipline in patience and self-control is necessary. And these are the qualities that are in practice found to be most lacking, when they are most needed. *Satyagraha* to be acceptable as a doctrine of every day life by a large number of people must be capable of being practised by the average human being; and the average man is more prone to resort to violence than to sacrifice himself, when he is chafing under a sense of wrong. Mr. Gandhi's answer is that the average man does exercise such patience in the family circle, and Mr. Gandhi only asks for its extension to the political circle.

In any case, this is not the place where we need examine the feasibility of the doctrine any further than we have done. This much is clear that the preaching of an innocuous doctrine of this nature can only do good to society. And it is our firm belief, based on our examination of hundreds of men, that, had not the spirit of *Satyagraha* permeated the people who took part in the agitation, the results would have been infinitely more disastrous than they were. The examplary self-control exercised by the people in the other parts of India shows, not that they are vitally different in temperament from the Punjabees, but that the

restraining influence of *Satyagraha* was powerful enough to control the anger of the people against the action of the Government in forcing the Rowlatt Act upon India. If the people had been able to vent their resentment without disregarding restraint and discipline in offering disobedience to the laws of the State, it is highly likely that the Government would have long ere this yielded to the people's will.

But the restraining influence of *Satyagraha* proved unequal to the strain put upon it by the Punjab Government. Had Sir M. O'Dwyer recognised the sobering effect of *Satyagraha* and co-operated with the people, as did the Governments of the other provinces in a more or less perfect manner, the terrible sufferings of the Punjab would have been avoided, and the history of the past few months would have been differently written.

We admit that *Satyagraha*, if properly practised, would render Government of people by brute force an impossibility, and that, therefore, an effective enforcement of laws disliked by the people would be difficult, if not altogether impossible. But that can be no ground of complaint in a state, whose constitution requires the assent of the governed to their Government in a given manner.

It only remains for us to examine whether *Satyagraha* was responsible for the murders, arson, and pillage that took place in the Punjab. The preaching of *Satyagraha*, as we have shown, could never produce violence in any shape or form, for it is negation of violence. The preaching of the civil disobedience form of *Satyagraha*, however, can easily lend itself to misinterpretation, and can only be cautiously undertaken. We recognise the necessity for the utmost caution in advocating civil resistance. It is easy enough to undermine respect for law, but it is not equally easy to inculcate suffering involved in civil, *i. e.* non-violent disobedience of the laws of a state. Civil resistance can therefore only be preached, where the ground has been previously prepared for self-suffering. We had to note that Mr. Gandhi frankly, and we think rightly, admitted his error in prematurely embarking on mass civil disobedience, and immediaely suspended his movement.

In the Punjab, however, the civil resistance part of *Satyagraha* was neither appreciated nor understood, much less practised. The *Hartal*, as such, has nothing to do with civil resistance. It may be a part of *Satyagraha*, if it is voluntary, free from all violence and resorted to not to express ill-will against, but disapprobation of, the acts of a wrong doer. Moreover, *Hartal* is an ages, old institution in India, resorted to by people under the very conditions in which it was applied in the Punjab during April. Neither *Satyagraha* nor *Hartal*, therefore, had any thing to do with the mob excesses. What led to them will be considered in the following pages.

CHAPTER V,

The Martial Law.

Part I.—General.

We have followed Sir Michael O'Dwyer's administration with regard to his treatment of the educated classes and his recruiting methods. We have endeavoured to show how Sir Michael O'Dwyer estranged all classes of Punjabis from him. We have also described in sufficient detail the Rowlatt Act and its consequences. We have shewn, too, the nature of the agitation that took place throughout the length and breadth of India for its repeal. We have given, in the language of its author, the principles of *Satyagraha*, and we think we have shown sufficiently clearly that the Rowlatt Act agitation, which crystallized into shape on the 6th April, produced no violence whatsoever, and that *Satyagraha*, as conceived and applied by its author, is singularly free from violence; indeed, its propagation and acceptance can only result in greater peace and security of life and property. We have shewn, too, that the Rowlatt Act agitation and *Satyagraha* had likewise enabled the people to realise their power, and had energised them. The people in the Punjab had no love for the Government, as represented by Sir Michael O'Dwyer. They were thorougly discontented. This discontentment became intensified by reason of high prices. They had expected better times in every way after the war. On the contrary, the termination of hostilities brought into prominent relief their own precarious position. The unrest thus caused was aggravated by the Khilafat agitation, the Muhammadans, not without just cause, distrusting the intentions of the British Government.

In order properly to understand the events of April last, it is necessary to bear in mind the foregoing facts, which are scarcely capable of being disputed.

The Punjab had a complete *hartal* on the 6th April. It was a scene unparalleled in the Punjab, and, for that matter, in India. On that day, the leaders and the people seemed to act as one man. There was complete fraternization between Hindus and Muhammadans. Resolutions were passed all over, protesting against the Rowlatt Act and demanding its repeal. The demonstration of the 6th of April was a peaceful assertion of the people's will.

This, however, proved too much for Sir Michael O'Dwyer. He scented danger to the British Rule in both the *hartal* and the Hindu Muhammadan unity. To him it was an *anti*-British combination, that must be broken at any cost. Even the prosecution against Lahore leaders dignified their peaceful acts by the name of "conspiracy and waging war." The *precis* of the Lahore case, prepared by the convening authority, proceeds:—"The measure commonly known as the Rowlatt Bill was passed by the Imperial Council on 18th March 1919. Thereupon, a general conspiracy was formed by persons outside the Punjab, with whom the

accused associated, to hold tumultous meetings, and to ordain a general strike with the intention aud object of imflaming popular feeling against Government, and to so overawe it, as to try and induce the vetoing of the measure. Accordingly, throughout India, and in the Punjab in particular, the said conspirators, including the accused, declared a general strike, commonly known as a *hartal*, to take place on the 30th March, intending thereby to induce disorder, paralyse the economic life of the country, and excite disaffection and hatred towards Government."

Then follows a general statement of several meetings, called in the *precis* "riotous assembly," and this is followed by two paragraphs which we must give in the words of the Government draftsman:—"On the 9th April, in pursuance of the conspiracy to excite disaffection and feelings of enmity against Government, and on the occasion of the Ramnaumi procession, the accused, Rambhaj Datt, Gokal Chand, Dharm Das Suri, and Duni Chand, and others encouraged the fraternisation of Hindus and Muhammadans against the Government as by law established. On the 10th April, the Government of the Punjab, with a view to maintaining peace and order, prevented the ingress of one of the conspirators, by name Gandhi, into the province, and, on the same date, ordered the deportation of two other conspirators from Amritsar, by name Kitchlew and Satyapal. These precautionary measures of Government for the preservation of peace and order were seized upon by the conspirators as a signal to wage war against the King." We cite these paragraphs to emphasise the points made by us, *viz.*, that the *hartal*, the meetings preceding and following it, and the fraternisation of Hindus and Muhammadans were interpreted as a menace to the Government. Nor was this treatment of the *hartal* and the fraternisation an after-thought. Sir Michael O'Dwyer had expressed himself in plain language on the 7th April. We have already quoted from his speech of that day. He had met the Hon'ble Raizada Bhagat Ram, Barrister of Jullundur. He expressed his strong disapproval of the *hartal* to him also, as will appear from the statement submitted by him.

Raizada Bhagat Ram says:—

"After the meeting (of the Punjab Legislative Council) I met the Lieutenant-Governor in the drawing room. He asked me what sort of a *hartal* we had at Jullundur. I replied it was a complete *hartal*, and that there was no disturbance. Sir M. O'Dwyer asked me what I attributed it to. I answered, 'To my mind it was due to the Soul-force of Mr. Gandhi.' On this, Sir Michael raised his fist and said, 'Raizada Sahib, remember, there is another force greater than Gandhi's Soul-force." (St. 650).

Thus Sir Michael was determined to crush all political consciousness by any means he could think of. He was prepared to goad the people to madness. How he partially succeeded, we shall see presently.

The Martial Law.

Part II.

1. Amritsar.

We shall take Amritsar first, as it was there that the goading process took place. Amritsar is second in importance to Lahore, though in many respects it is more important even than Lahore. Its population numbers 160,000. It is the city of the golden temple, the greatest place of Sikh worship. Being the largest commercial centre in the Punjab, and having the golden temple, it attracts travellers and visitors from all parts of the Punjab and even from outside.

About the middle of April marks the Hindu New Year's Day, when in Amritsar there takes place also a cattle fair. The New year's day is called the Baisakhi, the occasion being both religious and commercial. Every year it draws crowds from far and near. The Baisakhi is preceded by the Ramnaumi celebration,

Amritsar observed the 6th of April in a thorough manner, the Muhammadans, the Sikhs and the other Hindus belonging to all grades observed complete *Hartal*. It was spontaneous and voluntary. The behaviour of the crowd was unexceptionable and there were no accidents to regret or to report.

The ninth April was the Ramnaumi day. It is principally a Hindu religious function. But this time it was used for Hindu Muhammadan Unity. The Muhammadans took a leading part in it. Dr. Kitchlew and Dr. Satyapal were among the organisers of the fraternisation. Long before this, the two leaders had risen into prominence by their public services.

Dr. Saif-ud-din Kitchlew is a Muhammadan Barrister enjoying a considerable practice. He is a Doctor of Philosophy of Munster and a graduate of Cambridge. He was also a student at Aligarh. He is 35 years old, is married and has got two chiidren. He has interested himself for several years in Hindu Muhammadan Unity.

Dr. Satyapal is a Hindu, Khatri by caste. He is a B. A, M. B., of the Punjab University. He held the King's Commission for one year at Aden during the War as Lt: I. M. S. He was a co-worker with Dr. Kitchlew and became popular by reason of having carried on a successful agitation against the stoppage of the issue of platform tickets to Indians at the Amritsar Railway Station. Both became much more popular during the Rowlatt agitation, and both approved of Satayagrah. There is no doubt that at Amritsar, as elsewhere, the Rowlatt agitation began to draw much larger audiences than before, and as the agitation

gathered force, by their continuous activity they became the idols of the people.

Dr. Satyapal was prohibited on the 29th March 1919, under orders of the Government of the Punjab, from speaking in the public, and he was interned in Amritsar.

As has been observed in the previous chapter, *Hartal* was observed in some parts of India on the 30th of March also. It was observed that day in Amritsar.

The meeting of the 30th March at Amritsar, according to official accounts, is said to have been attended by from 30,000 to 35,000 persons, but all accounts agree that it passed off without a single untoward incident. The speakers at the meeting emphasized the peaceful and religious character of the function. These are the closing words of Dr. Kitchlew:—

"We will be ever prepared to sacrifice personal over national interests. The message of Mahatma Gandhi has been read to you. All countrymen should become prepared for resistance. This does not mean that this sacred town or country should be flooded with blood. The resistance should be a passive one. Be ready to act according to your conscience, though this may send you to Jail, or bring an order of internment on you."

Again:—"Do not cause pain or distress to any one. Go home peacefully. Take a walk in the garden. Do not use harsh words in respect of any police man, or traitor, which might cause him pain or lead to the possibility of a breach of the peace or a riot."

But Sir Michael O'Dwyer was much ruffled by the *Hartal* and the meeting at Amritsar. He, therefore, served on Dr. Kitchlew also the same order as on Dr. Satyapal. The order is dated the 3rd April :and reads that "he shall until further orders (a) remain and reside within the municipal limits of Amritsar City (b) refrain from communicating, either directly or indirectly, with the press and (c) refrain from convening or attending or addressing in writing or otherwise any public meeting.

Pandit Kotu Mal, Pandit Dina Nath and Swami Anubhavanand were also similarly restricted. These orders had undoubtedly agitated the public mind, but the people were not unnerved by them. There was, therefore, another complete *Hartal* on the 6th April, and a meeting larger still than the one held on the 30th March. Mr. Badrul Islam Khan, a Barrister of Amritsar, presided at the meeting which is said to have been attended by 50,000 people. Quoting again from the official record, the meeting passed a resolution requesting the Government that the orders against Dr. Satyapal and others might be rescinded. The burden

of the speeches in connection with the orders will be found in the following sentence, which we extract from the report before us :—

" The only fault found with them is, that they informed all of us of the real object of the Rowlatt Act."

A resolution asking for the repeal of the Rowlatt Act was also passed. The president in concluding the proceedings said :—

" To-day's meeting has been held more successfully even than the meeting of Sunday last. Your object as to the expression of opinion has been accomplished. At this time people should not exhibit passions, but they should be patient. Mahatma Gandhi's advice is : in this struggle we will patiently bear grief and sorrow and thus save ourselves from violence and harshness. Falsehood will fail and truth shall win. If you preserve peace of mind, patience and forbearance, the meeting shall have a vast effect. But, if there is the least disturbance, and eveu two men fight with each other, this will entail bad results and the meeting will have no effect. The audience is therefore requested to leave the meeting place very calmly and not to make any sort of procession."

The report from which we have quoted the above passage and which is dated the 8th April concludes :—" The public fully complied with the directions of the President."

The 9th of April, as already stated, was the great Ram Naumi day. The leaders had decided, that there should be complete fraternisation between Hindus and Muhammadans on that occasion. The Ram Naumi is usually a religious function, but the Muhammadans having decided to take part in it, it undoubtedly assumed a larger significance. It was a big procession, in which a large number of Muhammadans took part. Dr. Kitchlew and Dr. Satyapal witnessed the procession from different places and received a great ovation from it as it went past them. The Deputy Commissioner of Amritsar also watched the procession, and as the various band parties passed him they struck up " God save the King." And again in spite of the great demonstration, there was no regrettable incident and no accident.

All this popular demonstration and unfoldment of national consciousness would have gladdened any ruler with imagination, and sympathy with popular aspirations. It only enraged Sir Michael O'Dwyer. He was angry that his orders, referred to by us, instead of cowing down the people, had only made them bolder and more articulate in their demands. Therefore, practically at the same time that the popular demonstration was going on in an orderly, perfectly constitutional manner, an order was being forged in the Punjab Government Secretariat, which was to destroy and disturb the people's peace; for the Lieutenant-Governor had decided to deport Drs. Kitchlew and Satyapal. The orders were received at

Amritsar late at night on the 9th April, and Drs. Kitchlew and Satyapal were sent for on the 10th April by the Deputy Commissioner, who served the orders on them and sent them away to an unknown destination in a motor car. The news spread throughout Amritsar like lightening. A crowd immediately gathered together. It was a crowd of mourners—bareheaded, many unshod, and all without sticks. It was on its way to the Deputy Commissioner's bangalow to plead for the release of its loved ones. It marched through the principal streets of Amritsar, passed by the National Bank, the Town Hall and the Christian Mission Hall, the very buildings which within a short time were to be destroyed by some of them. Its progress was, however, stopped at the Railway carriage over-bridge which was guarded by a military picket. The men demanded passage and said that they wanted to go to the Deputy Commissioner's bangalow to make *Faryad*—a prayer. They pushed forward, the picket fell back a little. They advanced, the military fired, killing and wounding some of them; whereon the crowd fell back. It was now no longer a peaceful crowd. It was a crowd foiled in its effort to secure the release of its leaders, and exasperated at the wounding and the killing of some of its members. These enraged men went to the Railway foot-bridge and some to the Hall Bazar, carrying the killed and the wounded. The sight of the wounded persons and dead bodies inflamed the citizens who saw them. Within a short time, a large crowd was again seen near the carriage over-bridge and the foot-bridge. This time it had armed itself with sticks and pieces of wood. Both the bridges were guarded by the military.

Meanwhile, the members of the Bar, having heard of the uproar, had offered their services to the Deputy Commissioner with a view to intervention. They were permitted to intervene. On their arrival, Mr. Plomer the Deputy Superintendent of Police, Amritsar, told them that a big crowd had gone towards the Railway yard. Some, therefore, went in that direction and some remained near the bridges. Those that went to the Railway yard succeeded in clearing the crowd from it. Near the carriage over-bridge, however, the position was more difficult. Messrs Salaria and Maqbool Mahmood were trying, on the one hand, to reason with the crowd, and, on the other hand to restrain the authorities from firing. At one time it appeared as if they would succeed, but some persons in the crowd threw stones or pieces of wood at the military, who instantly fired, killing about twenty persons and wounding many. Messrs. Salaria and Maqbool Mahmood had themselves a narrow escape. The Officer in charge expressed his regret for ordering the fire whilst they were in the crowd and trying to help the authorities by persuading the crowd to disperse. Mr. Maqbool Mahmood then went to the Civil Hospital and brought Dr. Dhanpat Rai to render first aid to the wounded. The stretchers were brought from the hospital, but it is said that Mr. Plomer sent them away, saying that the people would make their own arrangements. Some of the wounded were taken to Dr. Kidar Nath's house. He was

living very near to the zenana Hospital. It is stated that Mrs. Easden, on seeing the wounded, laughed and said that the Hindus and the Muhammadans had got what they deserved. Upon this, a party forced its way into the Hospital and tried to find out Mrs. Easden, but she was in the meanwhile concealed by Mrs. Benjamin and was only thus able to escape the mob. The excited mob sacked the National Bank and murdered Mr. Stewart, the manager, and Mr. Scott, the accountant. Those who had gone to the goods shed murdered Mr. Robinson, the railway guard The mob attacked the Alliance Bank and upon Mr. Thomson, the manager, firing revolver shots, became infuriated and murdered him, threw down his body and burnt the corpse with the Bank furniture. Sergeant Rowland, the Cantonment electrician, was killed near the Rigo Bridge. The Town Hall, the Post Office and the Mission Hall were burnt, and so was a part of the Bhagtanwala Railway Station. An attack was attempted on the Chartered Bank also, but no serious damage was done to it, the Indian staff of the Bank saving the situation. Miss Sherwood who was cycling was brutally attacked, but she was rescued by the father of one of her Indian pupils. The crowd, there is little doubt, contained the usual *badmash* (hooligan) element, which seeing the opportunity resorted to looting the National Bank godowns. We might mention here, that since then some police men had been apprehended for being in possession of the property stolen from the banks. The whole of the destruction and looting was finished before 5 p. m. on the 10th April.

The provocation given by the deportation of their beloved leaders to the people of Amritsar was grave and uncalled for. This was doubled when the unarmed crowd was prevented from proceeding on its peaceful errand, and upon becoming insistent was fired on. It is necessary here to recall and emphasise the fact that up to the time of reaching the carriage overbridge and the firing on it, the mob had committed no violence. It is difficult to say what would have happened, if the mob had been allowed to proceed to the Deputy Commissioner's bangalow and there had its prayer rejected, as it was likely to be. It would have largely depended on the way the Deputy Commissioner dealt with them. It must be granted that the crowd was in an assertive mood, and if the authorities thought that the crowd would have acted in a violent manner, we are not prepared to blame them for checking its advance. Our study of the evidence led before the Martial Law Commissions, of the official evidence led before Lord Hunter's Committee and the evidence collected by us, leads to the conclusion that there was no warrant for the firing. The authorities omitted all the intermediate stages that are usually resorted to in all civilized countries. There was no parleying, no humouring, and no use of milder force. Immediately the crowd became insistent, the order to fire was given. In this country, it has become too much the custom with the executive and the military never to run any risk, or, to put it in another way, to count Indian life very cheap.

This is what Mr. Maqbool Mahmood, High Court Vakil, who together with Mr. Salaria was trying to reason with the crowd, says with reference to the second firing :—

" Salaria and I shouted out to the Deputy Commissioner and the officers to get back and not to fire, as we still hoped to take the crowd back. A few of the crowd threw wood and stones at the soldiers. The soldiers at once opened a volley of fire without any warning or intimation. Bullets whistled to my right and left. The crowd dispersed, leaving 20 or 25 killed and wounded. After the firing stopped, I went up to the soldiers and enquired if they had an ambulance car, or any first aid arrangements at hand. I wanted to run to the hospital which was close by for help. The soldiers would not allow me. Mr. Seymour, however, let me go.....The Deputy Commissioner himself was present when the fire was opened. He knew that Salaria and I were members of the Bar, and were trying to get the people back to the city. It was by mere accident that our lives were saved. I still believe, if the authorities had a little more patience, we would have succeeded in taking the crowd back. It is a matter of regret that, when the authorities decided to fire, they did not make any arrangement for an ambulance car or first aid. I believe some of the wounded might have been saved, if timely medical assistance had been forthcoming. After the first few shots, the crowd rushed back, but the firing was continued even after they began running away. Many of them were hit on the back. Most of the wounded were hit above the belt, on the face or on the head." (St. 5, pp. 30 & 31).

It should be remembered that the mob had not yet indulged in excesses. There was, therefore, no occasion for impatience, indifference or callousness, which, according to this witness, was evidently the case.

Whilst, therefore, we deplore the deportation order and the firing, and consider both as unjustifiable, and the absence of any ambulance arrangement as inhuman, nothing can be held to justify the wanton destruction by the mob of the innocent lives and properties. The Bank managers were deservedly popular. The others, who were murdered, were unknown to the crowd, and totally innocent. Miss Sherwood was a devoted Christian teacher and no remarks, however objectionable, that might have been made by Mrs. Easdon, could warrant the proceedings of the mob. The destruction of the buildings was utterly mad, and we cannot help saying that all the good, that had been done by the wonderful self-restraint previously exercised by the Amritsar people, was undone by these wild and unworthy acts of the mob.

Could these excesses have been prevented? Could innocent lives have been saved? What were the police doing? The *Kotwali* (Police Station) is a portion of the same block as the Town Hall. There

were sufficient numbers of the police force at the *Kotwali*. The crowd did not touch the *Kotwali*, whilst it burnt the adjoining Town Hall with impunity. Most of the other buildings burnt were within a stone's throw of the *Kotwali*. The police had also intimation of the fact that the banks were being set fire to. It was clearly the duty of the police to have bestirred themselves and, even at the peril of their lives, at least tried to save the Englishmen who were murdered.

This murder and incendiarism came upon the authorities with such suddenness that they were unnerved for the time being. Mr. Kitchin was sent post-haste from Lahore by the Lieutenant-Governor. He says in his evidence before the Hunter Committee that he met people on the road. He motored unmolested to Amritsar which is about 35 miles from Lahore. This was in the afternoon at about 4 p.m. on the 10th April. At night at about 11, a troop train came with troops under Major MacDonald. Mr. Kitchin told him "that the situation was beyond their control and that he should take such steps, as the military situation demanded." He says further in his evidence that "he advised him to send a suitable force into the city and get information, or bring the survivors which was done." "Why was not a Civil Magistrate sent", asked Lord Hunter. Mr. Kitchin replied, "I expected that the party would have to fight their way and the presence of a Civil Magistrate would naturally embarrass what was purely a military operation.....The survivors were brought out and the *Kotwali* was reinforced without any resistance or fighting."

He returned to Lahore on the 11th. The charge of the city was handed over by Mr. Miles Irving to the military. On reaching Lahore, he informed the Lieutenant Governor of this and the Lieutenent Governor approved. Next morning, Mr. Kitchin again motored to Amritsar, but he saw no indication of any disturbances. Meanwhile General Dyer had arrived, established his head-quarters at Ram Bagh and had taken over full control.

The first thing General Dyer did was to make arrests. He entered the city and made about twelve arrests without any molestation or resistance whatsoever.

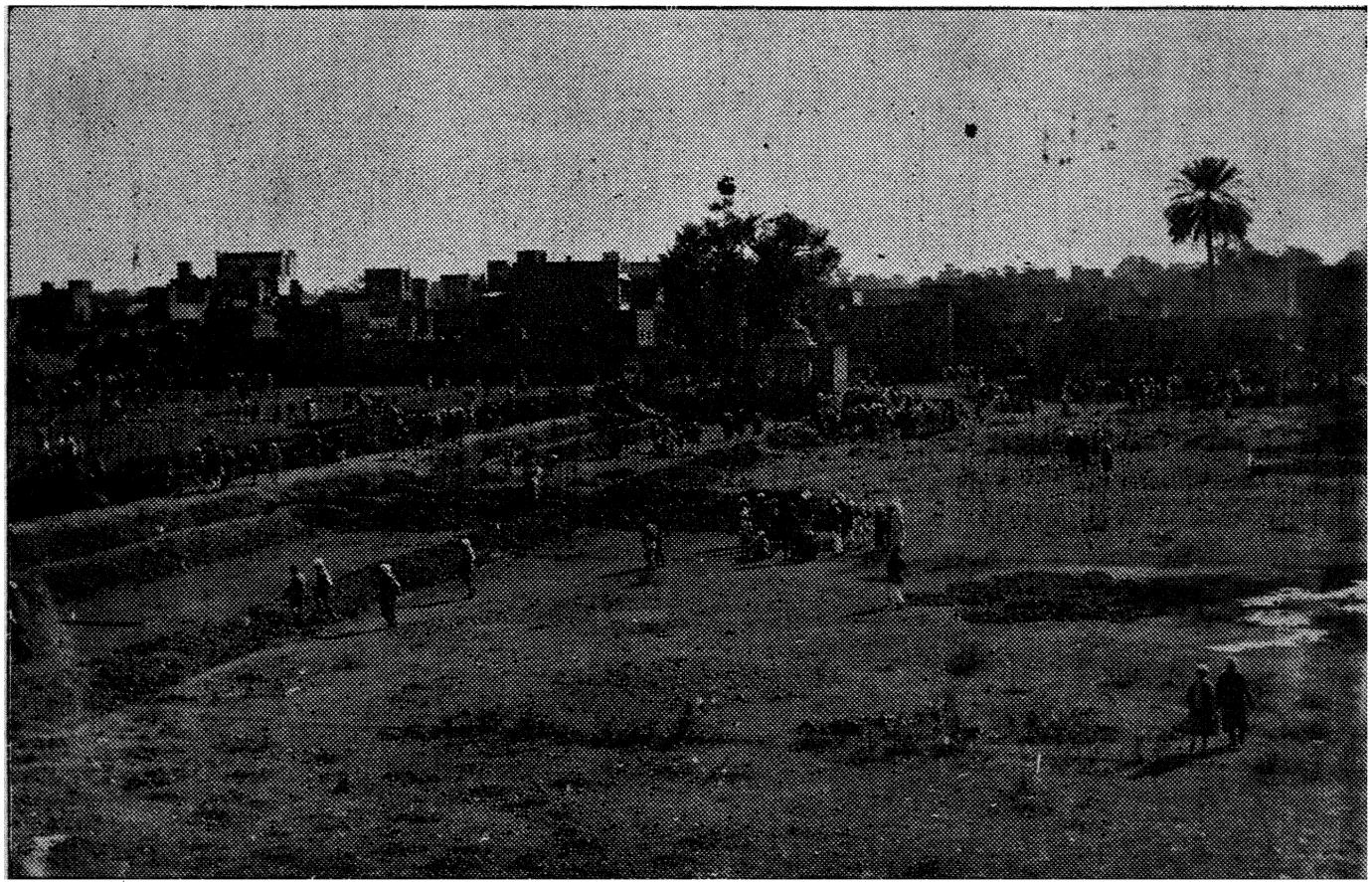
We now turn to the people's doings during this time. On the night of the 10th, the city was left to itself, but there was no robbery or looting. Early in the morning of the 11th, they wanted to dispose of the dead. The military authorities would not allow, at first, more than 4 persons to accompany each bier. The people were intensely dissatisfied. They wanted a funeral procession. They sent their representatives to plead for them. At last, permission was granted after much haggling, but the procession was ordered to return before 2 p.m. The procession was very large, but the orders were strictly carried

out and everything was finished before the appointed time. On the 12th April, Hans Raj, who subsequently became chief approver in the Amritsar conspiracy case, held a meeting at Dhab Khatikan, and he announced that another meeting would be held on the 13th April in the Jallianwala Bagh under the chairmanship of Lala Kanhya Lal. Lala Kanhya Lal himself denies having ever been asked or having consented to preside at any such meeting. He is a respectable pleader of long standing, 75 years old, and he is very popular. (St. 29.) We have no doubt that his statement is correct. We believe that his name was used to draw a large crowd.

To understand the event that followed, it is necessary to have a picture of Amritsar as drawn by one who belonged to it, and yet had been away just for a few days. We have such a picture given by Lala Girdhari Lal, Deputy Chairman of the Punjab Chamber of Commerce, and Managing Director of the Amritsar Flour and General Mills Company. He says :—

"I reached Amritsar by Calcutta Mail from Cawnpore on 11th April, 1919, about 11-30 a.m.....From and on the canal bridge near Amritsar, I saw batches of policemen guarding the railway lines. When the train steamed into the station here, the whole place looked like a regular military post, with soldiers and guns scattered all over..... .....No coolie or conveyance of any kind was to be had. Just as I came out of the platform, Sardar Bikram Singh met me and advised me either to go back where I had come from, or not to enter the city in any case. Being extremely nervous, as it appeared to me, he did not talk to me long. By the kindness of a railway servant, after waiting for 20 minutes, with great difficulty, I got a coolie to carry my luggage as far as the Golden Temple. At the foot bridge there was a guard of some European soldiers, who would not let any one enter the city without searching all things thoroughly. Sticks of all kinds were taken away from every one. After a thorough overhauling of all my things I was allowed to proceed further. No one was permitted to go over the carriage bridge. This continued for days, till the 15th April probably. At every step outside the city, one could see nothing but only military or police at short distances with rifles and bayonets. Not a single policeman was to be seen on duty anywhere within the city.....The first thing that struck me, immediately on entering the city, was the stoppage of water supply completely..... .....Later, in the evening, I found the electric connection all over the city proper also cut off. To the best of my memory, this inconvenience also lasted at least upto 18th or 19th April, if not later. While proceeding to the Golden Temple, I saw marks of violence. Telegraph wires were cut, some buildings were burnt". (St. 1, pp. 1 & 2)."

According to the official testimony also, the cutting off of the water supply and electric light lasted three or four days, and it is quite evident



The Jallianwala Bagh showing temple near which the meeting took place.

that the cruel deprivation was intended largely to be a punishment for the whole city for the violence, in which only a few could take part, and which, as Lord Hunter pointed out to a witness, the peaceful citizens could not prevent.

On the 13th April, in the morning at about 9-30, General Dyer entered the city with an escort and made a proclamation. It was, according to the General's evidence before Lord Hunter's Committee, in three parts. The last part is the only part relevant to the occasion. It runs :—" No procession of any kind is permitted to parade the city or any part of the city or outside of it any time. Any such procession or gathering of 4 men will be looked upon and treated as an unlawful assembly and dispersed by force of arms, if necessary." General Dyer was closely questioned on the significance of the qualifications ' if necessary ' and on the meaning of the word " gathering " in juxtaposition to the word " procession." " If necessary " can only mean ' in the event of such gathering not dispersing otherwise,' and ' gathering ' can only mean ' gathering in a public street' ; otherwise, any gathering of more than 4 men in private houses would become an unlawful assembly in terms of the proclamation.

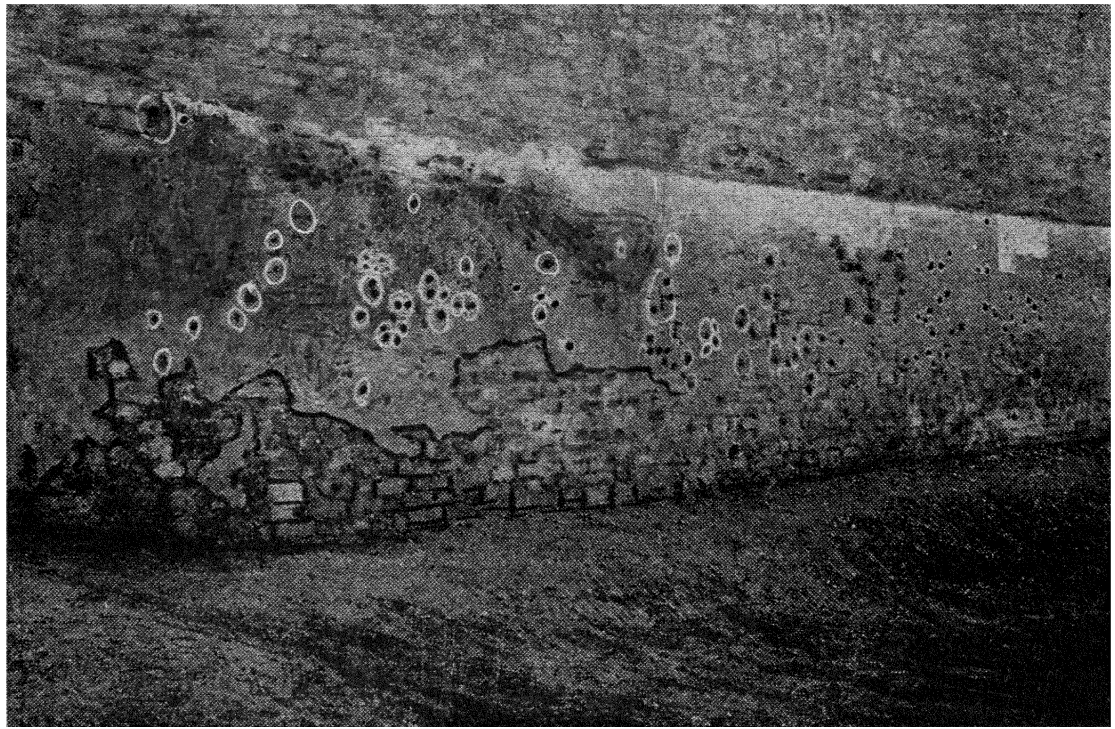
This proclamation was read out by an interpreter in Punjabee and Urdu, at intervals, during General Dyer's progress through the city, which he says, occupied " 2 or 3 hours." The drum was beaten to gather the people. A map was handed to the General indicating the places at which the proclamation was read, and he admitted that it was not read in many parts of the city. We have examined the map of the city with the route marked. More than one half, and that the most populous part of the city, was left untouched by the General. There is abundant evidence to show that very few citizens knew anything about the proclamation. Moreover, the 13th April was, as stated before, the Baisaki, Hindu New Year's day, and many people from surrounding villages were streaming in, who knew nothing of the proclamation. That such people did come and could not have heard the proclamation is admitted by the official witnesses.

At or about the time of this proclamation, a boy was announcing in the streets of Amritsar, by beating a tin can, that a meeting would be held at 4 p. m. at Jalleanwala Bagh, and that Lala Kanhya Lal would preside at that meeting. There may be a question as to the exact time of this announcement by the boy. The evidence before us, however, shows that the announcement was made sometime before the proclamation by General Dyer. Lala Kanhya Lal says, "I heard that some men (who have not been traced up to this time to my knowledge) had, on the 13th April, proclaimed that a lecture would be given in the Jalleanwala Garden by me. This led or induced the public to think that I would give them some sound advice on the situation then existing." (St. 29, p. 73)

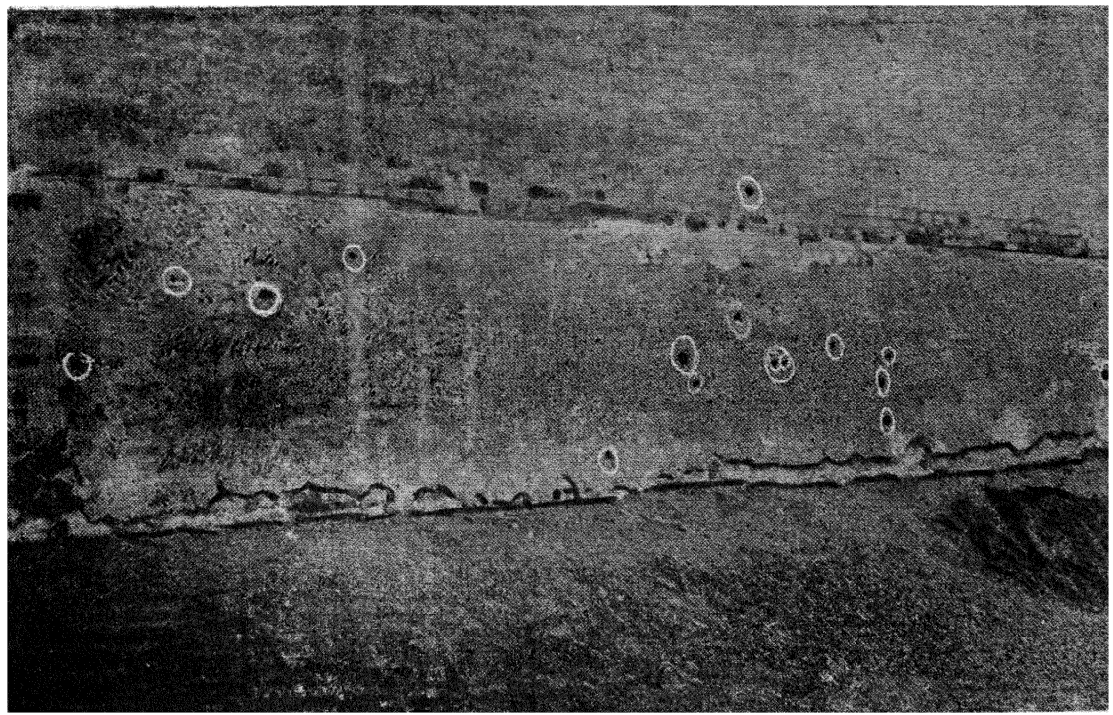
At about 12·45 p.m., General Dyer was informed that a big meeting was to be held at Jalleanwala Bagh at 4-30 that very after noon. General Dyer admits that he took no steps to prevent the meeting. "I want you to explain" asked Lord Hunter "why you did not take measures to prevent the crowd from assembling at the Jalleanwala Bagh?" The General answered, "I went there as soon as I could. I had to organise my forces, to think the matter out.....I thought I had done enough in warning them not to meet." Lord Hunter asked, "Did the making of dispositions necessitate the occupation of the time between 12.40 to 4 p m." General Dyer answered, "I did not believe that they would really meet, after all that I had done in the morning. I did not think of sending off another force and warn them not to go." He got definite information at 4 o'clock that the meeting was actually being held. Soon after, he marched off towards the city with picketing parties consisting of 25 rifles of Gurkhas and 25 Sikhs. He had also 40 more Gurkhas armed with *Khukhris*, and he took two armoured cars with him. He went at the 'ordinary walking pace.' To Lord Hunter's question, 'why he did not consider there was any necessity for proceeding with any extra expedition,' he said, "No Sir, it was very hot, we went at the usual pace of marching." He reached the Bagh about 5 or 5-15 p.m.

What is Jalleanwala Bagh? The word *bagh* is a misnomer 'Jalle' is the caste name of the original owner, 'wala' is the genitive termination; and the '*bagh*,' meaning a garden, is really an open piece of waste land surrounded by houses. It was, at the time, a private property owned in common by several people. As will appear from the plan attached, it is an irregular quadrangle, indifferently walled; and in most cases, the back walls of the houses surrounding it enclose the quadrangle. There are three trees in the quadrangle, a dilapidated *Samadh* (tomb) with a dome, and a well. The main entrance is a narrow passage through which armoured cars happily could not pass. There were no other regular entrances, but at 4 or 5 points, it was possible to get out through narrow openings. The ground at the entrance is an elevation, remarkably fit for posting soldiers and firing upon a crowd in front. Whenl therefore, General Dyer marched into the Bagh with his 90 soldiers, the crowd had no easy exit.

According to the evidence before us, Hans Raj, prior to Genera, Dyer's arrival, was in possession of the audience estimated at 20,000. He and a few others were standing on an improvised platform marked on the plan. An aeroplane was hovering over the meeting before the arrival of the troops. Hans Raj asked the meeting not to be afraid. The audience included many boys and children, and some men had come with infants in their arms. The people had no *lathis* with them. There were some C. I. D. men also at the meeting. Two of them were seen talking to Hans Raj. General Dyer deployed 25 soldiers to the right and 25 to the left, on the high ground on the north side of the rectangular space. It is best to give what happened afterwards, in his own words;—



Western walls in Jalleanwala Bagh showing holes caused by bullets even 6 inches deep.



Eastern walls of Jalleanwala Bagh where the casualties were the heaviest as the crowd was the biggest and had no means for escape.

Q.—When you got into the *bagh*, wh

A.—I opened fire.

Q.—At once ?

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

Q.—As regards the crowd, what was it doing ?

A.—Well, they were holding a meeting. There was a man in the centre of the place on something raised. His arms were moving about. He was evidently addressing. He was absolutely in the centre of the square, as far as I could judge. I should say some 50 or 60 yards from where my troops were drawn up.

The General had admitted that there might have been a good many who had not heard of the proclamation. So Lord Hunter asked, "On the assumption that there was that risk of people being in the crowd who were not aware of the proclamation, did it not occur to you that it was a proper measure to ask the crowd to disperse before you took that step of actually firing" ?

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

Q.—Before you dispersed the crowd, had the crowd taken any action at all ?

A.—No, Sir. They had run away, a few of them.

Q.—Did they start to run away ?

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

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

A.—There was no Deputy Commissioner to consult at the time. I did not think it wise to ask any body further. I had to make up my mind immediately as to what my action should be. I considered it from the Military point of view that I ought to fire immediately, that if I did not do so, I should fail in my duty.....

Q.—In firing was it your object to disperse ?

A.—No, Sir. I was going to fire until they dispersed.

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

A.—Immediately.

Q.—Did you continue firing?

A.—Yes.

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

A.—I thought it was my duty to go on until it dispersed. If I fired a little, I should be wrong in firing at all.

Then in reply to a variety of questions, General Dyer said he continued to fire for about 10 minutes, and that he had no "military experience to use similar methods of dispersing crowds"; "he could have dispersed them, perhaps even without firing". But he fired, because "they would all have come back and laughed at him and he would have made 'a fool of himself'. His reasons for firing, he has given, in answer to another question, as follows :—

"I thought they were trying to assault me and my forces suddenly. All these pointed that this was a wide spread movement which was not confined to Amritsar alone, and that the situation was a wide military situation which was not confined to Amritsar." The General had fired 1650 rounds of ammunition. He admitted also that if he could have taken the armoured cars into the bagh, he would have done so and opened fire with them, that he stopped shooting, when he did, because the ammunition had run out, and that the crowd was very dense. He had made no provision for aiding or removing the wounded. It was not then his duty to render aid. That was a medical question. As soon as the firing ceased he retired. From time to time, he "checked his fire and directed it upon places where the crowd was thickest," and that he did, not because they were not going fast, but because he (the General) "had made up his mind to punish them for having assembled."

We must now supply further details of the scene from the mouths of eye-witnesses. We have already adverted to Lala Girdhari Lal's statement. He happened to watch the scene from a house overlooking the *bagh*. "I saw hundreds of persons killed on the spot. The worst part of the whole thing was that firing was directed towards the gates through which the people were running out. There were small outlets, 4 or 5 in all, and bullets actually rained over the people at all these gates, and.....many got trampled under the feet of the rushing crowds and thus lost their lives. Blood was pouring in profusion. Even those who lay flat on the ground were shot.....No arrangements were made by the authorities to look after the dead or wounded.....I then gave water to the wounded and rendered such assistance as was possible.....I went round the whole place and saw almost every body lying there. There were heaps of them at different places.....The dead bodies were of grown up people and young boys



Madan Mohan, aged 13 years, shot at Jallianwalla
Bag and killed instantaneously.

also. Some had their heads cut open, others had eyes shot, and nose, chest, arms, or legs shattered.....I think there must have been over 1,000 dead bodies in the garden then.....I saw people were hurrying up and many had to leave their dead and wounded, because they were afraid of being fired upon again after 8 p.m." (St. 1, pp. 10, 11).

It may be mentioned here that the second part of the proclamation made on the 13th April by the drum beat, reads :—

"No person residing in the city is permitted to leave his house after 8. Any person found in the street after 8 is liable to be shot."

The witness further states, "many amongst the wounded, who managed to run from the garden, succumbed to injuries on the way and lay dead in the streets. It was thus that the people of Amritsar held their *Baisakhi* fair."

In the matter of the death roll, it is interesting to note that according to the Government's own showing, they did not commence investigating the figure before the 20th August, i.e., four months after the tragedy. Mr. Thompson then announced that not more than 290 had died. Now they have practically accepted the Sewa Samiti's figures viz., 500, which are based on actual tracing and represent the minimum. The exact figure will never be known, but after careful investigation, we consider that Lala Girdhari Lal's computation of 1000 is by no means an exaggerated calculation. They must have been indifferent shots, if after directing their fire in the thickest part in a concentrated area, and among 20,000 people, the soldiers were not able to kill 1000 men. Let it further be remembered, the fire was directed even into and from the Hansli, the narrow lane to the right, on the plan. We observed bullet marks on a balcony opposite the lane ; and evidence has been led before us to show that soldiers were posted at points outside the Bagh to guard approaches, and men were shot whilst they were effecting their escape through these approaches. There can be no doubt that General Dyer's plan was to kill the largest number, and if the number was 1000 and not more, the fault was not his. His ammunition was exhausted, and he could not take his armoured cars through the passage, it being too narrow.

It is not possible to describe, in all the hideous details, the events of the 13th, and, to use Justice Rankin's expression, its 'frightfulness. In order to appreciate it fully, one must read the whole of the official evidence and the evidence published by us. After the violence of the 10th April, the English Officials had become angry, and perhaps rightly so. The very men, towards whom they were in the habit of showing courtesy, now repelled them, Lala Dholan Das, a reputed resident of Amritsar, was one such man, but when he went at the request of the authorities to see them, he found them in an angry mood. "All were in excited temper, so much so, that Mr. Seymour is reported to have said

that for every one European life one thousand Indians would be sacrificed. Some one suggested bombarding of the town, and Lala Dholan Das informed the officers that if, in any way, any part of the Golden Temple was touched or damaged, there would be no end of trouble, as this temple was held sacred all over the Punjab." (St. I, p. 7.)

Mr. Muhammad Sadiq, Barrister, went with others to see the authorities regarding the disposal of the dead on the 11th April. He says, "The impression I got from the talk I had with them was that, as Europeans had been murdered, their blood could not remain unavenged, and if there be the least resistance or disobedience or any breach of the peace, sufficient amount of force would be used and, if necessary, the city would be bombarded." (St. 19). Dr. Balmokand, Sub Assistant Surgeon, says that on the 11th April, Col. Smith, the Civil Surgeon, remarked "that General Dyer was coming and he would bombard the city. He drew diagrams and showed us how the city would be shelled and how it would be raised to the ground in half an hour. I said that I lived in the city, and what was to become of me if there was bombardment. He replied that I had better leave the city and live in the hospital, if I wanted to save myself," (St. 20, p. 56.)

Thus we know why and how the 'frightfulness' of the 13th April came about. A staggering blow had to be delivered. The idea of bombardment was evidently given up. The meeting of the 13th furnished a ready chance and General Dyer seized it. Mr. C. F. Andrews has called it a massacre, even like the Glenco Massacre. If there can be degrees in assessing values of inhumanities, we consider that the massacre of Glenco was infinitely worse than the massacre of Jalleanwala Bagh, but the standard of correctness, exacted today, was not the standard set in the Military Manuals of the days of the Glenco Massacre. In our opinions even the people who heard the proclamation had not understood the significance or the meaning of the prohibitory part of it. Not a single man went to that meeting in open defiance of the proclamation. No provocation whatever was given to the Military Authorities and nothing, either in Amritsar or outside it, justified the massacre. It was a calculated act of inhumanity, and if the British Rule in India is to be purged of this inexcusable wrong, General Dyer must be immediately relieved of his command and brought to justice.

He has stated to Lord Hunter's Committee that Sir Michael O'Dwyer approved of his action. It is unthinkable to us that one, who was a trustee for the inhabitants of the Punjab, should have endorsed a crime against humanity. Even under Martial Law, *de facto* or *de jure*, certain canons of decency are obligatory on Commanding Officers. We venture to submit that General Dyer totally disregarded them. We repeat that we do not, in any shape or form, desire to defend or minimise either the murders of Englishmen or incendiarism



Uttam Chand wounded at Jalleanwala Bagh.



Mangal Singh wounded at Jallianwala Bagh.

We believe that they are indefensible, but no deeds, however dastardly, of an enraged mob can warrant a slaughter of innocent people, such as General Dyer was guilty of.

The fourteenth of April was devoted by the people to clearing the dead or wounded, and burning or burying the dead. Permission had to be obtained for the purpose, and this was the laconic proclamation issued, "The inhabitants may burn or bury their dead as soon as they please. There must be no demonstration of any kind."

In reply to Lord Hunter's questions as to the state of the city on the 14th, General Dyer said, "I went through the city to see if my orders had been carried out or not, I visited the pickets. All was quiet."

At about 2 p. m., a meeting of the local residents, Municipal Commissioners, Magisrates and merchants was called at the *Kotwali*, whereat the Commissioner made the following speech. "Do you people want peace or war? We are prepared in every way. The Government is all powerful. *Sarkar* has conquered Germany and is capable of doing every thing. The General will give orders to day. The city is in his possession. I can do nothing. You will have to obey orders" (St. 1, p. 11).

Mr. Kitchin, the Commissioner, then went away. General Dyer with Messrs. Miles Irving, Rehill, Plomer and military guard, came about 5 p.m. He rushed into the room, followed by others, all exceedingly angry, and made a speach in Urdu. The following is the translation :—

"You people know well that I am a sepoy and soldier. Do you want war or peace? If you wish for war the Goverment is prepared for it, and if you want peace, then obey my orders and open all your shops; else, I will shoot. For me the battle-field of France or Amritsar is the same. I am a military man and I will go straight. Neither shall I move to the right, nor to the left. Speak up, if you want war. In case there is to be peace, my order is to open all shops at once. You people talk against the Government, and persons educated in Germany and Bengal talk sedition. I shall report all these. Obey orders. I do not wish to have anything else. I have served in the military for over 30 years. I understand the Indian Sepoy and the Sikh people very well. You will have to observe peace ; otherwise, the shops will be opened by force and by rifles. You must inform me of the *budmashes*. I will shoot them. Obey my orders and open shops. Speak up if you want war". The General was followed by Mr. Miles Irving, the Deputy Commissioner. We cull two sentences from his speech :—"You have committed a bad act in killing the English. The revenge will be taken upon you and your children".

On the 15th, all the shops were opened. One would have thought that, with the retribution of the 13th, the speeches of the 14th

and the opening of the shops, the ordinary civil rule would be resumed, but it was not to be. The revenge had not yet been fully taken. Martial Law was, therefore, proclaimed and what was true in fact became a fact in law. It remained in force upto the 9th June and the life of the people in Amritsar was made intolerable in a variety of ways :—

1. The street in which Miss Sherwood was assaulted was set apart for flogging people and for making those who passed through it to crawl on their bellies.

2. All were made to *Salam*, in theory English officers only, but in practice every English man, on pain of being arrested and suffering indignities.

3. Flogging was administered publicly and otherwise, even for trivialities.

4. All the lawyers of the town were made special constables without cause, and made to work like ordinary coolies.

5. Indiscriminate arrests were effected of persons, irrespective of status, and during detention they were subjected to humiliations, discomforts and indescribable tortures for the purpose of extorting confession or evidence, or for the purposes of merely humiliating them.

6. Special Tribunals were formed for trying offences, which resulted in gross injustice in the name of law, leaving the aggrieved parties without a right of appeal.

We shall now deal with what is called the crawling order. The lane in which the crawling took place is a narrow and thickly populated place, with double storey buildings on either side of it, and with numerous blind alleys shooting out of the lane and containing several houses. For the inhabitants of the lane, if they wanted to make any purchases or to go to the city, there was no option but to pass through some part of it, and therefore to crawl in and out. Sanitary or medical service could only be rendered on condition of crawling. The full length of the lane in which the order was enforced is about 150 yards. In the middle of it will be seen, on the plan hereto attached, an oblong marked "*Tiktiki*", which was the specially erected flogging booth. The order remained in force for 8 days. Although General Dyer has called it 'going on all fours', and it has been called 'hand and knee order' by the press, the process consisted in the persons lying flat on their bellies and crawling exactly like reptiles. Any lifting of the knees or bending thereof brought the rifle butts on the backs of the persons who were made to crawl. The whole motion had therefore to be performed by movement of the belly and the arms. The lane, like most Indian lanes, is dirty and full of the usual rubbish, not excluding grit. It is worthy of note that the order was only

given verbally and was withdrawn after orders from superior authorities. This is General Dyer's reason for the order: "I felt women have been beaten. We look upon women as sacred. I searched in my brain for a suitable punishment for these awful cases. I did not know how to meet it. There was a little bit of accident in that. Now, when I visited the pickets, I went down and ordered a triangle to be erected. I felt the street ought to be looked upon as sacred; therefore, I posted pickets at both ends, and told them, no Indians are to be allowed to pass along here.' I then also said, 'if they had to pass they must go on all fours.' It never entered my brain that any sensible man, any sane man would under the circumstances voluntarily go through that street." The deliberateness or the depravity of the punishment cannot well be surpassed. Miss Sherwood was assaulted on the 10th and the order was promulgated on the 19th. It had to be obeyed by those who might never have seen Miss Sherwood. They might have, as the vast majority of the residents of Amritsar must have, deplored the cowardly assault on her. It was such men who had to undergo the punishment. It is difficult to characterize a mind that invents and takes pleasure in inflicting a punishment, whose object is merely to degrade man's state. The pickets were posted from 6 a.m. to 8 p.m., so, when Lord Hunter asked him what justification there was in passing an order which necessitated the inhabitants, lawfully residing, to crawl on all fours when they had to leave their houses, General Dyer replied:—"They could leave at all other times," *i.e.*, between the hours after 10 p.m. and before 6 a.m. (the hour 8 p.m. was changed to 10 p.m. on the 15th). The General forgot that another order operated against it, because nobody could be out after 10 p.m., and if he did, he was liable to be shot. Yet he was able to add in the same answer, "I do not think it caused very great inconvenience. If they had suffered a little, it would be no harm under martial law. They could get necessaries of life by other means. It could not be helped if they had to suffer a slight amount of inconvenience." "You will admit" said Lord Hunter, "during the period of turmoil, it is a difficult thing for peaceful citizens to give assistance in quelling the disturbances. Is it not just on that account that extreme remedy be confined to the mob, as distinguished from the law-abiding citizens." General Dyer answered "Yes, they were abstract law abiding citizens, but I think on that occasion I only thought of punishing the wicked."

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

A.—No, but I had erected a platform there in the middle of the street and thought, when I got these men who had beaten her, I would lash them down. I meant to lash them.

For a moment let us see what was actually done. Lala Ishwar Das is an assistant in a big firm in Amritsar. He had gone to Lala Labh

Chand's house, marked on the plan, on the 18th April. Suddenly Mr. Plomer came with the military into the street. L. Ishwar Das and his friends were looking from a window. Mr. Plomer struck his hunting crop at them and asked them all to stand up and *salam*. Mr. Labh Chand was asked to vacate a portion of his house for the accommodation of the military. 'At about 4 O'clock in the afternoon,' says this witness, Ishar Das, Panna Lal, Mela Ram and I wanted to go home, but were refused permission by the police. We asked permission again, but it was given on condition that we would pass the street by crawling. So all of us had to pass out the street by crawling on our bellies. We could not go to our houses by any other road." (St. 104, p. 163). It is to be observed that this was the first day of the order which had not been promulgated, whether by word of mouth or in writing. It became known only as it was being enforced.

Another witness, Lala Megha Mal is a cloth merchant, who says, "My house is in Kucha Kurichan (an alley from the crawling lane) and my shop is in Guru Bazar. On the very first day soldiers were posted in Kucha Kurichan, I was stopped by the soldiers when I was returning home at about 5 p.m., and I was ordered to creep on my belly. I how, ever ran away, and kept away till after the soldiers had left. That day- I came home at 9 p.m. and found my wife laid up with fever. There was no water in the house to be given to her, and uo doctor and no medicine. I had to fetch water myself late in the night. For the seven days following, my wife had to be without any treatment, as no doctor would like to creep on his belly." (St. 114)

In this lane is a Jain Sabha Mandir where some *Sadhus* live. Lala Rallya Ram, opium contractor, has a house near the Mandir. As he was going to his shop, he was compelled to crawl. He says, "while I was crawling, they kicked me with their boots and also gave me blows with the butt-ends of their rifles. That day, I did not go back home to take my food.....For full 8 days, not a single sweeper appeared; so the refuse of the houses was never removed, nor were the latrines cleaned. The water carrier, too, was throughout absent.....we could neither get vegetables nor other eatables." (St. 102)

Lala Ganpat Rai of the Jain Mandir, living in the lane, says, "Even those, who had to attend the temple in the street for the purpose of worship, were made to crawl in the same way." (St. 122)

Lal Devi Das, Banker, was ordered to crawl on his belly. He offered to go back to his house, but he was forced to crawl. He says, "I tried to go on my hands and knees at first, but I was threatened with a bayonet, and had to creep on my belly," (St. 99)

Kahan Chand has been been blind for the last 20 years. He was made to crawl and was kicked. (St. 105)

Abdulla, teacher by profession, had to crawl and whilst he was taking rest in the way, he was kicked and struck with the butt-end of a rifle. His body was scratched all over on account of his being a stout man (St. 106)

Whilst the crawling was being enforced, sacred pigeons and other birds were shot. The *Pinjarapole*, a sacred house for the care of animals, which was just at one end of the lane, was defiled. The wells in the lanes were polluted by the soldiers easing themselves near them. (St. 121)

The official testimony is that 50 persons were subjected to the barbarous and inhuman process of crawling.

Those, who have not undergone the degradation of compulsory *salaming*, can hardly realize the intensity of pain and humiliation caused to one, who has actually undergone it. We, who have heard the description given to us by those who were made to *salam*, are able only somewhat to realize what it must have meant to them. The *salaming* order, made applicabie to the city containing a population of 160,000 souls, was not a small thing and it meant standing and performing fixed movements with the right arm. No wonder, there are witnesses who state that they were arrested for not *salaming* in the proper manner. Nor did the effect of the order end with exacting the particular manner of *salam*. The defaulters had to undergo punishment in a variety of ways.

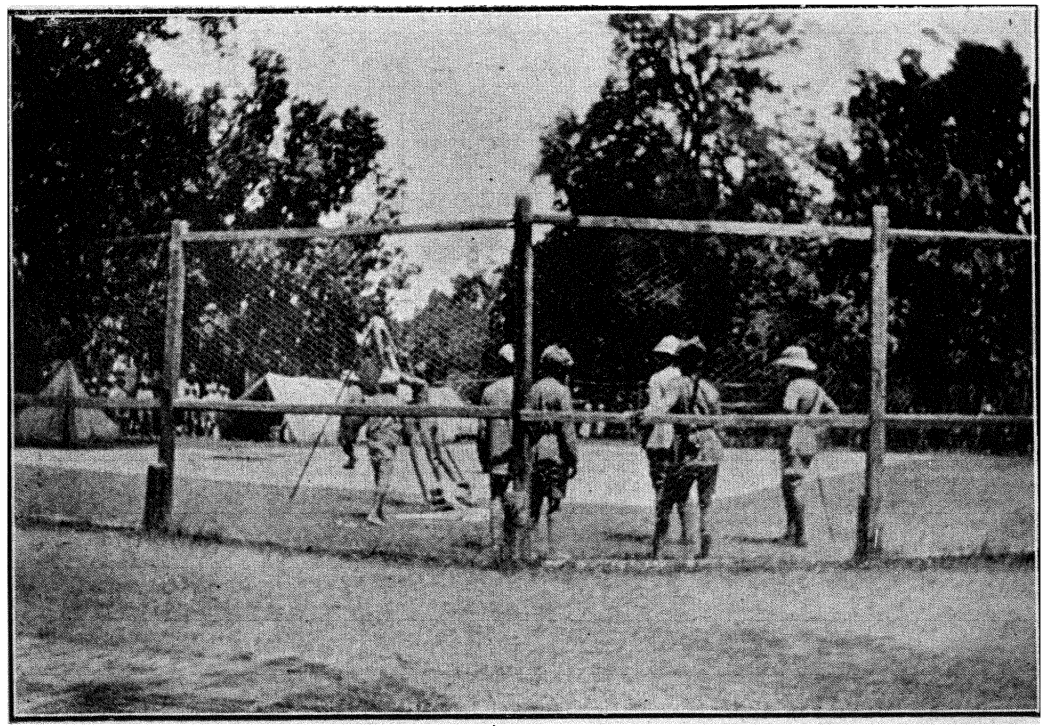
Lala Har Gopal Khanna, B. A., was, on the 18th of April, passing through a street with some friends. He saw some policemen on horse-back followed by General Dyer, who beckoned to him. On reaching there, Lala Har Gopal saluted in the military fashion, whereupon he was told that he did not know how to *salam* and was told to present himseif, the next day, in the Ram Bagh garden. He took leave of the General with a salute and asked Mr. Plomer, City Superintendent of Police, where the had to present himself in the Ram Bagh. Mr. Plomer immediately ordered a constable to take him to the *Kotwal Sahib*. On being taken there, he was made to squat, along with 2 or 3 other men, on the damp floor. By 7 p.m., more men joined them. Then they were marched in pairs to the *Kotwali*. At the *Kotwali*, they had to pass the night sitting or lying in the open. A Gurkha guard was placed upon them. At 8-30, next morning, they were taken to the Ram Bagh, where they were all kept standing in the sun, until a military *Havaldar* (Serjeant) taught them how to *salam*. They were then let off. (St. 95 and St. 96). Mian Firoz Din, an Hony. Magistrate, says:—"People used to be whipped for not standing up whilst *salaming* the General and Mr. Plomer. Those, who did not *salam*, were at times arrested. I saw a few cases of such whipping and of such arrests myself. The people were so terrified, that many had to keep standing practically the whole day, to prevent any mistake on their part and to avoid any such punishment. I say "practically," because

they had to stand up every time they heard the sound of a motor car. I myself did so." (St. 2)

Flogging, in so far as it was in public, was not only humiliating but it was torturing, and, save for the official evidence given, it is difficult to know why flogging was administered at all. Official evidence shows that flogging was administered for the so-called breach of fort discipline, and as to those who were suspected of assaulting Miss Sherwood, General Dyer has admitted that he wanted to lash them in the crawling lane. Thus, six boys were flogged on the booth, marked in the plan. Each of them was fastened to the *tiktiki* (triangle) and given 30 stripes. One of them, Sundar Singh, "became senseless, after the 4th stripe, but, after some water was poured into his mouth by a soldier, he regained consciousness. Flogging was then resumed. He lost his consciousness for the second time, but the flogging never ceased till he was given 30 stripes. He was taken off the flogging post bleeding and quite unconscious. The other boys were similarly treated, and the majority of them became unconscious, while they were being flogged. "They were all handcuffed and as they could not walk even a few places, they were dragged by the police. They were then taken to the fort." (St. 115, St. 117 and St. 118)

General Dyer in his evidence has said that the lawyer constables did useful service and Mr. Kitchin has said that they rather liked it. Let us see what the lawyers themselves have to say about their appointment and the nature of the services they had to render. We have already referred to Lala Kanhya Lal. He is the oldest lawyer of Amritsar. Even he did not escape the distinction. He says:—"I have to add that, along with all the members of the local bar, I was compelled to act as a special constable. This appointment was made on the 22nd of April, when there was absolutely no necessity for such appointment, for the maintenance of peace and order in the city. The police force was quite sufficient for the purpose, and, as a matter of fact, the city was quiet on those days. In my old age, I was made to work like a coolie, carrying tables and chairs from one place to another, and to patrol the city in the hot sun. The abuse, which was showered upon us, and the indignities to which we were put, added a great deal to our sufferings. I cannot believe that our appointment was necessary for the maintenance of peace and order. The order was meant to punish us. The local bar takes part in public affairs and took a prominent part in the Rowlatt Act agitation, that is why the whole bar was punished in this way." (St. 29)

Lala Balmokand Bhatia, High Court Vakil, Municipal Commissioner, describing the ceremony of appointing special constables, says, that they were made to sit on the ground, and "it was then that we were called upon to witness 2 citizens being flogged after being tied to the post. We were specially ordered to see this scene. In the evening, all the members of the bar were made to stand in a line." Lieut. Newman



Public flogging at Amritsar.

was placed in charge. He threatened one of them with kicking. They were to report themselves thrice a day and patrol the city for the rest of the day. "In other words," Mr. Bhatia says, "we had to keep ourselves in attendence, the whole day, either in the garden or in the city. We were constantly reminded that we were mere constables and the punishment for any neglect was not only flogging or imprisonment, but also death. We were made to do the work of coolies, by being ordered to take tables and chairs in the presence of many people, who held us in respect, although there were orderlies and other servants enough for such work." They were particularly taught how to *salam*. They were discharged on the 12th May. He too agrees with Lala Kanhya Lal that the idea was to punish the members of the Bar. (St. 91)

Pandit Rajendra Misra and other lawyers support the foregoing allegations and say that they were thus insulted and ill treated, although they had helped the authorities. (St. 94)

Altogether, ninety three lawyers were humiliated in this manner, not to mention the pecuniary loss they had unnecessarily to sustain, by reason of being deprived of their ordinary vocation.

Perhaps, the wholesale arrests, that took place during the Martial Law period, and the treatment meted out during the confinement, was the most harassing form of punishment, from which, at the time the arrests were going on, no citizen considered himself to be safe.

Lala Girdhari Lal says, "The police began to arrest people from 12th April, as far as I remember. There was no break after that, and people in every sphere of life were arrested from day to day, while employed peacefully in their occupations. No charge was stated." They were then "handcuffed at once and put into the lock-up, for days and months, without being informed what they were accused of; and no opportunity was ever allowed them to see or consult friends or relations. When Mr. Badrul Islam Ali Khan was arrested, the impression created in the public mind was that all connected with the congress movement in the city would suffer likewise. Lala Girdhari Lal had left Amritsar on the 7th of April and returned on the 11th, leaving a relation very ill at Cawnpore. He wanted therefore to go back to Cawnpore. After much difficulty, he was able to procure a pass, permitting him to leave Amritsar. He left on the 21st April by the Calcutta Mail. On the Beas River Bridge, the train was stopped and all the Indian passengers' luggage was minutely searched. He heard after some time that he was wanted by the authorities at Amritsar. He presented himself to the superindendent of police at Cawnpore, who treated him courteously and sent him under escort to Amritsar. He had a newspaper in his hands, as permission had been given to him by the Sub-Inspector, who was in charge. This was too much for the Amritsar Supdt; but the Sub-Inspector quietly told him that he

had allowed Lala Girdhari Lal to buy the newspaper, as there was no instruction from his chief to restrict the liberty of his charge in such a manner. Lala Girdhari Lal was at once handcuffed, and, upon his enquiring why he was arrested, no reply was returned. He had nothing to eat since 11 O'clock on 22-4-19 till the next day at 8 a.m. He was locked up in a small room with 10 or 11 persons in it. In a corner of the room was an evil smelling chamber-pot. The next morning, they were allowed out for a few minutes for the necessary purposes of life and were shut up again. They were allowed neither to bathe nor to change clothes, and it was with difficulty that they were able to obtain water, when there was a charitably disposed constable near by. The month of May is about the hottest month of the year and the discomfort of being in a stuffy and crowded little room can be easily imagined. He was taken before some officials in due course. One of them made insulting and offensive remarks about him. On the 24th May, he was removed from the lock-up to the Subsidiary Jail. The food given was "unfit for human consumption." On the 27th May, he and his companions were taken to Lahore, handcuffed in pairs. No one was allowed to come near them. Those who dared to talk to them were straightway arrested. They had to walk from the Lahore Ry. Station to the court,—a distance of about 2 miles. The Inspector of police prevented them from having water to drink on the way. On reaching the court they had to wait outside the court all day long. They were then taken to the Central Jail, where each one was locked up in an iron cage, about 7 by 2, and 4 feet high. The bathing arrangement was most filthy. A small drain, used for all sorts of purposes, was pointed out for the purpose. On the 27th, only a few, whose relatives had paid for them, were removed to slightly better rooms and could get somewhat better food, and it was only here that permission was granted to change clothes, On the 28th May, they were transferred to the Borstal Jail. On the 3rd June, some of the Amritsar prisoners were sent up for trial. Some others were asked, without knowing the nature of charges against them, to cite their witnesses. Lala Girdhari Lal was released, on the 6th June, without any trial and without ever knowing why he had been arrested at all. Thus one of the leaders of Amritsar, not unknown to the authorities, was arrested and detained for over a fortnight and treated worse even than a common felon, for every prisoner under trial is entitled to see his relations, certainly his legal advisers, and receive what food he likes. Mian Firoz Din, an Hony. Magistrate of 21 years' standing, and a *Rais* of Amritsar, says that, whilst the most respectable men of Amritsar were being harassed and molested, the well known *badmashes* were left practically untouched. (St. 2)

Mr. Maqbool Mahmood, High Court Vakil, who, at the risk of his life, it will be remembered, tried, on the 10th April, to turn away the crowd near the bridge, was later on arrested by a Sub Inspector, was taken to the police station and was prompted to say "I could and

would identify the murderers of Robinson and Rowland. I informed the police that I had already sent a written statement to them and that I had stated that I could not recognize any body. This statement was then brought to me and I was then asked to tear it off with my own hands and to submit a fresh statement giving the names of those whom they had found out as culprits. I refused to comply with the demand and some threats were flung at me. However, I was subsequently allowed to leave." He was then cited as a defence witness. S. Sukha Singh told him that many people had refused to give evidence for the defence and that he should do likewise. He said he had his own conscience, to which S. Sukha Singh replied that in those days " Nobody had a conscience and those, that had, suffered. " He added that he would see that his pleaders licence was cancelled and further that he got into trouble. (S. 5).

On the 20th April, Dr. Kidar Nath Bhandari, Senior Asstt. Surgeon, age 62, was asked by Sardar Sukha Singh to name any one of the mob that had gone to attack Mrs. Easdon on the 10th April. Dr. Kidar Nath told him that he could not do so. " Upon this, Sardar Sukha Singh, Mr. Plomer and Mr. Marshall shouted out, ' Oh ! you don't help the Government ; you will also be arrested !' To this the Doctor replied, "I can not name any body whom I had not seen and you can do what you like." Thereupon, Sardar Sukha Singh told the doctor that he had orders to arrest him and that the should consider himself under arrest. He was not shown the orders, but was sent to the lock up, together with his assistant. Both of them were kept in the lock up till the 27 April, on which date they were removed to the Subsidiary Jail. It meant a walk of about a mile and as he had heart trouble he asked for a conveyance. He added also that his being paraded and handcuffed with others through the bazar would shock him. He was nevertheless made to walk to the Jail, together with 62 other prisoners. He says, " as it was very hot, I fainted when I reached the Jail, but recovered soon, owing to the kindness of a policeman, who kindly gave me a little water to drink". He was locked up in a cell and given bread which he could not eat. The request of a friend to supply him with food from outside was refused ; and so was also the request to change his clothes, " which were stinking and full of lice". On the 2nd May, the Deputy Commissioner went to the jail and the doctor asked him why he was being detained. " The answer was there was nothing against him, except that he had not tried to save the life of Mrs. Easdon, when she was attacked by the mob". The doctor tried to reason that it was not possible for him to do so, because he did not know when the mob went to her, but it was of no avail. He and his assistant, were, however, released on the 12th of May, without knowing any definite charges against him. Whilst he was at the *Kotwali* lock-up, between 20th and 27th April, some one went to him twice and said, 'you are suffering for nothing. If you mention a few names who were in the mob, you will be released at once.' (St. 13)

Mr. Mohammad Amin, a pleader, is the father of Mohammad. Akram, who was sentenced to death—a sentence which was subsequently commuted to 5 year's rigorous imprisonment, in connection with the attempt to assault Mrs. Easdon. He claims personal friendship with Mrs. Easdon, and in his statement attached hereto, he contends that his son, who looked up to Mrs. Easdon as his mother, was totally innocent On the 20th April, he, with his son and brother, was arrested and taken to the *Kotwali*. He says, " I was taken by a constable to the door of the *Havalat*. A small room as it was, it contained not less than 30 unfortunate men. It was a horrible sight to see them stretching out their arms out of the iron bars and praying for a drink of water. I was going to faint at the sight. I said to a policeman ' I have no objection to going in, but I must tell you that I shall not be able to live there for a quarter of an hour.' He went to the Inspector and shortly after came back and took me to another room, where I found Dr. Bashir and Mr. Badrul Islam Ali Khan, Barrister-at-Law. From this room they took out some persons and put us, 6 newcomers, in their place. Never in my life have I ever seen a dirty place like this. Most of us kept sitting all through the night We prayed that we might be allowed food from our houses for that one evening only, but it was refused. We asked for coverings, but they too were denied to us. After a short time, a policeman came to Gama and in our presence said, ' why do you put your life in danger? Name 4 or 5 men with whom you have some enmity, we shall make you a witness.' Gama said, ' I have no enemy to name'. The policeman went away, but after a few minutes he reappeared and said to him, 'look here, name Qayam, and as to others say what you please.' We got extremely frightened at the way the police were fabricating false evidence, and thought that we were not safe.' The witness describes the condition in the jail. They were kept handcuffed in their cells in pairs and thus led even to the latrines. They begged for the removal of the handcuffs, whilst they were actually in the latrines but it was no use. They were compelled to walk round and round in the hot sun—we imagine for exercise ? They were given no food for 36 hours and they were made to sleep on the bare floor. The handcuffs were at a later stage removed. " The food, which we were expected to take, was a little heap of gram in one corner and a bucket of drinking water in the other, while near by, was a tinpot for passing water. We could not take that food and kept hungry for another day". The things improved the next day. They were allowed to have their own food and a change of clothes. Thus they remained at the fort for 22 days. On the 12th of May, they were taken to Lahore to stand their trial. They were 52 men chained together. In Lahore, they were made to sit out the whole day, without drink or food. They had to walk from the Lahore station to the court and from the court to the Central Jail in the burning sun. He and his brother were discharged on the 27th of May. (St. 14)

Mrs. Nelley Benjamin, Sub-Asstt. Surgeon, is a friend of Mrs. Easdon. She was the one who screened her from assault. She says, " when the enquiry was going on, I was taken to the *Kotwali* on two occasions; I was asked to say that I had seen Mohammad Amin in the crowd. As I said that was not the truth, Mr. Plomer threatened to send me to jail. I told them whatever I knew but I refused to give false evidence. They also tempted me with a reward from the Government, if I supported the story of Mrs. Easdon regarding the presence of Mohammad Amin. I refused again". (St. 16).

Seth Gul Mohammad, a glassware merchant, was arrested on the 20th April, whilst he was offering prayer, and taken to the *Kotwali*. He was asked to give false evidence. Inspector Jawaharlal caught hold of his beard and slapped him so hard that it made him reel for a while. He then asked him to state " Doctors Satyapal and Kitchlew had instigated me to bring about the *hartal* on the 6th and that they had encouraged me, by saying that they would use bombs to drive out the English from the country". The witness refused. The officer then asked his underlings to take him aside and make him "alright ". He was then taken away a few paces from the officers' table and asked by a number of constables to please Jawaharlal by doing what he wanted. He still refused. So they caught hold of his hand and placed it under the leg of a cot, over which eight constables sat. "When the pain became unbearable", the witness proceeds, " I cried out, leave my hand, I will do whatever you ask me to do". He was then taken to Jawaharlal again. But he again refused to implicate the Doctors. He was therefore kept confined in a room that day. During the two following days he was beaten, slapped and caned. He was told that he would be made an accused and hanged. This beating went on for eight days. On the eighth day, he again agreed to make the desired statement. He was then taken to Aga Ibrahim, the Magistrate, before whom he repeated the same " untrue statement", that was required of him. Hansraj, the approver, who was also in the *Kotwali*, advised him to do as the police asked. After ten days' detention he was let off, on the condition that he appeared at the *Kotwali* from day to day, which he did up to the 9th of June, when he was taken to Lahore. On the 16th of June, he was produced before the Martial Law Tribunal, where he made a clean breast of the whole thing and told the Judges that he was tortured. (St. 21)

Brijlal, a boy 14 years old, was kept under custody for 9 days. After two days he was made over to Hansraj and was induced to make a false statement before the Martial Law tribunal, which he retracts in the evidence before us. (St. 22)

Sirdar Atma Singh, Wine Merchant, was arrested in front of General Dyer on the 13th April. He was made to walk with the procession and he adds, " they tied a cloth round one of my arms and dragged me along

with them through several streets of the city." He was prevented by a British soldier from getting some water to drink. Some others were arrested also during the day, and nine of them were handcuffed and confied in a cell without food. On the 15th, they were taken before the General and were all tied to a tree, "constantly abused and laughed at". After the Generel had finished his lunch, they were produced before him. Then Sirdar Atma Singh was sentenced to 8 days' quarter-guard. He was never told what the charge against him was. During his incarceration, he was relieved by a sergeant of his gold ring and a West End hunting watch bearing his name. (St. 30)

Muhammad Ismail, butcher, was arrested about the 18th April. His father was also arrested and both were beaten and were released only after his brother Dina was produced. Dina himself was detained for 3 days, and is said to have been mercilessly beaten. (St. 46)

Abdul Aziz, vegetable seller, was arrested for having sworn at a *Khansama*, which he denied. He was taken before the General, was kept in the lock-up for two days, was given ten stripes and was ordered to close his shop for 14 days. (St. 123)

Lala Raliaram, pensioner, 58 years old, was asked by a Sub-Inspector to give the names of those who had beaten Miss Sherwood. He replied that he knew nothing, as he was not present. Whereupon, he was beaten with a cane, his beard was pulled and he was made to walk up and down the lane and set free in the evening. (St. 107)

Lala Dadu Mal was beaten and made to crawl. He and his son were arrested, and he was discharged and rearrested and at last let off, after he had paid one hundred rupees to the headman of the bazar, for the police. He was rearrested and was compelled to pay fifty rupees more and purchase his release. The Police used to go to his shop and forcibly take away cream etc. for their use. His son was detained for 8 days and was then given 30 stripes, although, during the process, he became unconscious. He witnessed others also being flogged. He says, " these men shrieked with pain and were all bleeding. (St. 116)

Lala Rakharam saw Dhaniram who was made to sit down and catch hold of his cars after passing his hands under his legs. (St. 108)

Gholam Qadir Toopgar was arrested during the third week of April by Sub-Inspector Amir Khan. He was asked to point out the looted property, and he was beaten severely, when he pleaded ignorance. He was asked to give the names of certain persons as members of the mob that had burnt and looted the Bhagtanwala Ry. Station. His turban was taken off, his hands were tied with it and he was suspended from a tree for about 10 minutes. He saw 8 or 9 men, besides himself, being subjected to torture. He says " I saw Peera Gujar lying flat on the ground

and a *Havaldar*, whom I know by face, pushed a stick into his anus in the presence of Sub Inspector Amir Khan. He cried piteously all the time, but the police showed no mercy. For full 3 days and nights we were not allowed any food, during which period we were subjected to police torture. I was released after 5 days." (St. 141)

Miraj Din, barber, genegrally supports the above statement, he himself sharing the same fate as Gholam Qadir. (St. 142)

Gholam Jilani, an *Imam* (leader at prayer) of *Masjid* and deedwriter, is perhaps the worst case of torture we have come across. He took a prominent part in organizing the Ram Naumi festival. He was arrested on the 16th April. The statement contains such a wealth of detail, that it must be read *in toto* in order to appreciate the measure of torture that the Imam had to undergo (St. 134). Mian Firoz Din, Hony. Magistrate (St. 2) and Mr. Gholam Yaseen, Barrister (St. 6) support what is stated about his treatment by the witness. Mohammad Shafi (St. 139) saw some of the tortures that Gholam Jilani was subjected to and heard his piteous cries. He says that, on the same day, one Khair Din was similarly treated, his condition became so bad that he never recovered from the injuries he had received (St. 139). Mian Quamar Uddin Khan, landlord and proprietor, says Maulvi Gholam Jilani met him immediately after his release. He saw the injuries which were received by him and that the story that he related to him then is the same as he has given before us (St. 140). Gholam Mohammad witnessed the torture on him and on Khair Din, who, he says, died a few days ago of the injuries (St. 138). Haji Shamasuddin, landlord and *zimindar*, also witnessed the tortures administered to Maulvi Gholam Jilani and late Khair Din. The Haji was called by the police. He says, " They drove a stick into his anus. Also ,he was in a most pitiable condition. I saw his urine and excreta coming out. All of us, who were outside, were told by the police that those, who did not give evidence, would be treated like that " (St. 135). Witnesses 136—137 also corroborate the statement about torture to which both Jilani and Khair Din were subjected. Malik Abdull Hai, merchant of Pashmina, on receipt of a telegram from the Supdt. of Police, went from Lahore to Amritsar about the 15th of May and, there, he was given over to Inspector Jawaharlal, who tempted him with reward by increment in his pay, if he would give false evidence against Dr. Kitchlew. When he refused, he was threatened that he would be included amongst the accused. When all the threats and persuations failed, he was taken to a room and thrashed " mercilessly ". Being frightened, he eventually yielded. His statement was taken down and he was summoned before the Martial Law Court. He proceeds, " I made up my mind to tell the truth..... I submitted before the judges how I had been harrassed by the police to give false evidence. When I had finished my deposition I came out. The Naib Court arrested me and was

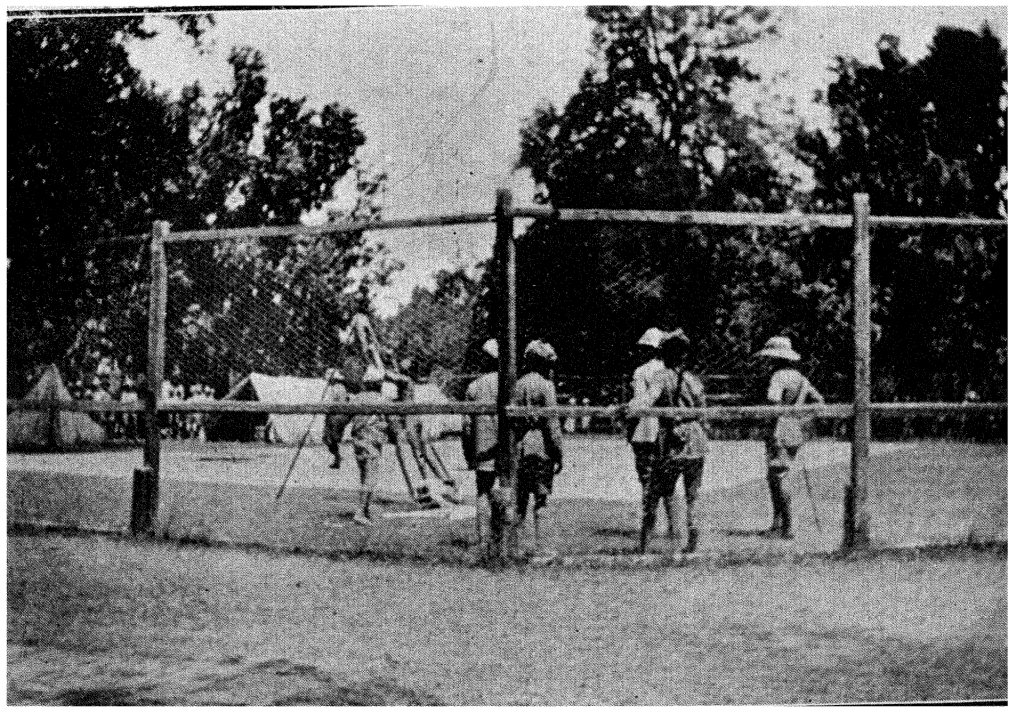
about to lead me to police room when I screamed out. Thereupon, a few barristers who were then present in the court in connection with the case, among whom were Mukand Lal Puri and Mr. Hasan and others, came on the scene.....Having freed myself from the grip of the Naib Court I immediately told the judges the whole story. The presiding judge ordered me to proceed home by another route." (St. 148)

Mr. Badrul Islam Ali Khan, Barrister-at-Law was arrested on the 19th April. The police walked into his wife's bedroom and when she asked them to go outside they refused to do so. He was taken to the *Kotwali* where Mr. Plomer said in a loud voice, "this is the man who wants to be the Lieutenant Governor of the Punjab". He recites how he was pressed to give evidence. He describes the condition of the cell in which he and the fellow prisoners were locked up, how they were subjected to humiliation, and discusses the charges that were brought against him, before he was finally discharged. He concludes:—"There was an attempt made by the police to manufacture evidence against me by torturiug a man named Gholam Jilani, who admitted the fact in his evidence before the Martial Law Commission, in the course of my trial. Thus it was that I was arrested and kept in custody for a period of 2 months and a half and tried for my life." (St. 88).

Mr. Gurdial Singh Salaria, Bar-at-Law, was also arrested. He was one of those, who, in common with others, at the peril of his life, tried to go, on the 10th April, to push the crowd back from the bridge. He describes also the indignities he had to suffer. He remained in custody from the 23rd of May to the 5th of July. (St. 87),

The paragraphs, we have devoted to indiscriminate arrests and tortures for the purpose of extorting evidence, furnish perhaps the blackest chapter in the whole of the story of the cruelties perpetrated in the name of martial law. The tragedy of Jalleanwala Bagh was staggering for its dramatic effect. But the slow torture of the arrests was felt not only by those who suffered but by those also who were always in fear of being arrested, for, from the evidence collected by us it is clear that there was no method about these arrests. All classes and conditions of people came in for this treatment. Nobody had a feeling of safety. We wish, too, to add that we have been most careful in the collection of the evidence on this head. We were incredulous when we entered upon the inquiry, but as statement after statement came under our notice, we were driven to accept the general charge. The most damaging statements are so fully supported that, in our opinion, they will stand the test of investigation in any court of law.

We would here add that we had copious evidence about bribes having been freely taken by the police. But we have refrained from taking evidence on this point for Amritsar, because the witnesses, whilst



Public flogging at Amritsar.

was placed in charge. He threatened one of them with kicking. They were to report themselves thrice a day and patrol the city for the rest of the day. "In other words," Mr. Bhatia says, "we had to keep ourselves in attendence, the whole day, either in the garden or in the city. We were constantly reminded that we were mere constables and the punishment for any neglect was not only flogging or imprisonment, but also death. We were made to do the work of coolies, by being ordered to take tables and chairs in the presence of many people, who held us in respect, although there were orderlies and other servants enough for such work." They were particularly taught how to *salam*. They were discharged on the 12th May. He too agrees with Lala Kanhya Lal that the idea was to punish the members of the Bar. (St. 91)

Pandit Rajendra Misra and other lawyers support the foregoing allegations and say that they were thus insulted and ill treated, although they had helped the authorities. (St. 94)

Altogether, ninety three lawyers were humiliated in this manner, not to mention the pecuniary loss they had unnecessarily to sustain, by reason of being deprived of their ordinary vocation.

Perhaps, the wholesale arrests, that took place during the Martial Law period, and the treatment meted out during the confinement, was the most harassing form of punishment, from which, at the time the arrests were going on, no citizen considered himself to be safe.

Lala Girdhari Lal says, "The police began to arrest people from 12th April, as far as I remember. There was no break after that, and people in every sphere of life were arrested from day to day, while employed peacefully in their occupations. No charge was stated." They were then "handcuffed at once and put into the lock-up, for days and months, without being informed what they were accused of; and no opportunity was ever allowed them to see or consult friends or relations. When Mr. Badrul Islam Ali Khan was arrested, the impression created in the public mind was that all connected with the congress movement in the city would suffer likewise. Lala Girdhari Lal had left Amritsar on the 7th of April and returned on the 11th, leaving a relation very ill at Cawnpore. He wanted therefore to go back to Cawnpore. After much difficulty, he was able to procure a pass, permitting him to leave Amritsar. He left on the 21st April by the Calcutta Mail. On the Beas River Bridge, the train was stopped and all the Indian passengers' luggage was minutely searched. He heard after some time that he was wanted by the authorities at Amritsar. He presented himself to the superindendent of police at Cawnpore, who treated him courteously and sent him under escort to Amritsar. He had a newspaper in his hands, as permission had been given to him by the Sub-Inspector, who was in charge. This was too much for the Amritsar Supdt; but the Sub-Inspector quietly told him that he

had allowed Lala Girdhari Lal to buy the newspaper, as there was no instruction from his chief to restrict the liberty of his charge in such a manner. Lala Girdhari Lal was at once handcuffed, and, upon his enquiring why he was arrested, no reply was returned. He had nothing to eat since 11 O'clock on 22-4-19 till the next day at 8 a.m. He was locked up in a small room with 10 or 11 persons in it. In a corner of the room was an evil smelling chamber-pot. The next morning, they were allowed out for a few minutes for the necessary purposes of life and were shut up again. They were allowed neither to bathe nor to change clothes, and it was with difficulty that they were able to obtain water, when there was a charitably disposed constable near by. The month of May is about the hottest month of the year and the discomfort of being in a stuffy and crowded little room can be easily imagined. He was taken before some officials in due course. One of them made insulting and offensive remarks about him. On the 24th May, he was removed from the lock-up to the Subsidiary Jail. The food given was "unfit for human consumption." On the 27th May, he and his companions were taken to Lahore, handcuffed in pairs. No one was allowed to come near them. Those who dared to talk to them were straightway arrested. They had to walk from the Lahore Ry. Station to the court,—a distance of about 2 miles. The Inspector of police prevented them from having water to drink on the way. On reaching the court they had to wait outside the court all day long. They were then taken to the Central Jail, where each one was locked up in an iron cage, about 7 by 2, and 4 feet high. The bathing arrangement was most filthy. A small drain, used for all sorts of purposes, was pointed out for the purpose. On the 27th, only a few, whose relatives had paid for them, were removed to slightly better rooms and could get somewhat better food, and it was only here that permission was granted to change clothes. On the 28th May, they were transferred to the Borstal Jail. On the 3rd June, some of the Amritsar prisoners were sent up for trial. Some others were asked, without knowing the nature of charges against them, to cite their witnesses. Lala Girdhari Lal was released, on the 6th June, without any trial and without ever knowing why he had been arrested at all. Thus one of the leaders of Amritsar, not unknown to the authorities, was arrested and detained for over a fortnight and treated worse even than a common felon, for every prisoner under trial is entitled to see his relations, certainly his legal advisers, and receive what food he likes. Mian Firoz Din, an Hony. Magistrate of 21 years' standing, and a *Rais* of Amritsar, says that, whilst the most respectable men of Amritsar were being harassed and molested, the well known *badmashes* were left practically untouched. (St. 2)

Mr. Maqbool Mahmood, High Court Vakil, who, at the risk of his life, it will be remembered, tried, on the 10th April, to turn away the crowd near the bridge, was later on arrested by a Sub Inspector, was taken to the police station and was prompted to say "I could and

would identify the murderers of Robinson and Rowland. I informed the police that I had already sent a written statement to them and that I had stated that I could not recognize any body. This statement was then brought to me and I was then asked to tear it off with my own hands and to submit a fresh statement giving the names of those whom they had found out as culprits. I refused to comply with the demand and some threats were flung at me. However, I was subsequently allowed to leave." He was then cited as a defence witness. S. Sukha Singh told him that many people had refused to give evidence for the defence and that he should do likewise. He said he had his own conscience, to which S. Sukha Singh replied that in those days " Nobody had a conscience and those, that had, suffered. " He added that he would see that his pleaders licence was cancelled and further that he got into trouble. (S. 5).

On the 20th April, Dr. Kidar Nath Bhandari, Senior Asstt. Surgeon, age 62, was asked by Sardar Sukha Singh to name any one of the mob that had gone to attack Mrs. Easdon on the 10th April. Dr. Kidar Nath told him that he could not do so. " Upon this, Sardar Sukha Singh, Mr. Plomer and Mr. Marshall shouted out, ' Oh ! you don't help the Government ; you will also be arrested !' To this the Doctor replied, "I can not name any body whom I had not seen and you can do what you like." Thereupon, Sardar Sukha Singh told the doctor that he had orders to arrest him and that the should consider himself under arrest. He was not shown the orders, but was sent to the lock up, together with his assistant. Both of them were kept in the lock up till the 27 April, on which date they were removed to the Subsidiary Jail. It meant a walk of about a mile and as he had heart trouble he asked for a conveyance. He added also that his being paraded and handcuffed with others through the bazar would shock him. He was nevertheless made to walk to the Jail, together with 62 other prisoners. He says, " as it was very hot, I fainted when I reached the Jail, but recovered soon, owing to the kindness of a policeman, who kindly gave me a little water to drink". He was locked up in a cell and given bread which he could not eat. The request of a friend to supply him with food from outside was refused ; and so was also the request to change his clothes, " which were stinking and full of lice". On the 2nd May, the Deputy Commissioner went to the jail and the doctor asked him why he was being detained. " The answer was there was nothing against him, except that he had not tried to save the life of Mrs. Easdon, when she was attacked by the mob". The doctor tried to reason that it was not possible for him to do so, because he did not know when the mob went to her, but it was of no avail. He and his assistant, were, however, released on the 12th of May, without knowing any definite charges against him. Whilst he was at the *Kotwali* lock-up, between 20th and 27th April, some one went to him twice and said, 'you are suffering for nothing. If you mention a few names who were in the mob, you will be released at once.' (St. 13)

Mr. Mohammad Amin, a pleader, is the father of Mohammad. Akram, who was sentenced to death—a sentence which was subsequently commuted to 5 year's rigorous imprisonment, in connection with the attempt to assault Mrs. Easdon. He claims personal friendship with Mrs. Easdon, and in his statement attached hereto, he contends that his son, who looked up to Mrs. Easdon as his mother, was totally innocent On the 20th April, he, with his son and brother, was arrested and taken to the *Kotwali*. He says, " I was taken by a constable to the door of the *Havalat*. A small room as it was, it contained not less than 30 unfortunate men. It was a horrible sight to see them stretching out their arms out of the iron bars and praying for a drink of water. I was going to faint at the sight. I said to a policeman ' I have no objection to going in, but I must tell you that I shall not be able to live there for a quarter of an hour.' He went to the Inspector and shortly after came back and took me to another room, where I found Dr. Bashir and Mr. Badrul Islam Ali Khan, Barrister-at-Law. From this room they took out some persons and put us, 6 newcomers, in their place. Never in my life have I ever seen a dirty place like this. Most of us kept sitting all through the night We prayed that we might be allowed food from our houses for that one evening only, but it was refused. We asked for coverings, but they too were denied to us. After a short time, a policeman came to Gama and in our presence said, ' why do you put your life in danger? Name 4 or 5 men with whom you have some enmity, we shall make you a witness.' Gama said, ' I have no enemy to name'. The policeman went away, but after a few minutes he reappeared and said to him, 'look here, name Qayam, and as to others say what you please.' We got extremely frightened at the way the police were fabricating false evidence, and thought that we were not safe.' The witness describes the condition in the jail. They were kept handcuffed in their cells in pairs and thus led even to the latrines. They begged for the removal of the handcuffs, whilst they were actually in the latrines but it was no use. They were compelled to walk round and round in the hot sun—we imagine for exercise ? They were given no food for 36 hours and they were made to sleep on the bare floor. The handcuffs were at a later stage removed. " The food, which we were expected to take, was a little heap of gram in one corner and a bucket of drinking water in the other, while near by, was a tinpot for passing water. We could not take that food and kept hungry for another day". The things improved the next day. They were allowed to have their own food and a change of clothes. Thus they remained at the fort for 22 days. On the 12th of May, they were taken to Lahore to stand their trial. They were 52 men chained together. In Lahore, they were made to sit out the whole day, without drink or food. They had to walk from the Lahore station to the court and from the court to the Central Jail in the burning sun. He and his brother were discharged on the 27th of May. (St. 14)

Mrs. Nelley Benjamin, Sub-Asstt. Surgeon, is a friend Easdon. She was the one who screened her from assault. She " when the enquiry was going on, I was taken to the *Kotwali* occasions; I was asked to say that I had seen Mohammad Amin crowd. As I said that was not the truth, Mr. Plomer threatened t me to jail. I told them whatever I knew but I refused to giv evidence. They also tempted me with a reward from the Governn I supported the story of Mrs. Easdon regarding the presence of Moh Amin. I refused again". (St. 16).

Seth Gul Mohammad, a glassware merchant, was arrested 20th April, whilst he was offering prayer, and taken to the *Kotwa* was asked to give false evidence. Inspector Jawaharlal caught hol beard and slapped him so hard that it made him reel for a whil then asked him to state " Doctors Satyapal and Kitchle instigated me to bring about the *hartal* on the 6th and that the encouraged me, by saying that they would use bombs to drive o English from the country". The witness refused. The officer ther his underlings to take him aside and make him "alright ". He wa taken away a few paces from the officers' table and asked by a nun constables to please Jawaharlal by doing what he wanted. I refused. So they caught hold of his hand and placed it under the a cot, over which eight constables sat. "When the pain b unbearable", the witness proceeds, " I cried out, leave my hand, I whatever you ask me to do". He was then taken to Jawaharlal But he again refused to implicate the Doctors. He was therefor confined in a room that day. During the two following days h beaten, slapped and caned. He was told that he would be made an a and hanged. This beating went on for eight days. On the eighth again agreed to make the desired statement. He was then taken t Ibrahim, the Magistrate, before whom he repeated the same " statement", that was required of him. Hansraj, the approver, wl also in the *Kotwali*, advised him to do as the police asked. Aft days' detention he was let off, on the condition that he appeared *Kotwali* from day to day, which he did up to the 9th of June, when h taken to Lahore. On the 16th of June, he was produced before the M Law Tribunal, where he made a clean breast of the whole thing an the Judges that he was tortured. (St. 21)

Brijlal, a boy 14 years old, was kept under custody for 9 days two days he was made over to Hansraj and was induced to make statement before the Martial Law tribunal, which he retracts evidence before us. (St. 22)

Sirdar Atma Singh, Wine Merchant, was arrested in front of G Dyer on the 13th April. He was made to walk with the processi he adds. " they tied a cloth round one of my arms and dragged me

with them through several streets of the city." He was prevented by a British soldier from getting some water to drink. Some others were arrested also during the day, and nine of them were handcuffed and confied in a cell without food. On the 15th, they were taken before the General and were all tied to a tree, "constantly abused and laughed at". After the Generel had finished his lunch, they were produced before him. Then Sirdar Atma Singh was sentenced to 8 days' quarter-guard. He was never told what the charge against him was. During his incarceration, he was relieved by a sergeant of his gold ring and a West End hunting watch bearing his name. (St. 30)

Muhammad Ismail, butcher, was arrested about the 18th April. His father was also arrested and both were beaten and were released only after his brother Dina was produced. Dina himself was detained for 3 days, and is said to have been mercilessly beaten. (St. 46)

Abdul Aziz, vegetable seller, was arrested for having sworn at a *Khansama*, which he denied. He was taken before the General, was kept in the lock-up for two days, was given ten stripes and was ordered to close his shop for 14 days. (St. 123)

Lala Raliaram, pensioner, 58 years old, was asked by a Sub-Inspector to give the names of those who had beaten Miss Sherwood. He replied that he knew nothing, as he was not present. Whereupon, he was beaten with a cane, his beard was pulled and he was made to walk up and down the lane and set free in the evening. (St. 107)

Lala Dadu Mal was beaten and made to crawl. He and his son were arrested, and he was discharged and rearrested and at last let off, after he had paid one hundred rupees to the headman of the bazar, for the police. He was rearrested and was compelled to pay fifty rupees more and purchase his release. The Police used to go to his shop and forcibly take away cream etc. for their use. His son was detained for 8 days and was then given 30 stripes, although, during the process, he became unconscious. He witnessed others also being flogged. He says, "these men shrieked with pain and were all bleeding. (St. 116)

Lala Rakharam saw Dhaniram who was made to sit down and catch hold of his cars after passing his hands under his legs. (St. 108)

Gholam Qadir Toopgar was arrested during the third week of April by Sub:Inspector Amir Khan. He was asked to point out the looted property, and he was beaten severely, when he pleaded ignorance. He was asked to give the names of certain persons as members of the mob that had burnt and looted the Bhagtanwala Ry. Station. His turban was taken off, his hands were tied with it and he was suspended from a tree for about 10 minutes. He saw 8 or 9 men, besides himself, being subjected to torture. He says "I saw Peera Gujar lying flat on the ground

and a *Havaldar*, whom I know by face, pushed a stick into his anus in the presence of Sub Inspector Amir Khan. He cried piteously all the time, but the police showed no mercy. For full 3 days and nights we were not allowed any food, during which period we were subjected to police torture. I was released after 5 days." (St. 141)

Miraj Din, barber, genegrally supports the above statement, he himself sharing the same fate as Gholam Qadir. (St. 142)

Gholam Jilani, an *Imam* (leader at prayer) of *Masjid* and deedwriter, is perhaps the worst case of torture we have come across. He took a prominent part in organizing the Ram Naumi festival. He was arrested on the 16th April. The statement contains such a wealth of detail, that it must be read *in toto* in order to appreciate the measure of torture that the Imam had to undergo (St. 134). Mian Firoz Din, Hony. Magistrate (St. 2) and Mr. Gholam Yaseen, Barrister (St. 6) support what is stated about his treatment by the witness. Mohammad Shafi (St. 139) saw some of the tortures that Gholam Jilani was subjected to and heard his piteous cries. He says that, on the same day, one Khair Din was similarly treated, his condition became so bad that he never recovered from the injuries he had received (St. 139). Mian Quamar Uddin Khan, landlord and proprietor, says Maulvi Gholam Jilani met him immediately after his release. He saw the injuries which were received by him and that the story that he related to him then is the same as he has given before us (St. 140). Gholam Mohammad witnessed the torture on him and on Khair Din, who, he says, died a few days ago of the injuries (St. 138). Haji Shamasuddin, landlord and *zimindar*, also witnessed the tortures administered to Maulvi Gholam Jilani and late Khair Din. The Haji was called by the police. He says, " They drove a stick into his anus. Also ,he was in a most pitiable condition. I saw his urine and excreta coming out. All of us, who were outside, were told by the police that those, who did not give evidence, would be treated like that " (St. 135). Witnesses 136—137 also corroborate the statement about torture to which both Jilani and Khair Din were subjected. Malik Abdull Hai, merchant of Pashmina, on receipt of a telegram from the Supdt. of Police, went from Lahore to Amritsar about the 15th of May and, there, he was given over to Inspector Jawaharlal, who tempted him with reward by increment in his pay, if he would give false evidence against Dr. Kitchlew. When he refused, he was threatened that he would be included amongst the accused. When all the threats and persuations failed, he was taken to a room and thrashed " mercilessly ". Being frightened, he eventually yielded. His statement was taken down and he was summoned before the Martial Law Court. He proceeds, " I made up my mind to tell the truth..... I submitted before the judges how I had been harrassed by the police to give false evidence. When I had finished my deposition I came out. The Naib Court arrested me and was

about to lead me to police room when I screamed out. Thereupon, a few barristers who were then present in the court in connection with the case, among whom were Mukand Lal Puri and Mr. Hasan and others, came on the scene.....Having freed myself from the grip of the Naib Court I immediately told the judges the whole story. The presiding judge ordered me to proceed home by another route." (St. 148)

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We would here add that we had copious evidence about bribes having been freely taken by the police. But we have refrained from taking evidence on this point for Amritsar, because the witnesses, whilst

they gave us their confidence, were unwilling to disclose their names. If the Government wish to know the truth about this class of corruption, we suggest the holding of an inquiry, with a promise of protection to those who would come forward to give their evidence. We are sure that the Goverement have no desire to screen offenders of this class and we feel equally sure that, by adopting the course suggested by us, they will clean the police department of its worst features. The evidence of torture, too, challenges inquiry. It is there before the Government. They cannot ignore evidence given with the detail that characterises it.

Not much need now be said to show that where there was an organized attempt made to procure false evidence, there must have been serious and extensive abortion of justice, during the trials that took place, whether before the Martial Law Commissions, the Summary Courts, or Area Officers. It may not be amiss to describe the constitution of these courts. The Martial Law Commissions were composed of 3 members, clothed with summary jurisdiction and possessing the power to inflict death sentences. They were not bound to record any evidence, and their judgments were unappealable. The Summary Courts, on the other hand, contained only one member, usually a Magistrate, and they became the courts of inferior jurisdiction, having power to award imprisonment upto two years and to impose fines up to Rs 1,000. Their judgments also were final and unappealable to any superior court. We have examined the published records of the trials before these courts and the statistics published by the Government, and we have come to the conclusion that the majority of the convictions are wholly bad. In the Amritsar district, according to the statistical abstract, 188 were tried before the Martial Law Commissions, of whom 3 were acquitted. Before the Summary Courts and Area Officers, 173 were tried, and 32 acquitted, discharged or released.

In view of the Royal Proclamation and the release of the majority of the prisoners convicted by the tribunals mentioned by us, it is unnecessary to go into the details of these trials. But it may be mentioned that cases, involving transportation for life with forfeiture of property as the minimum penalty, were based on such charges as organising the *hartal* or making speeches on the Rowlatt Act. Leading men were charged with serious offences on no better evidence than that of an approver. We hope, however, to discuss the Martial Law Commission trials a little more fully in our discussion of the Lahore events. We shall close our examination of the Amritsar events with the remark that the authorities committed a criminal blunder in secretly deporting Doctors Kitchlew and Satyapal; that there was at least undue haste in firing; that, had they acted with tact and consideration, then, in spite of the deportation, the mob excesses would have been prevented ; that the excesses were, in any event, deplorable and deserving of condemnation; that the massacre in

the Jalleanwala Bagh was an act of inhumanity and vengeance, unwarranted by anything that then existed or has since transpired; that, on General Dyer's own showing, the introduction of martial law in Amritsar was not justified by any local causes and that its prolongation was a wanton abuse of authority, and its administration unworthy of a civilized government.

2. Tarn Taran.

Tarn Taran is a part of the Amritsar District and a Railway Station. It is 16 miles from Amritsar and a Sikh centre, next only to Amritsar in importance. It was alleged by the Police Sub-Inspector that there was an attempt to loot the treasury. The evidence in our possession shows that the charge was a pure fabrication; yet a large number of persons was convicted of that charge by a Summary Court.

3. Lahore City.

In point of political importance, Lahore is the first city in the Punjab, being its capital and the seat of the Government. We have, however, treated Amritsar first, as, apart from its great importance as the Sikh stronghold, it was there that the disorder arose, and it was there that the policy of the Government was determined. Lahore is a big Railway Junction for Peshawar, Calcutta, Karachi and Bombay. The distance between Lahore and Delhi is 298 miles. The population of Lahore, excluding that of the Cantonment, is about 250,000, of which the Muhamadan element is preponderant, Hindus being nearly a third of the Muhamadans.

Lahore has ten colleges for boys and two for girls, and numerous High Schools for boys and girls. It is also the seat of the Punjab University. It has two English dailies; one conducted in the interests generally of the bureaucracy and European commerce; the other devoted to Indian national interests. It has several dailies and weeklies in the vernaculars. Lahore, therefore, of all the places in the Punjab, possesses the largest number of the literate classes and is the best supplied in the Punjab with news from day to day. The Punjab has been noted and even congratulated by Sir Michael O'Dwyer on its comparative indifference to Indian politics, but, of late, it had begun to organize political life, and Lahore was leading the way. This awakening was strengthened by Sir Michael O'Dwyer's speech in the Council at the threshold of his career, already referred to. Moreover, the Punjab shared in common with the rest of India the increase in political activity consequent upon the introduction of the Rowlatt

legislation and Lahore led the way in the Punjab. When Mr. Gandhi announced his *Satyagraha* declaration, the leaders in the Punjab were and remained, upto the last moment, undecided as to its acceptance, and no one seemed actually to have taken the *Satyagraha* pledge, certtainly none in Lahore. But fasting and *hartal* stood on a different footing. Their observance required no pledge and no continuity of action. But, even on this point, the leaders do not appear to have been sure of their ground, nor did they know what response the populace would make to Mr. Gandhi's call. They decided to publish and distribute his letter with reference to it. As soon as the Government came to know that there was to be *hartal*, they became panicky. On the 4th of April, a police notice was issued in Lahore, prohibiting processions and meetings without previous permission. On the 5th, the leaders were invited by the Deputy Commissioner to meet him. Pandit Rambhuj Dutt Chowdhari and other leaders have described in their statements the whole of that interview and the subsequent events. At that meeting, the leaders went so far as to say that if the Government did not want them to hold the meeting contemplated by them, they would abandon it, but the Deputy Commissioner was satisfied with the following terms, namely:—

(*a*) All may endeavour, up to the evening of the 5th, to convince the citizens either for or against the *hartal*.

(*b*) On the 6th, there should be no canvassing one way or the other.

(*c*) The meeting may take place, but there should be no inflamatory speech-making.

The 6th broke upon Lahore with an absolutely complete *hartal* such as had never been seen before. Thousands, including women and children, observed the *hartal*, and people went to the river to bathe and on their return they formed themselves into a procession. Strictly speaking, this was in breach of the police notice we have referred to. The procession, however, was perfectly orderly. The police wisely refrained from any interference, but when the procession went towards the Mall, they would not allow it to proceed any further than the Post Office. They obtained the services of the leaders for turning the processionists back. Lala Duni Chand and Dr. Gokal Chand Narang came to their assistance and succeeded in preventing the processionists from going up the Mall.

There is, however, a slight indication of what was troubling Sir Michael O'Dwyer. It is said that be had been saying in the course of conversations that there would be no *hartal* in the Punjab, but he was painfully surprised to see a complete *hartal* even in the capital city, and he is further reported to have remarked that he wouid make the leaders pay for the crime of having brought about such a complete *hartal*.

In the afternoon, there was a meeting at the Bradlaugh Hall. It was attended by thousands of people. Such a meeting Lahore had never seen before. Sir M. O'Dwyer had specially deputed the Superintendent of the Criminal Investigation Department to attend this meeting. The speeches made at the meeting were fully reported; we have seen them. While they were assertive in tone and insistent on the people's right to have the Rowlatt legislation repealed, there was nothing seditious in them, and certainly nothing that could in any shape or form be interpreted to mean an incitement to violence. Nothing happened on the 7th and 8th.

The 9th of April, the Ram Naumi day, was observed as in Amritsar. The people gave themselves up to rejoicings and utilized the day for Hindus and Mohamadans to fraternize with each other. What was therefore a purely religious function has been, happily, of late years turned into also a national celebration. There were officials with the procession They were cheered wherever their presence was noticed.

Thus, everything was quiet up to the 10th. Not so, however, Sir Michael O'Dwyer. He knew that Mr. Gandhi was invited by Dr. Satyapal to visit Amritsar and to explain his doctrine of *Satyagraha*. He knew, too, that, in response to that invitation and that of Sanyasi Swami Shraddhanand, Mr. Gandhi was to visit Delhi and had left Bombay for Delhi on the 8th April. He could not brook it, and after receiving permission from the Viceroy, he stopped Mr. Gandhi's entry into the Punjab, and had him arrested at the first station inside the Punjab border and sent him back to the Bombay Presidency wherein he was interned. The news of Mr. Gandhi's arrest and internment was received in Lahore on the 10th, through its publication in the Civil and Military Gazette, and, without any organization or effort, there was an immediate closing of shops. By 4 O'clock, all business was suspended. Some of the citizens formed a procession and began marching towards the Mall. By the time they reached Anarkali, it had become a big procession, but as the police had prevented the procession of the 6th April from going up the Mall, the majority stopped near the Forman Christian College, but about 3 to 4 hundred persons, including students, decided to march up the Mall with the intention of proceeding to the Government House, to ask for Mr. Gandhi's release. As soon as this was known, a party of police came out, passed by the crowd from behind, wheeled round and facing it stopped its march near the O'Dwyer Soldiers' Club. The crowd, however. would not listen to the police. Order to fire was given; 2 to 3 lives were lost, more were wounded. The crowd retired back. The dead and the wounded were taken away by the police. Assistance of doctors who were passing by was refused. The crowd, thus broken up, was pushed back slowly by the police all the way through the Anarkali till very near the Lohari gate. The police wanted to disperse the crowd at this point also. They parleyed for over half an hour, as stated

by Mr. Broadway, the Superintendent of Police, before the Hunter Committee. Meanwhile, Pandit Rambhaj Dutt Chowdhari, who was informed at his house, which is situated outside the city, of what had happened, hastened to the spot and offered his services. He was asked to turn the crowd back and to disperse it. The Pandit tried, but his voice could not reach except to those who were immediately near. He therefore spoke from a raised seat. Meanwhile, the Superintendent of Police was becoming impatient. The Deputy Commissioner, who was sent for, also arrived. Pandit Rambhaj Dutt Chowdhari went over to the Deputy Commissioner and asked for some time, so that he could reason with the crowd and induce it to disperse. But Mr. Fyson gave him only two minutes and told him that if the people did not disperse within that time, he would immediately order firing. The Pandit protested that he could hardly make an impression on the crowd within two minutes, but Mr. Fyson was unbending. The Pandit, however, tried and he partially succeeded in making some of the crowd turn back, but Mr. Fyson proved as good as his word, and on the expiry of the time limit gave the order to fire, inflicting about the same casualties as near the O'Dwyer Soldiers' Club. The firing dispersed the crowd, but it left the people sore at heart.

We are of opinion that both the firings could have been avoided. The crowd was unarmed, it had passed several public buildings, including besides the Christian College, the Y. M. C. A., the Alliance Bank of Simla, the Bank of Bengal, the Post Office, the Telegraph Office, the High Court and the Cathedral. As at Amritsar, the authorities omitted to take the usual intermediate stages, and they erred in not giving sufficient time to Pandit Rambhaj Dutt Chowdhari, who had been admittedly making an earnest effort to disperse the crowd. No resistance was offered by the crowd. We presume that other crowds in India are of about the same temper under given circumstances and of the same determination or rather weakness as the Punjabi crowd. We say this, because we have heard it suggested that a Punjab crowd is different from and more defiant and determined than any other crowd. We hold a different view. Some of us have seen a strong Punjab crowd being dispersed by the sweep of a heavy stick. The crowds at Lahore, Kasur and Amritsar were as determined as can be imagined, but none of them could stand even a little bit of firing. We imagine that crowds of the dimension, admitted by official testimony, in any other part of the world could certainly have overwhelmed such small forces as were arrayed against them. We have it upon official testimony that a huge crowd in Bombay was dispersed on the 10th April by two dozen horsemen dashing into it, and a Bombay Pydhownie crowd is noted for its mischievousness when it is bent on mischief. We are inclined to think that in India generally, and in the Punjab particularly, there seems to be an unwritten code, requiring the police never to run any risk and to resort to firing on the slightest pretext. If it is a test of a civilized Government that it shall not value the life of the meanest citizen as cheap, we fear that the Punjab Govrenment

has signally failed in that test. The plea that the governing race is, in numbers, hopelessly inferior to the governed cannot be accepted as any excuse for disregarding, under an ordinary test, the value of human life entrusted to its care. The indifferent answers given by some officers to questions regarding their orders strongly incline us to the belief that the firings we have mentioned could have been avoided with a little forbearance, a little tact and a little regard for the lives of the citizens. We are fortified in this belief by the knowledge that in every case that has come under our observation, no arrangement was considered necessary for taking care of the wounded after the dispersal of the crowd.

To return to the narrative, extraordinary as it may appear, the authorities, as we have seen, did not allow the relatives to take charge of the wounded and the dead. This created a great deal of ill feeling and resentment. On the 11th also, therefore, the *hartal* was continued. Constant parleying took place between the leaders and the authorities. The leaders pleaded, with all the earnestness at their command, for the return of the dead and the wounded, but to no purpose. Without in any way conciliating the people, the authorities wanted the *hartal* to be broken. We have had several interviews with the Lahore leaders since their discharge. They have favoured us with their statements; we believe that most of the leaders tried their best to break up the *hartal*, even though the authorities would not return the dead and the wounded, but they did not succeed. There was a big meeting on the 11th at the Badshahi Mosque at which the idea of breaking up the *hartal* was considered, but nothing came out of it. There was an interview again with the Deputy Commissioner, at which the leaders suggested that they should again have a meeting on the understanding that the military should not be posted near the meeting place. Pandit Rambhaj Dutt Chowdhari affirms that such an undertaking was given by Mr. Fyson. The latter denies it. The evidence in our possession confirms Mr. Chowdhari's affirmation. A very big meeting took place at the Badshahi Mosque. Feeling, certainly, ran high. Pandit Rambhaj Dutt Chowdhari was alone able with his powerful voice to gain a hearing. Without any decisive result, the meeting dispersed, and as the people were going to their homes the military fired. It is contended on behalf of the military that the situation demanded firing as the crowd had become defiant. If it is true that there was a promise by Mr. Fyson to withdraw the military, their very presence was unjustifiable. There was again loss of life. This added to the resentment of the people and made the work of the leaders well nigh impossible. Further consultation amongst the leaders took place. The authorities began to assume a progressively uncompromising attitude. They would see some leaders and decline to see others. *Hartal* still remained. There was danger of starvation and consequent pillage. People, therefore, opened *langarkhanas* i.e., free restaurants. These were run by voluntary subscriptions, and thus the 15th of April was reached.

On the 16th, Lala Harkishan Lal, one of the magnates of the Punjab, Lala Duni Chand, one of the most popular Municipal Commissioners of Lahore, with a record of unbroken public service, and Pundit Rambhaj Dutt Chowdhari were invited by the Deputy Commissioner to meet him, only to be arrested and deported. Soon after their deportation, Martial Law was proclaimed in Lahore. At that time, the reason given to the leaders by the Deputy Commissioner was that it was being proclaimed in order to break the *hartal*, and Col Johnson has said definitely in his evidence that he would have put the military in charge of the shops and forcibly sold their goods if they had not opened them This warning was actually given and the proud merchants of Lahore had to suffer the humiliation of opening their shops under military pressure. Whether the people were right or wrong in sustaining the *hartal* as a tangible expression of their resentment we shall not discuss, but right or wrong, there was nothing criminal in the people refusing to open their shops. But it was criminal to compel them by threat of force to open their shops. Indeed, we are not sure that a peaceful *hartal* is not an infinitely superior weapon, even from the Government standpoint, to the use of violence as a means of seeking redress.

However, Col. Johnson has before Lord Hunter given his opinion that Martial Law was necessary in Lahore for the sake of preventing the spread of 'rebellion' in the other parts of the Punjab. We believe that the introduction of Martial Law in Lahore was an utterly unjustifiable act. No violence was done by the people either to person or property in Lahore. We do not include in public violence the rough handling to which a C. I. D. Official was subjected at one of the Badshahi Mosque meetings. It was no doubt improper on the part of those who assaulted the Official. But if an incident of this character could justify the Martial Law reign, we should have Martial Law, not as an exceptional event, but as an ordinary rule of life. No evidence has been brought forward publicly to connect a single leader in Lahore with any organization outside. No connection has been established even between Amritsar and Lahore. The personal interest of the Lahore population was entirely bound up with the preservation of law and order. Lahore contains no martial element. The introduction of Martial Law in the city of Lahore was therefore justified neither for the safety of Lahore nor for the prevention of infection spreading from it. It was an unmerited reflection cast upon the staunch loyalty of the citizens of Lahore. We wish here to draw a broad distinction between loyalty to the British constitution and the King, and indiscriminate support of a tyrannical deputy who disgraces a high office to which he may be called.

The disturbances, where they took place, were an undisciplined demonstration against Sir Michael O'Dwyer's rule. From the very commencement of his rule, he estranged the educated classes by every means he could devise. He incensed the populace by his

overzealous canvassing for contributions to the war in men and money. We consider it to be a proper thing to use social and moral pressure for stimulating contributions to the war, in which the very existence of the Empire may be at stake. But Sir M. O'Dwyer overstepped the limits of decency and, in his laudable zeal for outstripping his fellow satraps in supplying men and money, he forgot himself and did not consider the quality of the means adopted. The consequence was that his under officials out-heroded Herod, and, as remarked in a previous chapter, we have in our possession evidence to show that British Rule was disgraced by officials whose one aim was to get recruits and money. It was a result too dearly bought.

It has been suggested that recruiting cannot be held to be a cause of the violent part of the demonstration, because the districts, in which undue pressure is said to have been used, were the districts that were exceptionally free from violence. This statement is no doubt partially true. The reason, however, in so far as it is true, is obvious. Those who were at all able to protect themselves, more or less successfully, avoided the pressure. Those, who could not resist the pressure, were not likely to be the men to rise against it at a later stage, unless they felt conscious of their strength. There is however such a thing as vicarious resentment, as there is vicarious sacrifice ; and as national consciousness grows from day to day, so is there likely to be a demonstration of vicarious sacrifice and vicarious violence ; and it behoves both the Government and the people to make a wise choice. It hardly requires any recommendation from us that vicarious sacrifice is infinitely preferable to vicarious violence. We have no doubt that the Punjab Government goaded to vicarious violence the people, who were endeavouring to train themselves for vicarious sacrifice.

But Lahore, to its credit, never left the chosen path. The sufferings of Lahore are, in our opinion, a purer treasure in a way even than those of the people, who were the victims of the massacre of Jalleanwala Bagh.

We shall now cast a cursory glance at these sufferings.

Col. Johnson, of African fame, was in command of the Lahore Martial Law Area from the 5th of April to the 29th of May 1919. His administration was so sweeping that it made itself felt by all classes of people, high and low, not excluding the students, numbering several thousands, studying in the various colleges. The tallest had to bend before his iron rule.

Take his curfew order. Men, women and children, living in small places where people are used to retire early, may not notice the inconvenience of it, as in a big city like Lahore. In Lahore it became intolerable. Even those who required medical help had to be without such assistance, and when the difficulty was pointed

out to this officer by Pandit Jagat Narayan, he promptly stated, you cannot wage war without having to suffer such hardships. An officer, holding the responsible position that Col. Johnson did, ought not to have used a technical legal phrase in respect of a state of things, which by no stretch of reasoning could be called " waging of war ". It was a prostitution of terms to apply the expression to a state of things that existed in Lahore, or, for that matter, in the Punjab. We have read all the evidence produced before Lord Hunter, and we have been unable to notice a single fact or argument in support of the statement that the Punjab was 'waging war against the King.' Col. Johnson was obliged to admit that people never made use of arms anywhere. Those who had arms, which they could have freely used, neither used them themselves nor allowed others to make use of them. We shall presently see what " waging war " actually meant in the opinion of the Judges of the Martial Law Tribunals, but here we have the spectacle of a British officer, of long standing and varied experience, making the most irresponsible statements, unsupported by anything that could be accepted by reasonable men, and acting, on his own showing, upon hearsay, taking drastic measures against the people who had done no wrong, except protesting in an orderly manner against unjust administration. Many of those who broke the Curfew order, knowingly or unknowingly, reasonably or unreasonably, were publicly whipped like common and incorrigible criminals.

Col. Johnson " laid the greatest importance " on the notice he gave to the effect, that, if any bomb was thrown on his troops, it would be taken as done by all persons living within the radius of 100 yards, and that, he would give to all those living within that area an hour's time to leave and then dismantle and demolish every building there, except Mosques and Temples.

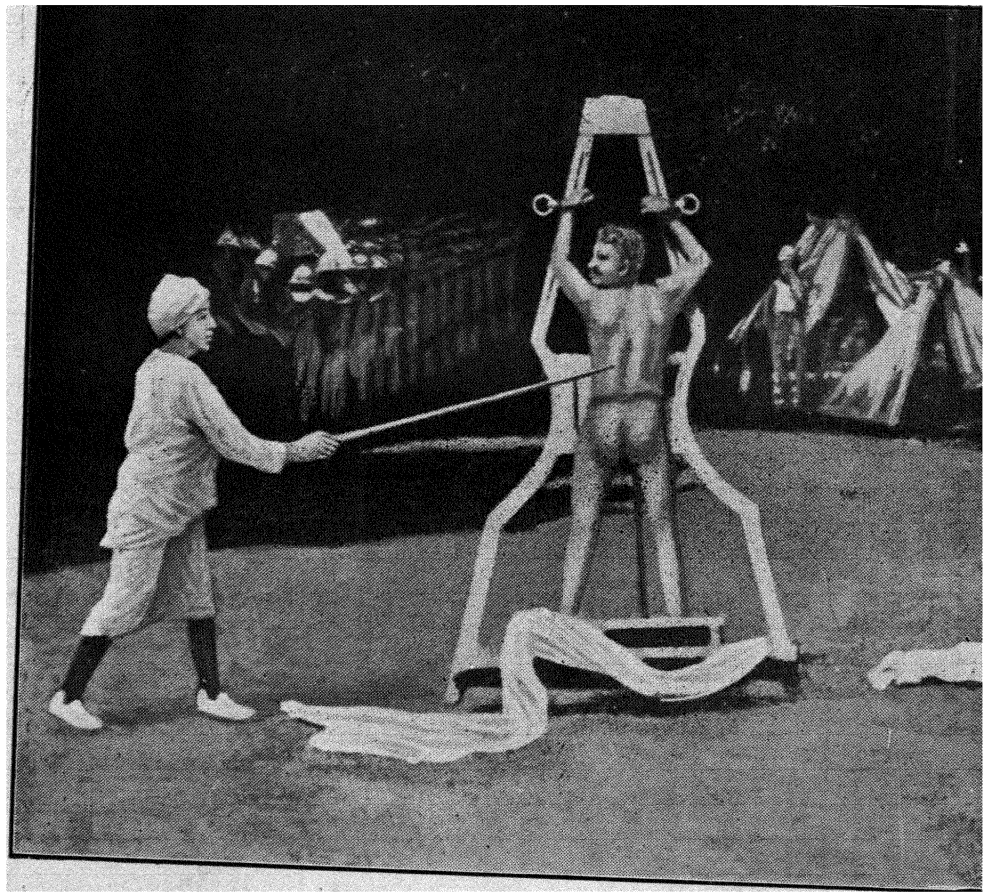
He had commandeered 800 tongas, which number was finally reduced to 200, and these were detained up to the time the Martial Law was in force. He commandeered all the motor cars belonging to Indians. He restricted travelling by railway, so as " to limit the activities of gentlemen who might proceed outside the city to the district with a view to cause trouble there ". He issued an order stopping all the free restaurants (*Langarkhanas*). He regulated the prices of food stuffs. He dispossessed license-holders of their guns and his ardour had to be restrained by the Government in regard to those who were known to be men of " undoubted loyalty ". He confirmed the orders that were issued by the Deputy Commissioner closing the Badshahi Mosque, and it was permitted to be opened only on an undertaking being given by the trustees that " No Hindu would be allowed to enter the Badshahi Mosque. "

He constituted Summary Courts. He himself tried cases. 277 persons were thus tried, of whom 201 were convicted. The maximum

sentence was 2 years' imprisonment, 30 stripes and a fine of 1,000 rupees. 800 stripes were ordered by Summary Court Magistrates, and they were distributed amongst 66 persons. The highest number of stripes was 30, the lowest 5. These men were publicly flogged until an order came to the effect that they were not to be so flogged. There was hardly any medical examination. Lord Hunter asked him whether he never imagined the punishment had serious effect. The answer was, "I cannot imagine it." In his opinion it was "the kindliest method of punishment". To Mr. Justice Rankin he said, he 'terrorised' people, and dozens and dozens of sentences were saved. Justice Rankin thought that it was a little strong to suggest that whipping should be regarded as the most efficacious and convenient method of summarily dealing with masses of people in minor breaches, and asked Col. Johnson whether it should not be rather exceptional, and the answer was, "I hardly agree with you. You have a very great population. You are creating new offences by the issue of these orders. If the jail is the only punishment, it would not affect this population here very much. The jail is an extraordinarily comfortable place from the general standard of household in the city. They are well fed in the Central Jail and one would soon have got used to the conditions. We were going to have the whole lot of them. I feared the jail would be filled." In another place he says the value of whipping is equal to 1,000 soldiers. In our opinion, in applying the above reasoning, Col. Johnson has used barbarous arguments in order to support a barbarous punishment, and this fact alone makes him unfit for holding a responsible position, such as was entrusted to him by the Punjab government. Nor were these the only punishments of whipping awarded. He has given those that were recorded by the summary courts, but the unrecorded punishments were perhaps more numerous than the recorded ones. Over 170 statements collected by us from Lahore go to show conclusively that the temper, shown by the highest officers of the crown, had filtered down to the lowest, and in so filtering had reached such a fineness that it was ruffled on the slightest pretext, and was allowed to have its full play upon the populace, without any restraint worthy of the name.

His Railway-travelling Order, besides being general, was particularly aimed at Lawyers' clerks and their messengers. Sir C. Setalvad asked, "In the order No. 6 you say, 'I have reason to believe that munshis, agents and chaprasis of pleaders are engaged in disseminating seditious propoganda;' therefore, you issued an order prohibiting them from leaving Lahore Civil Command without permit, and you ordered every legal practitioner to submit a complete list of every munshi, agent, or chaprasi directly or indirectly employed by him?" Col. Johnson replied in the affirmative. When he was asked what evidence he had, he admitted it was all verbal.

It is well known how far this bias against the lawyer class was carried, how lawyers from outside the Punjab were refused admittance on



Public flogging at Lahore.

the ground that they might also disseminate sedition. Even a scholarly lawyer of Mr. Manohar Lal's standing, respectability, known loyalty and caution bordering even on timidity, could not count upon being safe from the attentions of the Martial Law officers. He is an M. A. of the Punjab, a B. A. of Cambridge, a fellow and a member of the Syndicate of the Punjab University. He was a foundation scholar of St. John's college, Cambridge, and possesses several other distinctions. He is the Vice-President of the High Court Bar Association and the President of the Forman College Graduates' Union. He was arrested at about 7-30 a. m., on the 18th of April, as a trustee of the Tribune newspaper. There was no warrant, nor was he told the charge on which he was arrested. He says, "on my arrest at my house, I had barely two minutes to take leave of my wife and children, and I was given no indication of where I was to be taken." He says further, "at about 2 p. m., I was removed by the Police from the Telegraph office to the Central Jail, Lahore, where after the usual ceremonies at the gate, of depositing watch and chain, pencil, loose cash, etc., and signing the Register by my thumb impression only, I was taken into a cell in the Ward No. 14 of the Jail. This ward is meant for condemned prisoners, or those awaiting trial for capital or similar offences. In this cell, I was supplied after a time with two filthy jail blankets, and two iron basins to eat and drink out of. After about three hours, I was transferred to another part of the jail, known as the *Chakkis*, i. e., a series of cells furnished with arrangements for grinding corn. I do not wish to describe the cells, because they can easily be seen. All our sanitary and other arrangements were inside the small cells, consisting of stinking earthen vessels, cleaned twice a day. I was, when in this cell, allowed a short time in the morning to walk on a small indicated beat of about fifty yards, and go to the tap for a wash, if desired. I had no clothes but the suit in which I was taken away from the house, and it was not till Monday the 21st, that, in the afternoon, I was given a few clothes brought by my son, when he came to interview me.

"My wife and children had no idea of where I was confined till late in the afternoon of the day of my arrest. I was allowed no communication with them, except for the post card I was able to send through the Superintendent of the Jail on Saturday afternoon.

"On Monday, 21st April, my friend, Kanwar Dalip Singh, Bar.-at-Law, and my son came to see me at the Jail, but, as I was allowed to see only one of them, I had a few minutes' interview in the presence of the Darogha of the Jail with my Barrister friend. My request for the indulgence, if that it was, for a minute's talk with my son was refused by the Superintendent, Mr. Cowan.

"On Wednesday the 23rd, I was transferred to the European ward, where I was comparatively more comfortable, having considerable liberty of movement, and because of the accommodation, and clean lavatory and washing arrangements and a small library.

" I lived in this ward till the morning of my release, the 16th of May. During this period, I had, I believe, three regular interviews with my friends and relatives, one very brief, one as a special case with Kanwar Dalip Singh, as he used to be frequently in the Jail, on account of his being retained by the Government for the undefended prisioners, and one, as an act of special kindness by the Superintendent, with my brother who was passing through Lahore.

" During the whole of this time, I was given no indication as to what the charge or accusation against me was. I was left in a state of complete uncertainty." Mr Manohar Lal gives us also a glimpse of what happened to his invalid wife and children. He says, "I learnt, during one of the interviews allowed me in Jail, that my house was searched after my arrest. It was locked up within less than three quarters of an hour of my arrest. My wife, an invalid lady, and my children had to find shelter in the servant's quarters and the kitchen in the compound, and they had to use beddings lent to them by friends. The search took place on the 19th of April, and my family was able to return to the house on the 19th of April, at about 6 p.m.

Two or three valuable books were also taken away by the police and remained unreturned to the day of his making the statement. He concludes the story of his arrest as follows :—" To this day I am ignorant of any accusation against me, or of any thing else that led to, much less necessitated, my arrest and confinement."

In examining the possible reason for his arrest, he says, " I do not take any part in the active life of the town, being almost entirely a student, so far as professional duties permit. During the many and frequent meetings to which the Deputy Commissioner called representatives etc., of the people, I was never called, nor was otherwise present, nor did I attend any of the meetings held by private gentlemen to devise means to stop the *hartal*." (St. 150, p. 198) An officer who can order or allow the arrest of a man of Mr. Manohar Lal's standing without the most searching investigation is unfit to hold the high command that Col. Johnson did. It betrays a contempt for Indian honour such as ought not to be possible in those who wear His Majesty's uniform.

Another form of torture invented by this resourceful officer was to paste his notices on the houses of those whom he considered to be 'evilly disposed persons'. The owner was made responsible for any damage done, including even the dirtying of these notices. Sir Chimanlal asked him for a definition of 'evilly disposed persons', and asked whether those whom he suspected would be the evilly disposed people. His astounding reply was, " if you like to put that way, I would not object." "I want to know what was in your mind ?", asked Sir Chimanlal. The answer was, " I thought that people who were not known for their notorious loyalty should be employed on that work, and the persons

deficient in this quality were selected by the C. I. D." Sir Chimanlal suggested that the task meant watching the notices for full 24 hours from day to day. Col. Johnson admitted the necessity for such a watch, but held it to be absolutely justifiable. Intolerable as such an order was in any event, it became a thousand fold intolerable, when a whole institution was held responsible.

And this brings us to the story of the violence done to the student world as well as the Professors of colleges. We must give the dialogue between Sir Chimanlal Setalvad and Col. Johnson in order that the working of Col. Johnson's mind may be thoroughly understood :—

Q.—The Sanatan Dharma College was one of the buildings selected for putting up that notice ?

A.—I believe it was.

Q.—It was not in the first list prominent, though it was but subsequently added ?

A.—Yes, the list was recast afterwards.

Q.—And the notice stuck on the outer walls of this college was torn down by someone ?

A.—That was the information laid before me, not by the police, but by somebody.

Q.—Is it true that all the students of the hostels of the college were arrested ?

A.—I ordered that every male found on the premises should be arrested.

Q.—How many were arrested ?

A.—500.

Q.—500 students were arrested for this notice being damaged ?

A.—And the professors too.

Q.—All of them so arrested were marched to the Fort which is three miles away from the College ?

A.—Quite.

Q.—And during that march they were ordered to carry their beddings on their shoulders or heads ?

A.—If they wanted to carry their beddings, they could.

Q.—Were they not made to carry them ?

A.—I made no order as to that. If they wanted to carry them, they could.

Q.—On a Lahore summer day ?

A.—It was a May day.

Q.—It was very hot in Lahore ?

A.—Yes.

Q.—All these 500 students and professors were marched a distance of three miles ?

A.—Quite.

Q.—And they were kept under orders in the Fort ?

A.—Yes, that is so.

Q.—How long were they kept there ?

A. I think one day. I beg your pardon, two days.

Q.—They were then released after taking from the Principal certain undertakings as to their seeing that the notices were preserved ?

A.—Yes, after I got the necessary guarantee that such a thing would not happen again.

Q.—I put it to you, Colonel, do you think that the measure that you took was a reasonable one ?

A.—Yes. I was looking for it. I was looking just for such an opportunity.

Q.—You considered it then, and you consider it now, a reasonable order to make ?

A.—Undoubtedly.

Q.—Your frame of mind, then, Colonel, was as you indicated in your report, that you were waiting for an opportunity to bring home to them the power of Martial Law ?

A.—That was so.

Q.—You were longing for such an opportunity ?

A.—Only in the interests of the people themselves.

Q.—I do not suggest that it was not in their interest. It may or may not be. But you were longing for an opportunity to show the might of Martial Law ?

A.—Quite.

Q.—You got that opportunity ?

A.—And I took it.

Q.—And you took it and marched these 500 students to the Fort in the hot sun ?

A.—That is so.

Q.—And you still maintain, that was a proper exercise of your authority ?

A.—Absolutely. I will do it again to-morrow, if circumstances require.

It should be remembered that the last cold-blooded reply of Col. Johnson was given, not whilst he was in the thick of the battle, but on the 24th November 1919, nearly six months after he had left his command of Lahore. If his precious notice was wilfully defaced by any body at all, it was his duty to make an enquiry, and not straightway proceed to punish the professors and the students. But Col. Johnson was nothing, if not thorough, and therefore he took action against the D. A. V. College, the Dyal Singh College and the Medical College, not by way of punishment, but in order to keep the students "out of mischief", and the order issued was that there was to be a roll-call of all the students, four times a day, the hours being 7 and 11 in the morning, and 3 and 7-30 in the evening. "And the Medical College students, in order to attend this roll 4 times a day, had to walk in all about 17 miles a day?" was Sir Chimanlal's question. The impertinent reply given by Col. Johnson was, "I think it was only 16. I measured it." Sir Chimanlal then asked, "And they had to walk like this, in the hot sun of Lahore, for 3 weeks every day?"

A.—That is so, unless exempted by a medical certificate.

Q.—You thought, Colonel, then, and you still maintain the view that this was a reasonable order to make in order to keep students out of mischief?

A.—That was my opinion then.

Q.—And still it is your opinion?

A.—Absolutely.

Q.—Did it ever occur to you, and does it occur to you now, it was working upon students the utmost hardship to make them travel 16 miles every day in the Lahore sun for three weeks?

A.—No hardship at all.

We must give in Col. Johnson's own words the extraordinary justification for his extraordinary action:—

Q.—I put it to you again, Colonel, did it ever occur to you that by treating—I do not know how many hundreds, possibly thousands of students, in the manner you did, with regard to the roll-call, you were making these young men bear bitter hatred towards the British Government for the rest of their lives?

A.—It did, but I came to the conclusion that there was so much sedition in these Colleges, that nothing that I did could make them worse.

Q.—Do I understand you to say that although it did occur to you that this treatment of yours might result in turning them bitter against the

British Government, your view was that they were such confirmed seditionists that you could not make them more bitter ?

A.—I do not accept your description, but the atmosphere of the Colleges was such that you could not hurt it.

Q.—Do you think that, by the measures you took, you were helping in the least to improve it ?

A.—I was certainly not making it worse.

Q.—Were you improving it ?

A.—I was not out to make them loyal, but I was out to keep them out of mischief and to keep them from outlying districts.

Q.—Did you succeed ?

A.—Yes.

Q.—You think that is the best way ?

A.—That is the best way I could think of. There are two ways. One is to close the Colleges, and the other is to prosecute them.

Q.—I take it to be your view that the best way of making people in this country loyal and well disposed towards Government is to adopt more harsh measures towards them ?

A.—I put it the other way, by teaching that there is a penalty for such suspected sedition.

Q.—Did it ever occur to you that among these thousands of students there must have been a large number of perfectly innocent ones ?

A.—Yes, I gave exemptions to some.

The Colonel thought that some students had insulted English ladies. We have not found anything to justify this charge. He has himself produced nothing in support of his opinion, but he had on that account a meeting of the principals of the colleges. He had a "frank talk" with them, and asked them to submit proposals for adequate punishments. The principals came out with what was suitable punishment in their view. He considered that some of the punishments were inadequate, and he promptly informed the principals that "unless the punishments were raised, the colleges would be closed and the students would be stopped from attending the examinations." In this way, a thousand and elven students were punished. This is what Mr. Sant Ram Grover, M. A., B. Sc., Professor of English, Dyal Singh college, says about the students and their treatment :—

"During the *hartal* days, I observed no change in the attitude of the students of my college, and I cannot recall even a single case of unseemly conduct on the part of any of them.

"Like many other buildings, our college was selected for having Martial Law notices posted thereon. About ten days or more after the proclamation of Martial Law, a notice was served on the Principal of our college, at about 7 p. m., one evening, that the writer of a seditious poster, which was attached to the notice, must be found out, and reported to the Officer Commanding before 12 noon the next day. The Trustees, staff, and students met the following morning to find out the writer, but were unable to do so, as no one connected with the college appeared to have been the author thereof. We were just drafting a reply, when Col. Johnson with some C. I. D. men came to our college. Rajah Narendra Nath, one of the trustees, and some others came down to explain the matter to the Colonel. One C. I. D. man pointed out a place in the college, where he said he had found the poster stuck on the wall. I suggested to the Colonel that it must all be a story, for, though the poster appeared to have been fixed with a nail on the wall, there was no corresponding mark on the wall itself. We then showed to the Colonel the reply we had drafted. On this, the Colonel asked the reply to be sent to his office, which was done. The same evening, another notice was received asking the Principal to see him the next morning at 9 a. m. The Principal saw the Colonel at the appointed time, and returned with some soldiers with fixed bayonets. He was asked to pay Rs. 250 by way of fine, or go to jail for three months. The fine was paid on the spot.

"A few days after, our Principal, like those of other colleges, got an order from the Deputy Commissioner to find out and punish the ring-leaders, no explanation being given as to ring-leaders of what movement were meant. We took it that some students had to be punished. To satisfy this demand, the college council met and picked out a few students, and drew up a list of punishments. The list was shown to and approved of by the trustees. I took this list myself to the Deputy Commissioner with a letter from Rajah Narendra Nath, mentioning the punishments, saying that a larger number of students was not castigated, because it would cause an unnecessary agitation, dangerous to society.

"A day or two after this, we got a reply that the punishments were inadequate, and that a sufficient number of students had not been punished. The college council again met, and a few more students were added to the list, and the punishments of others enhanced. The next day, we heard from the Deputy Commissioner, approving of the punishments and sending a cheque for Rs. 250 in remittance of the fine previously realised." (St. No. 151, p. 201).

The punishments consisted in rusticating students, suspending them from attending examinations, etc. all this without any real trial. The letter, addressed on behalf of Col. Johnson to the Principal of the D. A. V. College on the 10th of May, shows most accurately the attitude adopted by this officer. We, therefore, give it below without any further comment :—

Copy of a letter No. 111-4, dated 10th May 1919, from the Staff Officer, Lahore (Civil) Command, Punjab Club, Lahore, to the address of the Principal, D.A. V. College, Lahore.

The Officer Commanding, Lahore (Civil) Area, has carefully considered your letter of the 7th instant. In reply, I am directed to say that Col. Johnson considers the disciplinary action suggested therein as entirely inadequate, in view of all the facts at his disposal, which would tend to prove that the students of your college have even exceeded those of other colleges in Lahore in seditious activities. And I am to say that unless he receives from you to-day a schedule of punishments, which in his opinion, are more adequately applicable to the unenviable reputation of your college, the Officer Commanding would have no alternative but to immediately close the D. A. V. College and exclude all its students from the forthcoming examination.

In order to assist you in framing a scale of punishments, I am directed to inform you that in the case of the Government College, 6 students are being expelled and debarred from ever entering any other college in the University, 6 are not to be allowed to proceed to any further examination, 6 are to be rusticated for a year, 15 forfeit their scholarships, besides, minor punishments in 112 other cases.

In the Dyal Singh College, 7 students are to be expelled, 5 are to be rusticated for a year, 14 will be put back one year, 14 are suspended for three months, 2 are temporarily deprived of their scholarships, and 224 are to suffer minor punishments, whilst 245 are required to furnish substantial securities for their future behaviours.

The Officer Commanding thinks that it may help you to submit proposals which will save him the necessity of closing your college, if I add that he expects such disciplinary action to be in no degree less than those to which I have drawn your attention.

Finally, I am to say that the Officer Commanding, Lahore Civil Area, is unable to accept the proposal that any portion of the fines inflicted should be paid to the Comforts Fund for British soldiers.

(Sd.) W. BARNS, MAJOR,
Staff Officer,
Lahore Civil Command.

Then there was an order making it a crime for more than 2 Indians to walk abreast. The preamble stated: "Whereas it was expedient to prevent violence or intimidation, if more than two 'natives' come and do not give way to a European, that is likely to lead to a breach of the peace," said Col. Johnson to Sir Chimanlal. Sir Chimanlal elicited the fact that the breach of the peace would be committed not by the "natives", but by the Europeans, and Indians had to suffer in order to prevent a breach of the peace on the part of a European

who might resent more than two Indians walking abreast. One of the reasons he gave to Sir Chimanlal for depriving Indian owners of their cars was that it was a reasonable measure, as " he wanted to bring home to the people that they could not play this game and that they could not have risings in Lahore ".

The following questions and answers demonstrate fully the blighting effect of Col. Johnson's rule.

Q. Is it true, as has been alleged, that a marriage party in a certain part of Lahore was arrested, because they were more than ten, and moving about as they usually do, and the marriage party and the bridegroom were arrested and the priest and others were flogged ?

A. It is quite true. It is the one instance, that I know of, that is to be regretted. The moment I heard of it, the fines were remitted and the Civil Magistrate was removed.

It is good of Col. Johnson that there was at least one instance which caused him some regret, but it is also the one instance which shows how dangerous the punishment of flogging is, and how his totally unnecessary orders caused the greatest irritation and inconvenience to the population that was perfectly harmless.

We have been dwelling on the acts of Col. Johnson as if they were his own original productions. Whilst he was, no doubt, capable of doing most of the things himself, there can equally be no doubt that there was a mind and a purpose behind these acts that was not Col. Johnson's. That Officer was executing Sir Michael O'Dwyer's policy and wishes. Mr. Manohar Lal was arrested, because he was a trustee for the Tribune. That independent newspaper had to be killed. Mr. Kalinath Roy, the able Editor of the Tribune, had offended him more than once by his independence. His article on Sir Michael's vituperative speech of the 7th April, entitled 'Blazing Indiscretion ' was the last straw. How blazing the indiscreet speech was, the events have shown. He had not a single self-respecting man to defend his indefensible conduct towards the educated classes. Any way, Mr. Kalinath Roy was duly arrested, tried and convicted for seditious writings. We have no hesitation in saying that there was not a word of sedition in Mr. Roy's writings. His trial was nothing less than an outrage on decency in political life. No less cruel was the prosecution of the Editor of Pratap, a paper that had just commenced its career and whose Editor was widely known for his meekness and the harmless religious character of his writings. The existence of independent journalism became an impossibility during the Martial Law regime and the Tribune, the Punjabee and the Pratap stopped publishing.

We now come to the oppression not practised in its nakedness, as it was in connection with the orders we have till now dealt with, but

veiled and practised in the name of law and justice. We refer to the Martial Law Commissions. These Commissions were supposed to constitute a judicial, but summary trial of persons who were supposed to have committed serious crimes, i. e., waging war. We have examined the papers in connection with the trial of the Lahore leaders. They were 11 in number, most of them occupying a high status in society, and some of them worthy to be Sir M. O'Dwyer's peers. Seven of them are Barristers or Pleaders. Lala Harkishen Lal has furnished us with a statement, in which he has no hesitation in saying that he was charged, bacause Sir M. O'Dwyer was, in plain English, jealous of his reputation as a financier, and in other respects, concerned with activities which were distasteful to the Lieut. Governor. He shows in his statement how insidious attempts were made to ruin the enterprises that he was controlling. Lala Harkishen Lal says that his deportation was without the least justification, and his trial and conviction were based purely on fabrication. The general dislike that Sir M. O'Dwyer felt towards the deponent was intensified in that the deponent had been appointed a member of the Congress Deputation, and was to proceed to England at the end of April 1919, and that he had also been elected to preside at the Punjab Provincial Conference, which was to be held at Jullundur on the 18th and 19th of April, 1919.

He and the other leaders were tried for waging war. We have read the precis of the charge against the accused, and it consists in the accused having taken part in the Rowlatt Act agitation, in the *hartal*, having made speeches, having supported *Langarkhanas* and in being present at the meetings we have already described. We have read the evidence produced against these popular leaders, and we have read also the judgment, and have come to the conclusion that the whole of the trial was a travesty of justice, and it was an abuse of language to consider their acts as tantamount to the 'waging of war.' It is remarkable too that the judges took judicial notice of the state of war in the Punjab, because of the proclamation establishing Martial Law, whereas it was their clear duty, in trying individual cases, to take evidence rebutting the proposition that there was a state of rebellion or war in the Punjab. Lala Harkishen Lal has stated what it cost him to undergo the trial and imprisonment. He says, "the telegrams cost him well nigh Rs. 1200, the trial another sum of Rs. 12000 and the appeal a good round sum, but the accounts were not yet complete. Loss of business meant nothing less than 3 lacs of rupees." It may mean nothing to him to lose all this money, but we are aware of some who have been impoverished, because of these so called judicial trials.

Mr. Santanam, a Barrister of 10 years' standing, and practising in Lahore, and who was engaged for the defence, has furnished us with a graphic description of the tribunals. We make no apology for giving a long extract from his statement. After describing what he had seen

himself of the firing on the 10th April, and of the other effects of the Martial Law, he proceeds:—"The consciousness of the humiliation to which every Indian, irrespective of status, was subjected in those days was however nothing in comparison to the pain one felt at the sorry plight of those poor prisoners, who had been arrested in hundreds, and were being arraigned before the Martial Law Tribunals. It is no exaggeration to say that no legal help of any kind was forthcoming. The Government had, no doubt, out of a feeling of great humanity, (one likes to think so at least), appointed a counsel for each Tribunal to take up the case of those who could not afford to engage a lawyer to defend them. But this was a colossal sham, as such a counsel had often to defend as many as 10 to 15 men at a time, and that too, without any adequate time to consult them, or prepare their case. Some of these gentlemen had confessed to me that in several cases they had not had as much as 5 minutes with each accused for consultation, before being asked to defend them against such serious charges as waging war, conspiracy, arson, murder etc. The procedure usually was to bring up before a Tribunal a batch of the accused, often numbering 30 and 40, who had never been told for what offence they had been arrested, to read out the charge to them, and ask them then and there to name what witnesses they were going to summon in their defence. They were also told at the same time that the Government would try their best to summon these witnesses, but could not guarantee that each and every one would be produced. As often as not, the precis of the evidence for the prosecution was not read out to them, nor were they allowed to take copies of the precis. Each accused was asked if he had a counsel of his own; if not, he was told that the counsel appointed by the crown would defend them. After this, they were taken back to the Jail, and were not allowed to see even the Crown counsel till 9 o'clock on the morning of the day fixed for their trial, which usually was 3 or 4 days after the day on which the charge was read out to them. Sometimes, I am told, that the crown counsel was allowed to see the prisoners in Jail from 7 A. M. in the morning till 8-30 A. M., when the prisoners were usually taken to court. But it can be imagined what this concession amounted to, if it is remembered that these counsel had to attend the court every day at 10 A. M., and had to defend fresh batches of accused each day, so that they could only have consultation with those whose cases were coming on that very day. Let it also be remembered that the trial of 20 and 30 persons on very serious charges was usually over in a day, and it can be imagined what sort of trial these poor men could have had.

"If this was the fate of the men who were too poor to engage counsel, the fate of those who were in a position to do so was not any better, as, though willing to pay, they could not find any counsel of any standing to take up their cases. The first difficulty they encountered was that no one knew on which day any accused would be brought up before a Tribunal and arraigned. In this uncertainty, the better class of

lawyers could not accept a brief beforehand, quite ignorant as to whether the date would be suitable to them or not.

"The second difficulty was that most of the lawyers having taken some part or other in politics, which was anathema to the then Government, were afraid that their turn might come next to be arrested, and did not want to hasten the evil day by taking up the cases of the alleged revolutionaries. The third and the most important one was that there was a general belief that the Government looked upon counsel, who took up such cases, as seditionists and revolutionaries themselves and such a course was enough in itself to get a man into trouble. This idea was strengthened by the action of the Hon'ble Mian Mohammed Shafi, now a member of the Viceroy's Executive Council, whom a relative of Seth Ram Pershad had engaged to defend him when he would be brought up for trial. A few days after this, Mr. Shafi returned the brief, and I have it on very reliable authority that the reason he gave was that a high officer of the Government had as much as given a hint to him that such a course on his part was not looked upon with approval by the Government. It can better be imagined than described what effect this incident had on the already demoralised Bar.

"My own personal experience is that whether the Government disapproved or not, it was evident that the police, which was all in all at that time, certainly did not relish the idea. Uptil May 1919, I had the good fortune not to attract the attention of the C. I. D., to myself. But on May 14th, I was engaged on behalf of the accused in the case of Lala Harkishen Lal and others, known as the Lahore Leader's case and went up to Simla with a petition for transfer of the case and for permission to get counsel from outside, which was, of course, never granted. But this action of mine seems to have been enough for the C. I. D., for, when I came back from Simla, I was told that the C. I. D. had been regularly patrolling my house in my absence and incidentally frightening my family into fits. Ever since then, I have been regularly shadowed and my movements watched and it is only recently that their unwelcome attentions have been somewhat relaxed.

"From what I have said above, it will be clear that the accused were practically undefended and the Government succeeded in its object of securing speedy convictions without any opposition. The order prohibiting counsel from outside entering the Martial Law was meant only to prevent the truth of the atrocities being committed here from becoming known to the outside world, and to obviate the possibility of any agitation being set up against the monstrous injustice perpetrated here under colour of judicial procedure.

"Not content with setting up these difficulties in the way of an efficient defence, being put up, the Tribunals went further and did things which no court, either civil or military, with any pretentions to deal

justice of even a rudimentary character, would dare so. The ordinance of the Viceroy empowered the convening authority to convene a court with the powers of a Summary General Court Martial, " wherever it might be necessary in the interests of public safety". But all the trials conducted by all the four Martial Law Tribunals were invariably under the powers of a Summary General Court Martial, or, as it is otherwise called, a Drumhead Court Martial. I might explain that these Court Martials are intended for the armies on the actual field of battle, where the niceties of legal procedure cannot be observed in the interests of military expediency.

" The counsel engaged in the cases were treated with scant courtesy and were made to feel that they were there by mere sufferance. The most reasonable requests were most insolently refused and sometimes counsel were even actually insulted.

" No record of proceedings were allowed to be taken on behalf of the accused except short notes by the counsel himself. There was actually an order to this effect by the convening authority which I herewith attach, appendix A.

" The record taken down by the court was an extremely unfair one, as the evidence in chief for the prosecution was taken down *verbatim*, but the answers in cross-examination were not taken down for the most part, especially those which were in some way favourable to the accused, in spite of repeated requests by the counsel for the accused. The reply usually given by the Commissioners was that, sitting as a Summary General Court Martial, they were not obliged to keep any record at all, except such notes as they considered necessary for their own use. As a consequence of this, it will be observed in the existing records that there are often pages of depositions of prosecution witnesses followed by a few lines of statement in cross-examination, and these few lines too contain the most futile and unimportant answers. As an instance, I might point to the evidence of one Maratab Ali Shah, a Sub-Inspector of Police in the Lahore Leader's case, being witness No. 29 for the prosecution. He saw subjected to a very severe cross-examinatien for nearly half an hour, and if it were all taken down, it would have been clear that if any witness broke down completely, it was he. But on the actual record there are only two lines, and this man's evidence has been relied on by the Commissioners in their judgment.

" No fair or reasonable opportunities were given for cross-examination. Counsel were often told to limit their examination to a certain number of questions, or were given a time limit, irrespective of whether their questions were relevant or not. A good deal of protection was given to the prosecution witnesses and the Commissioners very often told them not to answer inconvenient questions, though perfectly relevant to the case. They also encouraged them to be insolent to the counsel.

" Very often when a witness was cornered and was hesitating for an answer, the Commissioners told him, "If you don't remember, say so",

and this hint was invariably taken by the witness who afterwards was ready with his answers., "I do not remember ". The protection accorded to the European witnesses specially was something ludicrous. Any questions put with the object of making them contradict themselves were considered *Lese majeste.* Very often a witness, who had deposed to a certain incident, if cross-examined about some other details of the same incident, would shelter himself behind the reply " I do not remember ". After this you were not allowed to put any other questions prompting his memory so as to elicit the true reply. If you did, the Commissioners came out with, " Do not you hear that he says he does not remember. " In deposing to the above facts, I speak from my experience of the Tribunal, presided over by the Hon'ble Mr. Justice Leslie Jones, which tried the Lahore Leader's case.

"Towards the close of the case, very little argument was allowed. Very often a time limit was placed. Legal objections were brushed aside most contemptuously. When I appeared before the Tribunal presided over by the Hon'ble Mr. Justice Broadway in the Gujranwala Leader's case, I put in an application raising nearly all the points of jurisdiction, now raised before the Privy council. The learned Commissioner at first refused to hear me and said he would send on the application to the convening authority for disposal. On my protesting against such a course and quoting a section of the Army Act for the simple proposition that the convening authority was *functus officio* when the court was once convened, and it was for the court to decide these questions, he most grudgingly allowed me to argue, but told me that he would allow me only half an hour for arguing about 7 or 8 points of jurisdiction that I had raised. My protests were ignored, and I began my argument. In the middle of my argument, the Government Advocate got up to object to some remark of mine. The Commissioner at once came out with this remark, "Mr. Herbert, why do you think it worth while to object? It will only make him take a longer time. Let him have his say and let us be done with it." At the end of a little over half an hour, I was asked to finish my arguments as I had only 5 minutes more allowed to me. I had perforce to comply with it and the court without calling on the other side for a reply passed its order. In it, only a few of the objections I took up are dealt with most cursorily and the rest ignored.

"The trials which were carried on under such circumstances were a mere farce, and no real justice was sought to do or was administered. My experience of the two Tribunals I appeared before was an extremely painful and humiliating one, all the more so, because I had the honour of appearing before both the presiding officers in the calmer atmosphere of the High Court, where I had known them to act at least with a judicial decorum. My experience of Martial Law has been a revelation to me, in as much as I found that judges who, in the High Court atmosphere, would respect judicial forms and give a scrupulously fair hearing to

the accused and their counsel, brushed aside in the Martial Law atmos phereall canons of propriety and rendered themselves practically unfit as judges even though dealing with matters of life and death."

Nor were the leaders the only ones arrrested and tried. Severa others were tried before the Martial Law Commissions, and many more before the so called Summary Courts. We have been furnished with a statement, from which we find that sixty-four were tried before the Commissions, of whom eight were discharged, three hundred and fifty tried before the Summary Courts and one hundred and two discharged, and 40 were arrested and released without trial, after having been kept in custody for several days, even extending to over a month, as in the case of Mr. Manohar Lal.

Thus Lahore, which had done no wrong, which had tried to conciliate the authorities, whose leaders had done all that was humanly possible to serve the authorities, had Martial Law inflicted upon it, and that under an officer who proved to be heartless, cruel, and utterly indifferent to the sentiments and susceptibilities of the people who had the misfortune to come under his charge. Every conceivable form of humiliation of every stratum of Lahore Society was brought into service. We consider that, so far as we are aware of the local conditions, Martial Law was totally uncalled for, was unduly prolonged, and was ruthlessly and inhumanly administered, and indescribable injustice was perpetrated, even through the Courts known as Martial Law Commissions or Summary or Area Offiers' Courts.

4—Kasur.

Kasur is an important town in the Lahore district, about 40 miles from Lahore. It is an important railway station on the main line, and a fairly large trade centre, with a population of 24,000. On the 6th April, there was no *hartal* in Kasur. Nothing happened on the 10th, but, on the 11th, the news of Mr. Gandhi's arrest and the deportation of Drs. Satyapal and Kitchlew had reached Kasur early in the morning. There was, therefore, *hartal* during part of the day, and a public meeting in the evening. The speeches were so unexceptionable that, with all the desire to prosecute the leaders, the leading lawyers of Kasur, in connection with the speeches, nothing could be found against them of an incriminating nature in their speeches. We know that the Sub-Divisional Officer, Mr. Marsden, laboured the point about the speeches, and, in his evidence before the Hunter Committee, suggested that the lawyers, by their irresponsible talk and failure properly to interpret the Rowlatt Act, had created an atmosphere of excitement. Whether there was misrepresentation about the Rowlatt Act in the course of conversation on the part of anybody, we do not know. Some exaggeration and some misrepresentation about unpopular acts of a Legislature or an Executive are,

unfortunately, inevitable in any society, no matter how well organised or cultured. But we believe that the lawyers in question did not indulge in any exaggeration whatever about the evil effects of the Act. As we have shown in discussing the Act, its evil effects are hardly capable of being exaggerated, for the Act perpetuates a reign of lawlessness, wherever it can be made applicable.

The twelfth of April followed with a complete *hartal*. The temper of the people was different on the 12th from that of the 11th. We believe the testimony of one of the witnesses before the Hunter Committee that some people had come in from Amritsar, had given an exaggerated picture of the events there and inflamed the minds of the gullible or the disreputable element in Kasur. The idlers as well as the middle class people gathered together, marched to the station, and tried to set fire to it. The fire which was started in the lamp room was easily put out by some of the leaders, who had rushed in, on hearing of the intentions of the crowd. Partially foiled in the attempt, the crowd went to the Signal station, where a train had just arrived and stopped. The crowd emptied the mineral waters compartment of its contents, and, seeing some Europeans, made a disgraceful attack on them, in which they were again foiled by the timely appearance of Mr.Gulam Mohiyuddin, a noted pleader of Kasur, and his friends, Mr. & Mrs. Sherbourne and their children were taken to a place of safety. The train, however, proceeded further with two more precious lives. They were two English soldiers. On the train reaching the station, the soldiers thought their safety lay in escape. They got out of the train and fired on the howling mob in pure self-defence. But their fire produced no effect on the mob, save perhaps to excite it to still further fury, and these two innocent Englishmen were brutally clubbed to death. In all the excesses, none perhaps was so brutal, inhuman and cowardly, as this unprovoked murder of innocent soldiers. Indefensible as the conduct of the mob must be held in Amritsar, it had at least the double provocation in the shape of the arrest of Drs. Kitchlew and Satyapal, and the firing near the carriage-bridge as an extenuating circumstance. We cannot too strongly condemn these excesses. Drunk with the blood of their innocent victims, these rioters proceeded to the revenue offices, and burnt them. They were finally dispersed by the police, who were ordered to fire on them.

It is remarkable how the mob fury subsided in every place in a few hours. In Kasur, too, perfect quiet reigned after a few hours. Our examination of these incidents shows that the mob fury was a sudden outburst, and not the calculated result of a conspiracy or a plot. The authorities were able to make arrests without any difficulty. Mr. Marsden was sent to replace the Indian Sub-Divisional Officer, and Martial Law was proclaimed on the 16th April.

The administration of Martial Law was placed in the hands of Col. MacRae, who was followed by Captain Doveton. In some respects,

these two officers excelled their brother officers in their inventiveness, irresponsibility and total disregard of the feelings and sentiments of those who were affected by their orders. We give the following condensed summary of their proceedings, made from the evidence before Lord Hunter's committee. The first arrests commenced on the 16th. There was a proclamation parade at the Town Hall, and evidently, to signalize the inauguration of Martial Law, they arrested Baba Dhanpat Rai, an aged and respected Pleader of long standing. He is 65 years old. He was detained at the Lahore Central Jail for 46 days, and released on the 1st of June, without ever having been told why he was arrested. 21 further arrests were made that same day, 3 more, the next day, 4, on the 18th and 40, on the 19th. In all, 172 persons were arrested ; of these, 97 were discharged without being sent up for trial. Of the 75 sent up, 51 were actually convicted. Amongst the men arrested, were included, Maulvi Ghulam Mohiyuddin and Maulvi Abdul Kadir, who were the men who had succeeded in protecting Mr. and Mrs. Sherbourne, and who, otherwise, had used their influence entirely to restrain the excesses of the crowd. The houses of many of these leaders were searched without the slightest excuse. On the 1st of May, the whole town of Kasur, excluding women and little children, was required to attend at the railway station for purposes of identification. They were made to sit bareheaded in the hot sun till 2 o'clock, without water or food. As one of the witnesses said before Lord Hunter, this was a totally useless procedure, bare of any substantial results, so far as the collection of evidence was concerned. We, who have some experience of law and the manner in which evidence can be collected and tested, have no hesitation in saying that it is impossible to secure correct identification by holding a parade in this manner, and that no value can be attached to identification thus procured. We suspect that the so called parade was held purely with a view to humiliating the whole town and in order to strike terror. For, after the people had collected, search parties were sent out in order to see that no body absented himself. It is not difficult to imagine the state in which the unprotected women must have been in the presence of these search parties.

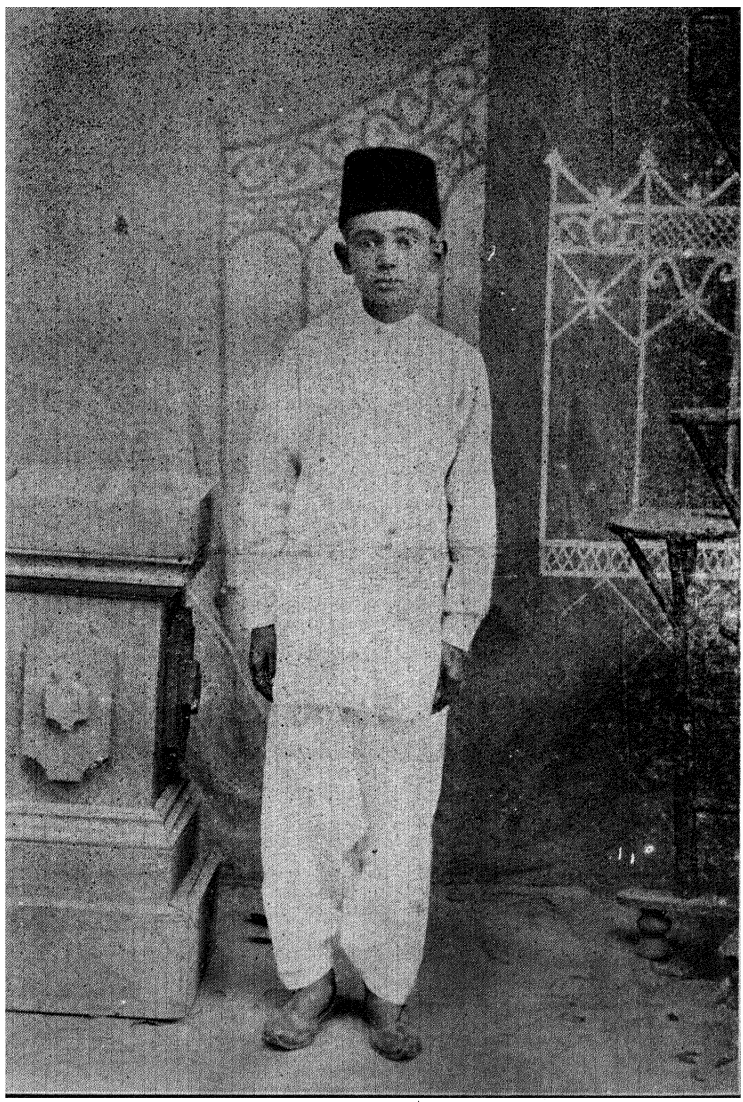
During the trials at Kasur, 40 men were sentenced to be whipped. The total number of stripes given was 710. The flogging post was erected on the station platform. School boys were also punished with flogging. The Head-master of one school is supposed to have reported that his boys were getting insubordinate and asked for Military help. The Officer Commanding, thereupon, suggested that some of the boys should be whipped. Therefore, boys from this school and another were ordered to be collected. The Headmaster was asked to select 6 boys. He selected those who were not quite high class, but who were not physically fit. The Officer Commanding, therefore, rejected these boys and asked Mr. Marsden to select others, and so a selection was made out of the boys belonging to the complaining school and another, without

any other reason than that they were bodily fitted to receive the punishment more than the others. They were whipped outside the station entrance in the presence of the other school boys. In answer to the question by Lord Hunter as to what the object was, the reply given by Mr. Marsden was that there was no particular object. It should be remembered that there was no question of any Martial Law offence. No investigation, no trial. It was an unlawful and wanton use of authority. It was in Kasur again tha t prostitutes were invited to witness flogging on one occasion. (See their joint Statement No. 279 B.)

Two men were even shot by the sentries. One was found to be dumb. Probably in both cases the shooting was wilful and wanton. We think that had the sacredness of Indian life been recognized, and a sense of justice prevailed at the top, the sentries would not have been so free with their guns, as we fear they were.

Kasur was the place where fancy punishments were most common. "What happened was," said Mr. Marsden, "Captain Doveton did not like to go through the formalities of trial and sentence." He wanted to do things 'summarily.' There can be no question of a record of the many punishments awarded by this capricious officer. He "used to make people mark time and climb ladders." By way of change, some Sadhus were whitewashed. Capt. Doveton denies that this was deliberate. He says that they were asked to unload lime and they became white-washed. We totally disbelieve this explanation, and we believe the testimony of eye witnesses who have described the process. One form of punishment consisted in making the so called delinquents lift heavy bales in the station warehouse. People, who failed to *salam* every white man, were made to rub their noses on the ground, if they were not flogged. Captain Doveton and Mr. Marsden suggested that the people liked Martial Law, and were rather "amused" at these punishments than terrified or humiliated. Capt. Doveton got from the people an address for himself, and actually, by way of punishment, required a Mohemmaden to compose verses in his praise. He inflicted also the punishment of skipping, which consisted in the punished people skipping 20 times without a break. He says that at least 20 people were thus punished.

Mr. Marsden has complained that among the exaggerations made by the pleaders, there was one in, which a Hindu pleader was reported to have said that the people were like "unarmed cattle in the eyes of the Government." The punishments that we have described, and the levity with which the people's feelings were regarded, certainly bear out the charge made by the pleader. In his report, Captain Doveton has said that these people had become 'willing slaves'. Sir Chimanlal Setalvad asked him to interpret the term and he said, "It means, willing to work in the way you require." This officer tried cases, which were of a civil nature, and ordered punishment, and in this manner disposed of the case of the rental of a temple property. He also punished people who in his



A boy at Kasur, aged 11 years, charged with waging war against King.

opinion were turbulent or defiant, and he said that he imposed ultra Martial Law punishments, because he did not consider that the Martial Law punishment was suited to those who were " merely truculent or openly defiant". Sahibzada Sultan Ahmad asked him whether, in doing so, he was not going beyond General Benyon's instructions. Capt. Doveton thought that he had a full discretion to do so. He sent out parties of reprisals in respect of those whom he had called, but who had not turned up. The reprisal consisted in burning the property of such people. He was asked whether he thought he was justified by any Martial Law order. His reply was, " Yes, I do." And thus several poor people had their belongings destroyed without warrant.

Before the trials of the prisoners were commenced, gallows were erected in a public place, in anticipation of the Judges awarding the punishment of hanging. These gallows were erected as near to the scene of the mob outrage as possible. It was elicited in the course of examination that this was done by the orders of Sir M. O'Dwyer, but before the hanging order could be carried out, public hanging was vetoed, because, we fancy, of the agitation set up in the Indian press against this contemplated outrage upon public decency. This hanging suggests a serious reflection. Eighteen persons were hanged as a result of the Martial Law trials throughout the province, and many more would have been hanged, but for the strong agitation that was set up throughout India, and the timely, firm and philanthropic promptitude of the Hon'ble Pandit Moti Lal Nehru, who entered into cable communication with the Secretary of State, and pending proceedings in appeal, asked for the suspension of death sentences. Fortunately, the Secretary of State intervened and ordered the Viceroy to suspend these death sentences. We cannot help expressing our deep regret that the Viceroy should not have of his own accord suspended these death sentences. Our regret is all the more poignant from our knowledge of the loosenness and disregard of ordinary procedure with which Martial Law trials were carried out. We much suspect that many of those, who were hanged and over whose heads the death sentences are still hanging, were or are totally innocent.

In deliberate disregard of facts, and insolent adherence to that attitude, perhaps no officer has outdone Col. Mac Rae, if he has been equalled by any of his brother officers who had charge of Martial Law administration. In his statement before the Hunter Committee, he said, " This city has for many years past been noted for sedition." He admitted that he had never known Kasur before. Sir Chimanlal therefore asked, "On what do you base that statement of yours?"

A.—It is all hearsay.

Q.—You had no personal knowledge ?

A.—No,

Q.—Who told you that this place had for many years past been noted for sedition?

A.—I don't propose to answer that question.

Q.—You make this statement in a responsible document to the authorities, and so I want to know what is the basis of this statement?

A.—I leave it as I have put down.

Q.—True, you may leave it as you have put down, but I want to know the reasons for your statement. I put this question, because, previous to this, officials have stated that in Kasur before the 10th April, there was no political activity and nothing done so far as politics were concerned. And therefore I am surprised to find in your statement that this city has for many years past been noted for sedition. Do you still adhere to that statement?

A.—I won't answer this question.

× × × × ×

Q.—Then you make the statement, "This city harbours pleaders who are well known to have anti-Government feeling." Is that also hearsay?

A.—Yes.

Q.—And stands on no other footing, as the other statement?

A.—Yes.

Q.—Are you aware, as Martial Law administrator, that several pleaders assisted the authorities, on the 12th and subsequent days, to maintain law and order, and that one of them was actually seen to mingle in saving Mr. Sherbourne?

A.—Yes.

Q.—Knowing that several pleaders assisted the authorities in the manner I have described, you still adhere to the statement that the pleaders are well known to have anti-Government feeling?

A.—I adhere to the statement, and say it is hearsay.

Q.—Do you adhere to it now?

A.—I acknowledge your facts as correct.

Q.—If they are correct, do you adhere to this sweeping statement or are you prepared to modify it?

A.—I put it to you in turn, did all the pleaders try to stop the whole.....?

Q.—Well, I am not here to answer your question.

A.—Well, I don't want to answer yours.

Col. MacRae had also stated that the *hundis* of Kasur merchants, who had not joined them in the *hartal*, were dishonoured by the Amritsar

merchants. Col. MacRae replied that that was also hearsay, and "he had no evidence in support of it." This officer had ordered that Martial Law notices should be posted on the houses of the well known agitators. Sir Chimanlal asked what he meant by the word 'agitators.' The answer was, "I think it is good English."

Q.—But what do you mean by agitators ?

A.—I don't want to answer otherwise than I have said in my statement.

This unedifying dialogue went on for some time longer. We have reproduced these portions to show the manner in which this officer, at least, discharged the very responsible duties which he had to perform, and with reference to which he has been indemnified in advance by the Government.

This officer had issued orders that reprisals would be taken against the property of the persons, on whose walls any proclamation had been defaced. He declined to answer the question whether the order was written or oral, by saying, "What does it matter whether it was written or oral?" It is difficult to say which is more offensive, whether the insolence of the answer or the brutality of the order. We use the term 'brutality,' because the reprisals were to be taken (according to the answer given by the witness), "even though the notice may have been defaced by some one else;" and when he was asked whether he thought the order to be a reasonable order, he replied that "it was a reasonable order, and I still think so."

Q.—As regards the whipping of school boys, you gave directions that the biggest six boys were to be selected for whipping ?

A.—Yes, generally speaking.

Q.—Their misfortune was that they happened to be big ?

A.—Of course.

Q.—Because they were big, therefore they had to suffer these lashes ?

A.—Yes.

Q.—Do you think it was a reasonable thing to do ?

A.—I thought so under the circumstances, and I still think so.

We have selected only a few samples from the answers given by the two officers in question. In fact, their answers are a study in insolence and irresponsibility. We do not know that those who appointed these officers are not more to blame than the officers themselves. They perhaps knew not what they were doing. But those who selected them should have known that these officers were unfit for the post to which they were called. On the merits, we are of opinion that the introdction of Martial Law was, so far as local circumstances are concerned, tolally unnecessary and the Act was administered in an improper manner.

5—Patti and Khemkarn

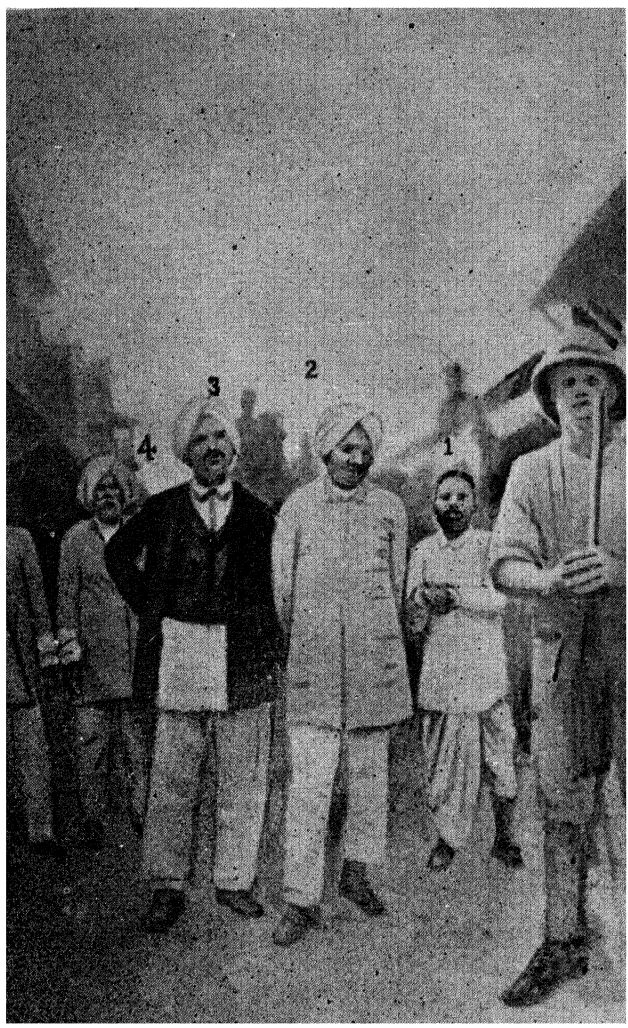
These are two small railway stations, a few miles from Kasur. At Khemkarn, the station property was looted and wires cut. As stated by Mr. Marsden, it was a small thing and done by "apparently the lower classes, shopkeepers, riffraff labourers and people of that type". And at Patti, as stated by Mr. Marsden, the chief inhabitants of the town gave assistance to the officials and the police, and all was quiet. Yet the effect of Martial Law was felt at these two villages also in full force.

6—Gujranwala.

Gujranwala District is in many respects one of the most important in the province, and Gujranwala itself, though a small town containing a population of 30,000, is the most notable for being the birth place of Maharaja Ranjit Singhji. It is also an important railway station, only 42 miles from Lahore on the main line. The places in this District which have come under our notice, besides Gujranwala, are Wazirabad, Nizamabad, Akalgarh, Ramnagar, Hafizabad, Sangla Hill, Moman, Dhaban Singh, Manianwala, Nawan Pind, Chuharkana and Sheikhupura. Gujranwala was cut up into two districts on the first of November last, the portion cut out being known as the Sheikhupura District. For the purposes of this report, therefore, the original District will be considered as one whole, coming under the jurisdiction of the same officer.

It is common cause that there were no signs of unrest upto the 13th April last, or, more correctly speaking, upto the 14th. So much was this the case that Col. O'Brien was in the ordinary course transferred, on the 12th, to Amballa, and was the recipient of an address from his friends and admirers at Gujranwala. In answer to a question by the Hunter Committee, he said that had he or the authorities known that there was any trouble brewing, he would certainly not have been transferred, but would have remained at Gujranwala, as, indeed, he was brought to Gujranwala immediately there was trouble, i. e., on the 14th. On the 30th March, there was no stir at all in Gujranwala, and there was no *hartal*. On the 4th April, the matter of the *hartal* was informally discussed by the members of the District Congress Committee in connection with Mr. Gandhi's message. A large public meeting was held on the 5th, at which 4 innocuous resolutions were passed dealing with the Rowlatt Act. The speeches made at this meeting were studiously moderate. Col. O'Brien was, however, anxious about this meeting. He sent for certain noted men of Gujranwala and warned them that if any disturbances took place they would be held responsible; and they asked the Deputy Commissioner, and the Superintendent of Police who was also present at the interview, to attend the meeting, if they chose to. The 6th of April opened with a complete *hartal*, and people, young and old, joined in fasting and prayer. The various statements made before us go to show that the authorities

Leaders of Gujranwala in handcuffs and paraded through streets.



1. Diwan Mangal Sen. 2. Lala Amar Nath.
3. Lala Hakim Rai. 4. Lala Rallaya Ram.
5. Pandit Diwan Chand.

tried their utmost to prevent the *hartal*, and even fasting, and great pressure was exercised on behalf of, or by the authorities to prevent the *hartal*.

Up to the 12th, as it has already been remarked, everything was calm and quiet. But suddenly the news of the arrest and externment of Mr. Gandhi, as also the arrest and deportation of Doctors Satyapal and Kitchlew, found its way to Gujranwala; so also did the happenings of the 10th at Amritsar and Lahore. On this, the common people, as well as the leaders, began to consider the advisability of another *hartal*, this time by way of protest against the said arrests and sympathy for those, who had died or were wounded by the firing at Lahore or Amritsar. The leaders had an informal conference, and after much discussion, they seem to have come to the conclusion that, whilst they recognised that, at that time of tension, a *hartal* might be a dangerous thing, they would not be able to restrain the ardour of the people, and that therefore they should try, if there was a *hartal*, to keep the *hartalists* occupied, and engage their attention by arranging an open air meeting. The authorities again tried, without success, to prevent a *hartal*, and the 14th of April saw another complete *hartal*.

The 13th of April and after, being the *Baisakhi* holidays, Gujaranwala had attracted a large crowd of holiday-makers, who are at no time averse to having a drink, and were least so on this occasion. So, on the 14th, at Gujaranwala, we find the elements that go to make a crowd unruly, *viz.*, the holiday mood of 'do as you please,' the drink, the resentment over the Gorvernment doings, the knowledge of mob excesses elsewhere, and idleness.

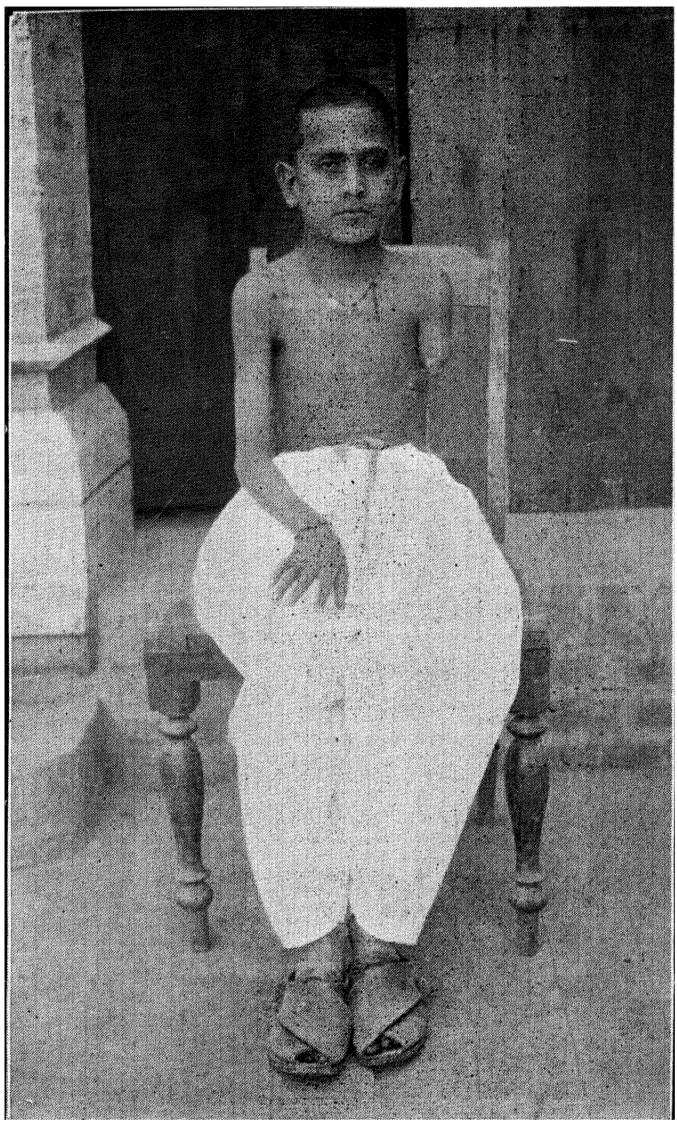
Early in the morning, it was rumoured that a dead calf was hung up on one of the railway bridges near the station. There is no doubt that, whoever did it, it was a most imprudent act, calculated to rouse the worst passions of the Hindus. Various theories have been put before us—one is, that it was the work of the police, who did not like the union between Hindus and Muhammadans. It has been developed in the Gujaranwala statements. The authorities have not been able to trace the mischief-makers. There can be little doubt that it was done by those who wanted to disunite the two sections. The effect, however, was quite the contrary. The people simply considered the hanging of a dead calf to have been instigated by the authorities, the more so, because pork was found to have been thrown by some one on a mosque. And this belief knit the two closer together. A crowd, therefore, proceeded towards the station railway bridge. Meanwhile, a train, going to Wazirabad from Lahore side, had arrived. A *khansaman* on it gave the news of the massacre of the 13th. The train was packed with holiday-makers. Some of the crowd were evidently bent upon stopping the train from proceeding further. They seem to have thrown stones at the train. They then began to set fire to the Gurukul bridge. The attempt, however, was indifferently made. Whilst this was being done, the Governor of the Gurukul,

Lala Rallya Ram, Mr. Labh Singh, Bar-at-law, Mr. Din Muhammad, pleader, and others, scenting the danger, proceeded to the scene of action. A European officer and a few constables were also seen approaching the bridge. The fire was put out by the Gurukul staff, assisted by the Indian gentlemen just mentioned. It is an extraordinary thing that the Superintendent of Police said that "it was no business of the police to extinguish fire, but their duty was to protect public property." (St. 282)

The crowd, then, proceeded to the Kachi bridge, which lies on the other side of the station. Here, the Superintendent of Police, Mr. Herron, was trying to disperse the crowd, and thought fit to fire, inflicting several casualties. Meanwhile, the leaders were trying to restrain the crowd and keep the people within the town limits. They had, therefore, organised a meeting which was proving quite successful, and might have proved entirely successful, but for an unfortunate occurrence. The men, who were wounded, were brought to the meeting, we presume, to exite its sympathy. The attempt entirely succeeded. The meeting broke up, and a crowd proceeded towards the station, bent upon seeking vengeance. Valuable properties, one after another, were destroyed, including the Church, the Post Office, the Tahsil, the Court House and the railway station. It seems that the police were mere onlookers, and made no attempt to check this incendiarism. In the statements before us, it has actually been suggested that the police even incited the mob to incendiarism, and the evidence contained in them certainly lends colour to the suggestion.

Col. O'Brien returned post haste to Gujranwala. He seems to have telephoned to Lahore for a blank card. Examined by Sir Chimanlal Setalvad as to what powers he had, he said, "I had a conversation with the Chief Secretary on the telephone on the 15th, and said to him, I might probably have to take certain actions and I hope that they will be legalised afterwards, if done in good faith." "But that was before the declaration of Martial Law?" asked Sir Chimanlal Setalvad. Col O'Brien replied, "yes." Sir Chimanlal further asked, "You telephoned to him that you would have to take certain actions, and you wished that your actions should be legalised, if done in good faith, and he issued a blank cheque?" The answar was, "yes." He said, "Use your common sense. It would be alright." If this be the genesis of the Indemnity Act, we have no hesitation in saying that it was discreditable. What action was taken by this officer, "in good faith," will be seen presently.

We are satisfied that the destruction of the valuable property, including a place of devotion, was wanton and unjustified, and no firing on the part of the Superintendent of Police, or even the wicked hanging of a dead calf on the bridge, could possibly be held to justify incendiariam. The firing and, especially, the hanging of a dead calf constituted grave provocation, but they could not be pleaded in justification of excesses.



Sardari Lal of Gujranwalawounded in arm by bomb from aeroplane.

When Col. O'Brien returned, the mob's fury had subsided. He had asked for assistance, and it came promptly at 3 o'clock in the shape of aeroplanes, which dropped bombs on utterly innocent people. At no place, where bombs were dropped, was any meeting going on. Bombs were dropped on the Khalsa Boarding House. This is how a student describes the scene. "We heard the noise of aeroplanes at about 3 P. M. ... ... They remained hovering over the Boarding House for about 10 minutes. ... ... Suddenly a noise was heard and a shell came down, which struck our confectioner Ganda Singh. ... ... A small piece of it injured the finger of my right hand. A boy fell down on account of the shock." (St. 296, p 408) The Superintendent of the Boarding House has also made a statement. He says:—"No political meeting was ever held in our school, nor is it allowed. On the 14th April, none of the boarders went to the city. Our hostel and school are at a distance of about half a mile from the city and more than a mile from the station." (St. 297, p. 409) According to the evidence given by Captain Carbery before Lord Hunter's Committee, his orders were "to disperse crowds going or coming". So far as the bomb-throwing in the Khalsa Boarding House is concerned, there was no crowd either going or coming, there was no meeting and it appears to us that there was no necessity whatsoever for throwing bombs in the Khalsa Boarding House, and it was by a stroke of good luck only that no lives were lost.

It is interesting to find, from the officers concerned, how they dropped bombs and fired machine guns. People were bombed who were running back to their village, when the firing was started. The following dialogue took place between the Hunter Committee and the officer.

Q.—You first bombed, and they began to run away into the village ?

A.—Yes.

Q.—That is over the houses in the village ?

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

Q.—The people were running away, they dispersed and got into some houses ?

A.—Yes.

Q.—You fired machine gun into the village; you may be thereby hitting not those people whom you dispersed, but other innocent people into their houses ?

A.—I could not discriminate between the innocent people and other people. I tried to shoot the people, who ran away and who I thought were coming to do damage.

Q.—The result of bombing was that they dispersed ?

A.—Yes.

Q.—They ran into the village ?

A.—Yes.

Q.—Was not your object accomplished ? Where was the need of firing machine gun indiscriminately into the village ?

A.—The machine gun was not fired indiscriminately. I shot at the men who were running away. I said, the crowd scattered and ran back into the village and I fired at the men.

The officer says he was at a height of 200 feet. He could see "perfectly well". To the question "What was the further need of machine, gunning them and killing them", the prompt reply was, " To do more damage".

Q.—Your object seems to be to hit or kill more people of that crowd, although they had begun to disperse, and were running away after the bombs were thrown ?

A.—I was trying to do it in their own interest. I also realised that if I tried to kill people, they would not gather again and do damage.

" The idea being to have a sort of moral effect " was the further question put by Sir Chimanlal. " Quite right " was the quiet reply. The officer then machine-gunned into another village. There he fired into a crowd of people who were returning to their village, having come from Gujranwala. The evidence before us shows that there was no crowd such as is described by the officer, but that there were stray parties of people who were utterly innocent. It is an admitted fact that they were all totally unarmed. The reason for firing into the Indian quarters of Gujranwala was that the people should not be in the street. "150 rounds" were fired "into the native city," and the officer, in order to make certain that he was understood, said to Sir Chimanlal " you must understand it was no good firing at the houses. I was firng at the natives into the native city."

In our opinion, all this firing from the aeroplanes was entirely unjustified. It was begun after the destruction by the mob was over, and the crowds had dispersed. There was, therefore, no question of preventing further damage. We believe, too, that the firing was thoughtless, if not vindictive, and the officers in charge of the machines, on their own showing, held the lives of the villagers cheap, and fired in order to terrorize the people. The casualties, according to the list supplied and embodied in the statements produced before us, amount to 12 killed and 24 wounded, and if the loss of life was not greater, it was no fault of the officers concerned. The bombs would not explode.

If there was no excuse for the bombing of the 14th, there was less to bring the aeroplane into play on the 15th, because Col. O'Brien had by that time more military aid than he needed, certainly all he had asked for.



Allah Ditta of Gujranwala wounded in leg by bomb from aeroplane.



Gopal Singh of Gujranwala–Thumb and lower jaw shattered by bomb from aeroplane.

Sir Michael O'Dwyer seems to have been the originator of the suggestion of bombing from aeroplanes. Whether he was or not, it is certain that he approved of it. It should be remembered that the people of the Punjab were not used to the aeroplane or any other bombing. It must be admitted that aeroplane bombing can be justified only in proved necessity, and in the face of existing or imminent danger. All danger had been over in Gujranwala when the aeroplanes arrived. The mere presence of the aeroplanes was absolutely sufficient protection. The European population of Gujranwala was in no danger. Not a single European life was lost. Nothing has been shown to prove a military necessity for bombing. The official evidence shows that bombing was recklessly practised upon an unresisting people, and at a time when there was no danger, threatening life or property, and when the experience of Amritsar and Kasur had shown that the mob fury was a sudden and momentery outburst with no persistence about it. On the 15th, began indiscriminate arrests of barristers, pleaders and other leaders, some of whom, the authorities knew, had helped, at considerable risk to themselves, to curb the fury of the mob. There was at the time of these arrests, on Col. O'Brien's own showing, not a tittle of evidence to justify these arrests. They were made, as he says, in virtue of regulation 12 of the Defence of India Act regulations. This regulation simply authorises arrests on suspicion well-grounded. The only possible regulation which Col: O'Brien had in mind could be the following:—

"In exercise of the powers conferred by rule 12 A. A. of the Defence of India Consolidation Rules, 1915, the Lieutenent Governor is pleased to authorise all commissioners to arrest without warrant any person against whom reasonable suspicion exists that he is promoting or assisting to promote rebellion against the authority of the Government" If this is the regulation he had in mind, he, being a Deputy Commissioner, had no power of arresting under it. Moreover, it was a stretching of interpretation to have arrested the people, who had done no wrong to the knowledge of the Deputy Commissioner, as at least he then possossed. It was admitted in the evidence before the Hunter Committee, and it is amply proved before us, that these leaders were arrested there and then, some of them were not even permitted to put on their clothes or even their head-dress. They were handcuffed in pairs, and about 22 of them chained together were made to walk a distance of two miles through the city, headed by two municipal commissioners, one a Hindu and the other a Muhammadan and carried to Lahore in an open truck without arrangements for food or other necessities of life. The prisoners included the Governor of the Gurukul, Mr. Rallya Ram, nearly 63 years of age. He says, "I was in a batch of 22 prisoners. All were chained together and handcuffed in pairs. We were, in this condition, marched through the public streets, and were made to run. We were taken to Lahore in an open truck. One of us was not even allowed facility for answering calls of nature. He was asked to perform it where he was seated, and when we reached Lahore, I was

unable to get out of the prisoners 'van without the rest, who were chained with me, also coming down. I was, therefore, forcibly dragged down and much hurt owing to my suffering from lumbago." (st. 282, P. 388) Col. O'Brien was asked why he would not allow people time even to dress. His reply was that he was in a hurry to finish the arresting. It is pertinent, therefore, to enquire why he did not send these leaders in a van to the station. The irresistible inference is that he wanted to make a demonstration and terrorise the people. Col O'Brien considered that the arresting " was the kindliest thing to do".

On the 16th, Martial Law was proclaimed, and under it, the people of Gujranwala were subjected to humiliation, flogging and many indignities. In order to compel people to open their shops, the following remarkable order was passed :—

Notice under Martial Law Rule No. 2.

"As we have come to know that some shop-keepers, who live within the Municipal limits of Gujranwala, shut up their shops when the army and the police people go to them to purchase articles, or that they refuse to sell the articles to the army or the police soldiers for a reasonable price. Therefore, the undermentioned orders are issued that after the publication of this Notice, those shop-keepers, who would be found acting as mentioned above, would be arrested, and they would be liable to be punished by flogging.

(Sd.) F. W. BERBERY,
18-4-1919. Lieutenant Colonel,
Officer Commanding, Dist. Gujranwala."

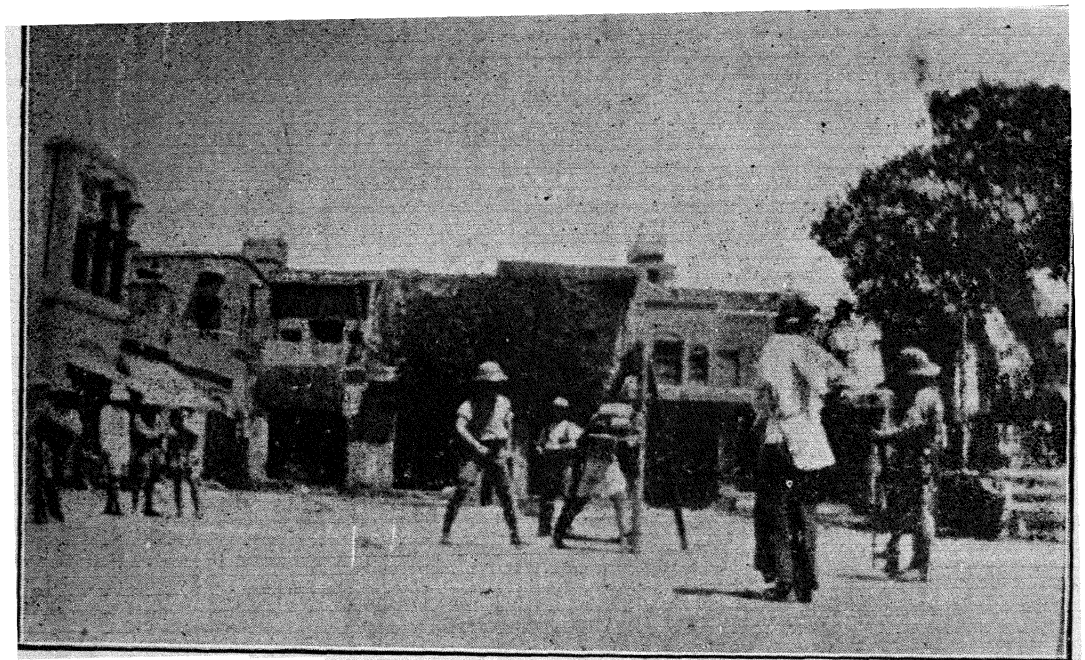
The following Martial Law notice shows what was meant by the Saluting Order, so much discussed by the members of Lord Hunter's Committee, and so much made of in the evidence before us :—

Martial Law Notice No. 7.

"We have come to know that Gujranwala District inhabitants do not usually show respect to the gazetted commissioners, European Civil and Military officers of His Imperial Majesty, by which the prestige and honour of the Government is not maintained. Therefore, we order, that the inhabitants of Gujranwala district should show proper respect to these respectable officers, whenever they have occasion to meet them, in the same way as big and rich people of India are respected.

Whenever any one is on horseback or is driving any kind of wheeled conveyance, he must get down. One who has opened or got an umbrella in his hand, should close or lower it down, and all these persons should salute with their right hand respectfully.

(Sd.) L. W. Y. CAMPBELL,
Brig. General,
Officer Commanding, District Gujranwala."



Public flogging at Gujranwala.

Col. O'Brien sought to justify this order on the ground of Indian custom. Neither custom nor prudence can possibly be held to justify an order so manifestly humiliating and degrading. The evidence tendered before us goes to show that in its execution, soldiers had also to be saluted, and flogging was the punishment awarded for failing to *salam*. "If any body did not salute them, he was struck on the back twice or thrice with a stick. Opposite the shop of Haveli Ram, a *haldi* seller, a person, who was a stranger and was buying *haldi*, was struck for this very reason that he did not get up and salute the soldiers. He had not seen the soldiers as he was with his back to the street. (St. 305, also Sts. 290, 293, 298, 300 and 301). Students had to attend daily to salute the Union Jack.

Men of status were made to clean the drains in the bazar, although in some cases the Municipal sweeper had already cleaned them. (St. 304).

People were forbidden to carry sticks. Railway travelling was stopped for some time, and the curfew order was issued, thus reducing the people to a state of helplessness.

Then followed the prosecutions before the Martial Law Tribunals and the Summary Courts, and about these the same remarks are applicable as have been made about the Amritsar trials. There is abundant evidence to show that the evidence had been manufactured. The theory of rebellion practically broke down before Lord Hunter's Committee. The only ground Col. O'Brien had to give was that rebellion was "judicially proved." Almost every public leader was arrested. The treatment meted out to Diwan Mangal Sen and his family, the vindictive evacuation of Lala Amar Nath's house, the arrest and detention of people who were never tried, constitute a story of deliberate cruelty which was a disgrace to British Administration.

7—Wazirabad.

Wazirabad is the next important railway station, 20 miles from Gujranwala on the main line. It is also a junction station. It is a small place, with a population of about 10,000. Just after the *Baisakhi* fair, every year, large gatherings of people from surrounding villages and districts take place in Wazirabad. There was no *hartal* on the 30th March, or the 6th April last, but the crowds that gathered from the villages brought also the news of the happening at Lahore, Amritsar and Gujranwala. The people who had come from the villages, twitted the Wazirabadis for not observing *hartal*, and said that "Since the people of Wazirabad did not observe *hartal*, no body would take their girls in marriage" (St. 312, p. 434). There was a meeting on the 14th, at the Mosque, to consider the desirability of having the *hartal*. On the 15th, the *hartal* came off, but there were mischief-makers, who were not satisfied with the mere stoppage of business. The events, of which they had heard in an

exaggerated form, rankled in their bosoms, and they proceeded to cut telegraph wires, and damage the railway line. Some of these then proceeded to Rev. Mr. Bailey's house. They were joined by others on the way. The mob wantonly burnt the Rev. Mr. Bailey's house, including his valuable literary treasures. The police appeared to have been present at the scene, but they made no attempt to check this most unjustifiable incendiarism. Fortunately, no lives were lost. Not a single person of note seems to have taken part in this destruction. Some of the notables of Wazirabad appeared to have attempted to check the mob excesses, with more or less success. The Rev. Mr. Bailey's house stands on an isolated piece of ground, about two miles from Wazirabad and a mile from Nizamabad. So much for the mob action, for which there is no justification. The destruction of an innocent and popular missionary's house makes the action all the more regrettable and reprehensible. We have not been able to find out any particular motive for this action, save that the mob had yielded to an anti-European fury.

Col. O'Brien, accompanied by the police and the military, reached Wazirabad on the 16th. Arrests took place immediately, and the whole of the demonstration, like that of Gujranwala, took place in Wazirabad also.

On the 18th, a Darbar was held, at which Col. O'Brien is reported to have said :—"Listen, you foolish and mad people, you had thought that the British Government had ceased. Now your madness will be cured. We have got a prescription for your madness. Be it known to you all, that the Government has authority to confiscate the property of any person, to raze to the ground his house, nay, if it likes, it can set fire to it. Accordingly, first of all, I do hereby order that the whole property of Jamiat Singh Bagga be confiscated to the Government". (St. 313 ,p. 442.)

Martilal Law was proclaimed the following day. This is how its administration is described by Dr. Daulat Singh, late Secretary of the local Arya Samaj:—"Martial Law notices were posted at different places and on some buildings. These were affixed to the places and houses with which the arrested persons had connection. A set of Martial Law notices was also posted at the Arya Samaj Mandir, although the Arya Samaj had nothing to do with any of the events. I, who was against the *hartal* and took no part whatsoever in the movement, was to be held responsible for the safe custody of the Martial Law notices, as I happened to be the Secretary of the Arya Samaj. Two persons had to be specially engaged to keep watch, and I had to go personally several times to see the notices, that no mischief-monger might tear them away or damage them. Martial Law authorities were very particular that the notices were not injured or interfered with." (St. 308, p. 422) It was a breach of Martial Law regulations to remove or deface such notices, and occupiers of premises to which the notices were affixed were held responsible. Doctor Daulat Singh was arrested, and the registers of the

Arya Samaj were attached and removed. He was detained for 10 days, asked to give evidance against certain persons, and then discharged about the 30th May. He was arrested again on the 7th June. He describes how evidence was manufactured against him, how he was given no time even to engage a pleader, how on the flimsiest evidence he was convicted and how Col. O'Brien said:—"As Swami Shraddhananda is taking part in the agitation, you must be taking part also." (St. 308, p. 426)

It is further stated that if any person did not *salam* a European by mistake or oversight, he had his turban taken off his head and tied round his neck. He was dragged to the camp by the military. There he was either fined or flogged. (Sts. 308 and 313). One witness states that although he had salamed, but because his salam was not noticed, he was made to kiss the shoes of the officer in question. (St. 319). This evidence is abundantly corroborated by many witnesses.

Butter was regularly collected for the troops without any payment. When the collection of butter was stopped, one rupee per house was "realized for the expenses of the military." (St. 314) Only widows were exempted. The witness adds that when the money thus collected was exhausted, more was collected. The same witness says that, in addition, 67,000 rupees were collected as indemnity from Wazirabad. He was himself a municipal commissioner, and he had to do his share of collecting in his own ward.

He himself was arrested on the 7th June, and was given only one hour to produce his defence witnesses. Those who had arms were authorized to fire without hesitation on any mob, if they exceeded the limits of the law. (St. 309)

The evidence before us further shows that bribes were freely given to and accepted by the police from persons who wanted to avoid arrest or to get out of having to give false evidence.

A number of *charpais* (cots) were taken away from the people for the use of the military. They have neither been paid for, nor returned. (St. 310, p. 433).

As in Gujranwala, the Curfew order was imposed in Wazirabad also, and school children were compelled to attend roll call and salute the Union Jack thrice a day. "They were put to great trouble, specially by walking a long distance in the noon day sun." (St. 311, p. 434.)

Reference has already been made to the confiscation of Sardar Jamiat Singh's property. It is interesting to know exactly what this means. His son, in his statement, says, "When the Deputy Commissioner and other officers reached near our shop, I came to know that warrants had been issued against my father also. The police searched our residential house and sitting room, and scolded the ladies in the house in my presence. They then asked where Jamiat Singh had gone, or where they had con-

cealed him." (St. 311, p. 431) Although the son had definitely told the police that his father had gone to Jammu, he was constantly worried. On the 21st April, the confiscation order was pronounced. Four ladies and six minor children were summarily turned out of the house. "The ladies had only those few clothes on, which respectable *purdanashin* women generally wear within the four walls of their houses, and, the children were even more scantily dressed, and in fact, some of the children had been playing in the yard without any clothes. They did not allow the ladies to put on their shoes even, and the children who were naked were turned out as they were. The family of a man who was worth lakhs and who had donated thousands of rupees to schools, colleges, *dharmshalas* and other charitable institutions, and who had helped hundreds of people in the city in time of need, was that day without a house and without the necessaries of daily life." (St. 311, p. 432) Only those who know what *pardanashin* ladies wear whilst in their houses, and what they wear when they go out, can appreciate the enormity of the outrage done to the ladies in thus turning them out, and Sardar Jamiat Singh is the premier citizen of Wazirabad, a leader among the Sikhs, who had done valuable work during the War and was the recipient of a Sanad from the Commander-in-Chief. Sardar Jamiat Singh surrendered himself as soon as he returned, i. e., on the 26th April, but the confiscation orders were not withdrawn till the 4th of May. We have gone through the record, such as it is, of his case, and a variety of papers submitted to us, and we have no doubt that the conviction against him was wholly wrong. The charge sheet was not shown to him in the first instance. His counsel could not get a certified copy of it, nor were all the defence witnesses called. Sardar Jamiat Singh is 62 years old. He has a cataract in one of his eyes. He was treated as a common felon, and for some time was locked up in a solitary cell.

The trials of persons arrested here seem to have been more farcical than elsewhere. Here is a graphic description as to how evidence was manufactured.

"All the citizens were sent for by beat of drum to the police station. Minors and *Badmashes* (enternd in the register) were considered as informers. Any body, against whom the police wanted to get up a case, was brought before the boys who were tutored to give evidence, and thus the poor men were entangled. The same boys appeared before the Commission as witnesses; and it was on their evidence alone that the people were punished." (St. 313, p.444).

8 Nizamabad.

Nizamadad is a small village hardly a mile from Wazirabad, and consists of one narrow lane full of houses and work-shops combined. It is a noted place for hand-made cutlery prepared by hereditary artizans with the rudest tools. There is no doubt that some of the men, as has been already stated, joined the crowd that burnt Mr. Bailey's house, but

the punishment meted out to the poor villagers was out of all proportion to the crime of a few of them. On the 18th of April, a special British troop train came from Lahore side and stopped before the village, which is situated near the railway. The soldiers surrounded the village. They looted the shops, took out flour, ghee, molasses and made the villagers carry these things to the train. For nearly a fortnight the people were made to attend the police station and had to sit in the sun from 7 in the morning till 8 in the evening. The people had to close their workshops. (St. 329)

A lad named Muhammad Ramzan had unwittingly crossed the soldiers' cordon. He was grazing his goats. He was shot and he died on the spot. " Two or three British soldiers tied the dead body with his turban, dragged it and left it by the pond near the village." (St. 330)

Mir Wajid Ali, a Mughal, describes in a long statement how attempts were made to extort evidence, how people were made to attend the police station from day to day and wait there in the hot sun, and he winds up his statement:-"My son and I were searched and put in the lock-up. On the 9th of june, my son Islam Beg and myself were brought before the Deputy Commissioner, Col. O'Brien, at about 6 p. m. with 5 or 6 other persons of Wazirabad. We were all released by the Deputy Commissioner after undergoing the punishmant of rubbing our noses on the ground." (St. 327, P. 454).

Thus, when there was no evidence at all, on which to convict, a degrading form of punishment had to be invented in order to insult apparenly innocent men. 6500 rupees were exacted from these villagers as indemnity (ST. 327)

Witnesses 324, 325, 326 and 334 have given evidence showing how attempts were made by 1 the police by threats and actual corporal punishment to extort evidence.

9 -Akalgarh.

Akalgarh is a railway station beyond Wazirabad on the Wazirabad Lyallpur branch. It has a population of about 4000, and is noted chiefly for its being the residence of the celebrated Diwan Sawan Mal and his son, Mul Raj, Governors of Mooltan in the later days of the Sikh rule.

In Akalgarh itself, there was no disturbance of any kind whatsoever during the Month of April last. There was the *hartal* on the 6th and a public Meeting, at which Diwan Gopal Lal, one of the descendents of Diwan Sawan Mal, presided. On the 14th April, there was another *hartal* over the arrests and the events at Amritsar and Lahore. Telegraph wires were, however, cut on the 15th, when there was no *hartal* at Akalgarh. These wires were cut at a distance of about a mile, whether from Akalgarh or from the railway station. It was not the work of a crowd,

nor, so far as we can see, of any body from Akalgarh. The theory, suggested to us, was that the wire-cutting was done by those who were coming back from the Wazirabad *Baisakhi* fair, Akalgarh being 23 miles from Wazirabad.

On the 22nd of April, however, the Deputy Commissioner came, stopped at the canal bridge and sent for the gentry of the town. He required them to repair the road leading to the Dak bungalow, and ordered that it must be repaired quickly by the town people in such a manner that his motor could have an easy passage. Nearly Rs. 2000, therefore, were collected from the people, and the road extending over a mile was compulsorily fitted for the passage of the Deputy Commissioner's motor. The whole of the amount was raised in a single day from the small town. Not only, therefore, was the levy illegal and objectionable on principle, but it was also unconscionably heavy for a place so poor as Akalgarh.

Then followed, as at Gujranwala and Wazirabad, the arrests of the leading people. A batch of 30 accused was tried, 20 of whom were acquitted, 2 lads of 15 years of age were sentenced to simple imprisonment for one day, 6 were convicted and the case agaimst 2 was withdrawn.

The intimidation of witnesses, the corruption that went on during nearly two months and the terrorism that reigned at Akalgarh are all set forth in the statements furnished to us, with a wealth of detail enough to carry conviction. We propose to sample out a few of these disgraceful incidents.

Nanak Chand was called to the police station and asked to give false evidence. On his refusal, " he was made to stand in the sun for half an hour." He was abused. He was told that he would be shot, if he did not give evidence. Thereupon, he gave a statement to dictation, but he says that he gave the true evidence before the Court. He adds that he saw other people being treated likewise. "People were forced to assemble at the Dak Bungalow. He was obliged to supply the military officers milk free of charge." (Sts. 343 to 345)

Diwan Gopal Lal referred to above was arrested on the 22nd April. He was detained in Jail for two months and was ultimately let off for want of evidence. He says, "I was arrested because I refused to pay money which the Revenue Assist. and M. Sahib Khan demanded from me as a bribe through the zaildar and Chaudhri Ghulam Kadir and Sirdar Khan. While I was in Jail, they received from my relatives, as a bribe, a sum of Rs. 5000 for me, and Rs. 1000 for my brother-in Law". (St. 340 p. 468).

Ram Lal, a student aged 15 years, was arrested on the 23rd April, and discharged on the 13th May, (St. 342).

Lala Ganesh Das Pasi and his two brothers were arrested. He states how a bribe of Rs. 2000 was paid; how he was still detained, how they were finally discharged, how on the 23rd of May his property was confiscated on the plea that he was an absconder. He says that his property was not restored to him, inspite of his acquittal, up to the 19th of July 1919. (St. 346)

Chaudhri Fazal Dad was a Lambardar and Vice President of the Municipality of Akalgarh. His crime was that he had appeared as a defence witness, on which account, he says, he was arrested, tried and fined Rs. 500. On May 26th he was, without any reason, as he says, dismissed from Lambardarship by Colonel O' Brien. He states that the road repairs, referred to above, were done during his Lambardarship. He states that " the people who were not of the labouring class were forced by the Revenue officer and the *Z*aildar to work without any payment." Out of the Rs. 1800 collected by force, "only Rs. 700 or Rs. 800 were given to the contractor." He adds, " All the people of the town were collected at the Dak Bungalow, and some machine guns and some big guns were fired from the railway line. The people were plainly told that they should not appear as witnesses for the defence, and ought to appear for the prosecution, as desired by the Sub Inspector of Police." (St. 336).

Rs. 1000 were also collected from the people as the expenses of the machine gun firing already referred to, and a small sum for repairing the telegraph wire. (St. 340 A)

10—Ramnagar.

Ramnagar is no bigger than Akalgarh. It is situated about 5 miles from Akalgarh on the bank of the Chenab. It is not on the railway line. The late Maharaja Ranjit Singh had a Palace there called *Baradari*.

There was a *hartal* on the 6th April, and a partial *hartal* on the 15th April. No damage is reported to have been done at Ramnagar, but it is alleged that an effigy of His Majesty was burnt on the 15th April, and the ashes thrown into the river. We have enquired into this allegation with the closest attention. Several hundred witnesses were examined by us. And though the evidence thus collected was convincing and conclusive to repudiate the charge, it was decided to invite the public in the openest manner to give us any information to the contrary that they might possess. A public meeting was, therefore, held on the 30th November 1919 in the open at Ramnagar, at which those who believed that the King's effigy had been burnt or had information on it, were invited to make either a public or a private Statement, but not a single witness came forward to state that there ever was any such insult offered to his Majesty. We are satisfied that it was entirely a manufactured charge. The statements, collected by us, will show that up to the 23rd April no mention was ever made of this matter by any of the

police officers. Col. O'Brien has stated in his judgment, wnich we have carefully examined, that the delay in mentioning the incident was due to pre-occupation on the part of the police. This is wholly unacceptable, for, there should have been a mention of the incident at least in the police diary. On the 17th April, the Inspector of Police, although he went round the whole of Ramnagar, made no mention of it. The alleged leader in the affair, although he was available, was not arrested before the 9th of May.

Yet the people of Ramnagar were, all the same, not only made to labour under a calumny, but the best of them were made to suffer heavily through a prosecution wantonly undertaken, supported by manufactured avidence led in a trial in which the canons guiding ordinary trials were set aside.

Lala Karam Chand, 60 years old, by temperament a religious man, living practically in retirement, was himself a victim. He was prosecuted along with 27 others and sentenced. He was in Goverment employ from 1877 to 1900 in the Postal and the Railway Departments. After 1910, "he practically renounced worldly affairs." He passed 9 months out of the year at Hardwar. He denies that "there was any funeral procession arranged for, or any effigy burnt." He admits that a few boys passed through the Bazar on the 15th April and shouted "Hai Hai Rowlatt Bill." (alas the Rowlatt Bill.) He says that on the 17th April a Sub-Inspector went to Ramnagar and recorded that there was *hartal* but nothing else. And it was on the 23rd April that the Revenue Officer went to Ramnagar and after consultation with the *Za*ildar, sent him and others to Akalgarh on the pretext of an enquiry. On the 24th, they were handcuffed and sent to Gujranwala and remained in jail upto the 16th May. Till then, they did not know for what purpose they had been arrested. They were brought back to Ramnagar on the 17th May. On the 19th, they were required to give the names of their witnesses and they were tried on the 22nd, with the result we have already mentioned (St. 422)

Lala Sundar Das States that even the despatch of telegrams by the people of Ramnagar in connection with the arrests was resented. He and others were produced, on the 11th June, before the Deputy Commissioner at Gujranwala, and before they were discharged, they were ordered by Colonel O'Brien "to draw lines on the ground with their noses and express repentance." (St. 419)

Lala Hans Raj says that Abdulla, Lambardar of Ramnagar, went to him on the 8th May, and told him that if he did not pay Rs. 200, he would be arrested the next morning. The witness protested. "The next morning," he says, "I found the brother of Abdulla, Lambardar, and another person belonging to a criminal tribe, sitting at my door with *lathis* (sticks) in their hands. No sooner had I opened the door than I was suddenly seized by them and dragged to the *Bazar*." The witness still refused to pay the money. He was then forcibly taken to the police

station. He then describes how evidence was manufactured against him and others, after he himself had been given the option of becoming a crown witness. The witness was at Wazirabad on the 15th April and reached Akalgarh at about 5-15 p. m. It was, therefore, physically impossible for him to have taken part in any procession or demonstration at Ramnagar, at the time when the effigy is stated to have been burnt. (St. 417, p. 357)

Lala Gobind Sahai and others were arrested for having dared to go to the Deputy Commissioner in connection with this case, and were released on the 11th June, after undergoing the same performance as Lala Sundar Das. (Sts. 423, and 424)

Lala Ram Chand describes how at first the prosecution story, that an effigy was carried in a funeral procession and burnt with several maunds of wood, had been changed into the burning of a cloth doll (St. 425).

Sayed Hakim Shah, a retired station master, sets forth how the prosecution story shifted, how he himself happened to go to the river-side on the very evening and saw nothing burning, how on the 22nd May he was asked to give evidence for the prosecution and how he refused and was badly treated for his refusal. He has a record of 37 years' service in the railway department. (St. 432)

Bhagwan Das was approver in the effigy case. He has now made a long statement repudiating the evidence which he gave for the prosecution, setting forth the circumstances under which he did so. (St. 443).

We feel that Akalgarh and Ramnagar were made to suffer humiliation, loss of liberty, loss of money and terrible anxiety, simply because Col. O'Brien was bent on teaching a severe lesson to people, the who had for the first time in their lives begun to realise national consciousness and to interest themselves in public affairs. The tyranny was aggravated by reason of the presence of an utterly unscrupulous local official, Malik Sahib Khan, whose name figures prominently in the statements collected by us regarding these villages.

11—Hafizabad.

Hafizabad is 15 miles from Akalgarh on the Wazirabad Lyallpur railway line, and is a fairly large trade centre. It has a population of more than 5000 souls.

The *hartal* spirit, as a protest against the authorities' action at Lahore and Amritsar on the 10th, was travelling along the whole railway line and had reached Hafizabad also. And there was a complete *hartal* on the 14th April. A crowd, principally of drunken idlers, had gone to the station. Near the level crossing, about 300 yards from the station, this

crowd stopped the train and, in a wanton manner, attacked Lieutenant Tatam, who was in a first class compartment with his little boy. They broke the window panes of the carriage. Meanwhile, others in the crowd resented this barbarous behaviour and protected Lieutenant Tatam at some peril to their own lives. At the request of Lieutenant Tatam, the driver hurried away the train, which safely reached Wazirabad. On the 15th, a drunkard, called Top, led a crowd of about a hundred and broke the wires and damaged a pointsman's hut. Top was taken in custody, the crowd followed him to the Tahsil and broke the Tahsil windows by throwing stones. A shot fired into the air dispersed this crowd.

Colonel O'Brien went to Hafizabad on the 22nd April. Then followed a repetition of what has been described about Akalgarh and other places, resulting in the terrorising of a whole population.

Bihari Lal Kapur was arrested, together with his servant boy, for reasons mentioned in his statement, and in connection with the attack on the train. He says, two boys and a Government servant were produced as witnesses against them, but they were acquitted after having been kept in custody for one month and nine days. (St. 396)

Harnam Singh had to submit to extortion to the tune of two hundred rupees, in order to save his son, but it proved of no avail. The son was arrested, tried and imprisoned. (St. 397)

Hukam Devi states that her son had to go to jail, because she was unable to find money to bribe the police. (St. 398)

Ruldu Ram, a pleader's clerk, describes the way in which private feuds were taken advantage of, for the purpose of damaging the leaders, even those who had done valuable work during the war. He describes also the way in which the police concocted evidence. (St. 401)

Sardar Diwan Singh, Sub Editor, says, "First of all, 6 men, all of whom were respectable people, were arrested and handcuffed. They were not told the charges against them, nor were they given any other information. After the lapse of a month and a half, charges were framed against them. In order to get up false prosecution witnesses, the people were subjected to corporal punishment; filthy and abusive language was used against them in the bazar. They were severely treated and the police subjected respectable men to all sorts of hardships and indignities.....Telegrams were sent to His Excellency the Viceroy and the Lieutenant Governor, Punjab, about false prosecution witnesses. But no attention was paid nor any enquiry held..... When it became known to the Colonel that such telegrams were being sent, they were censored and refused. The Summary Court Martial disposed of all the Hafizabad cases in the course of one single day..... The accused in the Hafizabad cases included big land owners, *raises*, bankers, lawyers and other respectable people, and were marched through the streets and were deliberately humiliated." (St. 388, p. 517)

Lala Rup Chand Chopra gives a graphic account of the energetic measures taken by Colonel O'Brien regarding the recruiting, and then regarding the prosecutions under Martial Law. Not finding things to his satisfation, i. e., many people not having been arrested upto the 30th April, Colonel O'Brien is said to have removed some of the old officials and put in men of his own choice. On the evening of the 30th April, a proclamation by beat of drum was issued to the effect that every turban-wearer was to present himself the next morning in front of the Tahsil, and if any body absented, he would be shot. He adds that during the new regime, people were made to sit all day long in the open, and the process was repeated from day to day. (St. 390)

The same order, as at other places, was issued regarding school children. Some British soldiers helped themselves to various articles from shopkeepers, without making any payment. The witness went with Mr. Andrews to the inspector's house on the 20th October, and a case of extortion was brought to his notice on the part of the punitive police, with the result that two constables had to be dismissed and a *havaldar* degraded. Mr. Chopra concludes his statement by saying that he is an Oxford man, has resided in England for 13 years, belonged to the Indian Ambulance Corps raised in London, and that he has never taken part in politics, but that he comes forward with his evidence for the sake of seeking redress for the wrongs done to the people. (St. 390)

Lala Beli Ram Kapur was arrested, and locked up, with 23 others, in a room measuring 12 by 15, the same room having to be used by all of them for natural purposes also. They were kept as under-trial prisoners upto the 6th of June. (St. 405, p. 540)

Sardar Mewa Singh, a retired head clerk, in the Forest Department, describes the cruelty of the recruiting methods. He describes his own arrest as follows:—"On the 21st of April, I was arrested without a warrant. On the 22nd, warrants were drawn and the signature of the District Magistrate obtained. I was placed for two days in the Hafizabad lock-up, which was very dirty. 23 men were packed up there in a single room. It could hardly accommodate four persons. We were put to fearful discomforts, not being allowed even to ease ourselves, when we felt the necessity. Two of us were taken out at a time in handcuffs. At times, we had to pass stools in the lock-up. On the 23rd of April, 1919, we were removed to the Gujranwala District Jail. All the 23 persons were bound by the same chain. Handcuffs were put on the hands of every body We were taken there under strict surveillance and a guard of armed military police. We were not allowed to answer a call of nature, or to drink water on the way. The treatment accorded to us by the menial staff was intolerable. On the 23rd of May, 1919, we were again taken back to Hafizabad for identification. I cannot express the horrible treatment that was meted out to us by the police on our way to Hafizabad,

Some seven or eight men were allowed their own food by the Superintendent, Jail, Gujranwala. When we were taken out from the Gujranwala Jail in handcuffs, the Jailor asked the Sub-Inspector of Police to allow us to take our meals which were ready, but the latter refused to allow us to do so. We had thus to fast for the whole day. We were brought down to Lahore on the 29th May. The papers were shown to the Public Prosecutor, who sent this case back, considering our offence to be slight. On the evening of 4th June, Mr. Wace called on us to put in a list of defence witnesses. Inspite of our repeated requests, we were not informed of the charges against us, nor were we given the names of the prosecution witnesses. The date for the hearing was fixed for 7th June, which left us a very short time to prepare our defence. We could not inform our relatives, nor engage the services of lawyers. One of my defence witnesses, Dr. Umrek Singh, Assistant Surgeon, was at Simla. He was not called. In cross-examination, Dr. Daulat Ram admitted that he was on bad terms with me. Other prosecution witnesses appeared out of fear of the police. My defence witnesses, who are all respectable gentlemen, had deposed that I had been confined to bed on account of some trouble in the eyes, and could not have left my house. I am more than 60 years of age. I have never taken any part in any political meetings. Mr. Wace, after consultation with Colonel O'Brien, the Deputy Commissioner, fined me Rs. 500. My petition for mercy still remains undealt with. This is all due to the mischief of the police who had won over a few "*badmashes*" (hooligans) to support them. Thus all the occurrences took place on the same day, at the very place. The disturbances continued for two days, the 14th and the 15th. On the former, the police did not try at all to check the activities of the people; rather, they abetted them. On the latter day, the disturbances were quelled by simply firing a few blank cartridges and without the help of any additional police or military from outside. Had the police done their duty on the first day, these things would never have happened at all. The damage done to the buildings at Hafizabad might have amounted to a few rupees. Rs. 6,000 have been collected from the inhabitants in the form ofa fine. The people have to bear the expenses of the punitive police, and this is a source of great trouble to the poor subjects of His Majesty." (St. 389)

Lala Ram Sahai, head master, Anglo Sanskrit School, was also among those who were arrested. In his absence, his house was searched. The search continued upto 11 at night. He was taken to the Gujranwala jail and brought back to Hafizabad after a fortnight. He says:—"Here pressure was brought to bear upon me to become a prosecution witness. The Inspector of Police used no physical force, but he employed moral pressure of every kind. He first praised me as an educated man and then alarmed me that I might be hanged and all my property confiscated, or that I might be transported for life. First, I told him that I did not like to play the traitor, and he advanced try arguments as to how it was no treason to tell the truth. I then consulted my father and the religious

instructor of the school and decided that I must tell the truth an nothing but the truth. On my saying so to the Inspector, he told me tha he wanted truth only. But when I made my statement, he suggeste that I should not say that I was ready to speak at the peaceful meeting c the 6th April. He also suggested that if I was questioned as to whethe the leaders took part in violence or not, I should answer that I was not ex pected to know it, for I was not present on the occ sion. I, of course, full believed and believe even now, that the leaders among the accus d, such a Gurdial Singh and Lala Ram Sahai, did no violence. But I suppressed thi from my statement, being influenced by the atmosphere that had bee created around me. After I had given my statement, I was told that ther was no evidence against me, and that I would be released and made t appear as a prosecution witness. I, of course, was prepared to tell th truth and did tell it, except that I did not mention that the accused did n violence. No question w s put to me about violence in the court.

"On 21st May, 1919, we were again brought back to Hafizabad Prostitutes and other low people came to identify us. This time, as th number was very large, and as there was no sufficient room in the prisons we were kept outside in a big office room. We were handcuffed, day an night, and had to answer calls of nature in batches, in full view of eac others' nakedness. We were handcuffed, two by two, and answered th call of nature in the same position. We slept at night in the open, wit handcuffs on.

"On the 23rd of April, 1919, I was presented before Colonel O'Brien who ordered me to furnish a security of Rs. 1,000, which I did and was there upon released. After 4 days, the Deputy Commissioner sent for me again and I was told outside his bangalow that I was under no restrictions any more. Colonel O'Brien then came out and said, "*Toba koro*" (cry penitence). I expressed, in word and action, my repentance, though I knew that I was innocent. He then said that I must "clear myself", by which he meant that I must appear as a prosecution witness.

" As written above, I appeared as a prosecution witness afterwards, according to my promise. The Deputy Superintendent of Police told me afterwards that he would have arrested me again, if I had not appeared as a prosecution witness. Martial Law was not yet over.

" I again want to emphasize the fact that I fully believe that the leaders took no part in the violence done at the station or in the Tahsil." (St. 413).

We quote at length from this statement, in order to show what subtle pressnre was brought to bear on a cultured man to make him give false evidence, and how even Colonel O'Brien let himself to the coaxing process, not excluding threats. The indignities and the indecency, as described by the witness, during the confinement, mostly wrong-

ful, to which cultured or well-brought up men had been subjected, betray the degradation to which the officials had sunk in their desire to suppress agitation.

12—Sangla Hill.

Sangla Hill is a comparatively modern place. It is a railway station, 62 miles from Lahore, situated on the Lahore Lyallpur branch. It has a population of about 4,000 people. It was on the 12th April that a *hartal* was observed owing to Mr. Gandhi's arrest. According to Mr. Bosworth Smith, " the effect of the meeting in connection with the *hartal* was not at once evident. On the 13th, the *Baisakhi* fair passed off fairly quietly. ... ... On the 15th, telegraph wires were cut between Sangla and Salanwala. On the 16th, a Sikh with some other Sikhs, assisted by a large mob from the town, forcibly released a military prisoner at Sangla station. He was an Indian prisoner. On the evening of that day (15th), some men made a murderous attack on Mr. Wells, a Telegraph Inspector."

This account is altogether exaggerated. The testimony produced before us shows clearly that the Sikh who forcibly released a military prisoner had run amok, and there was no crowd behind him. It was an individual affair. There was no murderous attack on Mr. Wells on the 15th or any other day, and he was not seriously injured. It is perfectly clear from the evidence in our possession that the people of Sangla were in no way implicated in any attack on any body, or in any damage to property. But Martial Law was, all the same, proclaimed on the 19th April. The Deputy Commissioner visited Sangla and did nothing at the time, except warn the people against repeating the *hartal*. On the 22nd, however, an officer with British soldiers arrived, arrested 11 leaders and after a few hours' detention released them. Arrests, however, were commenced on the 26th April. The arrested people were released on the 29th. But on the 12th May, a military demonstration was held and shots were fired from the hill, evidently with a view to overawe the people. Captain Ewing of the mobile column stated before Lord Hunter's Committee that they had "a demonstration with a machine gun and Lewis gun firing before a large number of people." On the same day, 13 leaders were again arrested, handcuffed and marched under humiliating circumstances. On the 13th May, 64 further arrests were made. They were bound with their own turbans, a most disgraceful procedure and marched off to the Police Station. A roll call of inhabitants was taken daily for some days. On the 14th, 47 other arrests were made, and on the 18th, Mr. Bosworth Smith told the people under arrest that if they paid a fine of Rs. 50,000, they would all be released. Mr. Bosworth Smith admits that he wanted to levy a fine of Rs. 50,000 on the Sangla people, but denies that he made it a condition of release. All the same, the fact stands that, on the 19th May, 116 persons out of 124, all told, were released, the contention on the part of

the people being that some people, apart from those who were arrested, agreed to the fine of Rs. 50,000. The eight persons not released were tried on the 1st of June, convicted and sentenced to 6 months' imprisonment and a fine of Rs. 100 each, on evidence which was totally insufficient to sustain the conviction.

People were flogged upon pretexts the most trivial, admittedly without any previous medical examination, as a rule. Provisions were carried away from shopkeepers without payment. Respectable people were called upon to pull *pankhas* (fans) for the officers and to stand in the sunshine from time to time. School boys, including little children, were compelled to attend roll call from day to day, and made to stand in the hot sun and say, "Sir, we have done nothing wrong, and we will do nothing wrong in future." This was so strict that Mr. Balmokand could not get an exemption for his nephew, 7 years old. He tried his "best to get the boys exempted from roll call, but to no use". The boy, therefore, attended regulary for 3 days. On the 5th day, on his return, he was perspiring. "He fell down and began vomiting. Doctor Gian Chand of Sangla was called, but in vain. Then an army I.M.S., who was there, was called, but he too could not help. The boy died on the 7th May". The roll call was compulsory for 4 times every day. (St. 358).

Basant Ram was arrested along with 25 others on the 19th May. He and the others were released on the 22nd May, without any statements having been taken from them. He says, "During the period of arrest, the police did not permit us even to answer calls of nature, unless we paid some thing. We paid Rs. 2 daily for this very purpose." On the 23rd May, he was again summoned and was told by the *Thanedar* (Sub-Inspector) that if he still refused to give evidence, he would be taught a lesson then and there. He furthers says, "He began to beat me very severely in the *bazar*, and dragged me through the *bazar* to the police station". (Sts. 366 and 368).

Sohan Mal had several maunds of ice taken away from him by the military without payment. (St. 369).

Harish Chandra, a student, although he had *salamed*, was stopped by the military. He was there and then given 5 or 6 cuts with a cane on his legs, arms and back, without being heard. "The Commanding officer threw a leather hunter over me in rage, which clung round to my feet," says the witness, "but he drawing it back, they took their way." (St. 570).

Sardar Singh was pressed to give false evidence. He refused. He was, therefore, arrested and kept in the lock-up for 4 days. He says, "Even the members of the Municipal Committee came to the lock-up and asked us to give evidence, if we wanted to be released". The witness was in the lock up along with 97 other men. (St. 371)

Lachhman Das had the contract of a *serai* (Rest house). During the Martial Law days, the military made it their Head Quarters and did not allow any traveller to occupy it. He paid himself Rs. 75 as rent per month and Rs. 30 to his servants. He suffered a loss of Rs. 150 per month. The officers remained there for 2 months. He had to remain in his shop day and night, for the rations were taken from him. One night, one of the officers' servants came to fetch milk for the Extra Assistant Commissioner and the Inspector of Police. He was, therefore, obliged to light a lamp. This was treated as a breach of the *curfew* order by the Commanding Officer, and consequently he and his companion were arrested. He pleaded that he was bound to supply milk to the officers and that, if he had not, he would have committed an offence, and that he could not possibly supply the milk without lighting a lamp. The officers paid no heed to the plea. In the meantime, his eldest brother came out from the neighbouring house and enquired what the matter was, and so he, too, was arrested. They all remained in custody for 2 days, and were then released under security. 5 days later, they were summoned to the station and were sentenced to a fine of Rs. 50 and five stripes each.

Lachhman Das was pronounced to be medically unfit for receiving whipping; his fine was, therefore, doubled in lieu of stripes. (St. 372)

Sham Das was not allowed to drink water, whilst he had to stand in the heat of the sun when under custody. He, therefore, fell ill, but he received no medical attention. He was set free after 9 days. He says, "Even now, I do not know the reason of my arrest." (St. 373)

The authorities wanted the nephew of Nihal Chand, and as he was not at the time in Sangla, the uncle was arrested. He was kept standing in the sun like many other people. "Owing to my old age," he proceeds "and also owing to the strong sunshine, I fell down senseless 3 times. I was released after 4 or 5 days, without any explanation." (St. 374)

Jan Muhammad Patoli says that whilst they were made to wait from day to day, they could neither eat nor drink. He, too, like witness no. 374, fell sick owing to the hot sun. He was set free after 10 days. He adds that when he opened his shop, constables helped themselves to his goods. He rendered bills, but never received any payment. (St. 375)

Sohan Lal and 2 others, respected and well known residents of Sangla Hill, have made a joint statement. They state that Rai Sri Ram, Sub Divisional Officer, visited Sangla Hill on the 18th. He saw the people, made no arrests and went away. On the 19th, Colonel O'Brien visited Sangla Hill. He, too, saw the people and said that he was pleased to pardon them regarding the *hartal*. The arrests only began on the 22nd April. (St. 376, p. 503) If what Mr. Bosworth Smith has stated regarding the disturbances at Sangla Hill had been true, the two responsible officials would not have gone away without making any arrests. The suggestion naturally is that it was Mr. Bosworth Smith

who altered the position and prompted the arrests, and has magnified individual offences into popular disturbances, so far as Sangla itself is concerned. It is true that telegraph wires were cut near Sangla. The Moman station, which is not far from Sangla, was burnt and looted, but unless Sangla people could be directly traced to have taken part in the wire-cutting or the burning of the station, they could not be held liable.

The above 3 witnesses give particulars of the different arrests with names. These arrests we have already referred to, in describing the administration of Martial Law in Sangla. The paragraph in the statement, showing how evidence was manufactured, will bear repetition. The witnesses state, "On the 11th May, by means of violent threats, beating and exposure in the sun, the police succeeded in forcing 29 persons to stand as witnesses for the prosecution. This number included boys of ten years, and 14 men of the railway staff. One was Prem Singh Bazaz, who had been previously convicted for abduction by force and sentenced to 3½ years." (St. 376, p. 504)

Dr. Karam Singh Nanda relates how he, in common with others, had to give daily attendance for identification, and stand in the sun without water and food. He says that many fainted, and that he suffered so much from the heat of the sun from day to day that he fell ill and was invalided for 2 months. He says that he was identified as being in Sangla on the 12th; whereas, he was in Gujranwala and had to give evidence in the court on that day. He refers also to the fact that 180 men, who were arrested, were detained for 9 days, and were asked to pay Rs. 50,000 if they wished to be released. (St. 380)

Kundan Lal, commission agent, states how British soldiers helped themselves to goods from shops without payment. (St. 381)

13—Moman.

Moman is a railway station, 6 miles from Sangla on the Lahore side. There is no doubt that a party proceeded to this station from the surrounding villages and burnt and looted it, a procedure, for which there was no provocation whatsoever, and which was an act of pure wanton destruction. It is not certain whether the people from the surrounding villages burnt the station, or whether it was a party of outsiders. In any case, the high-handed measures taken by the authorities by way of reprisals were totally uncalled for. We have not burdened our notes with many statements regarding Moman, because it is practically a part of Sangla, and the people of the surrounding villages came in for the same ill-treatment that the people of Sangla had been subjected to.

14—Manianwala (and neighbouring places.)

This is a village hardly containing a population of 500 men, and it is one of the villages near the railway station, Dhaban Singh. This station

was burnt and looted by the people from the surrounding villages on the 16th April, 1919. The villagers had heard exaggerated reports of what had happened at Amritsar, which evidently excited them to this act of incendiarism ; and, as one of the witnesses states, what began as an act of vengeance ended as one of loot on the part of evil-doers.

But, bad as the action of some of the villagers was, the reparation exacted by the authorities was heartless, and passed the bounds of decency. On the 19th April, a troop train arrived at the Dhaban Singh station. Guns were pointed towards Manianwala, some soldiers alighted from the train and proceeded to the village, shooting as they went. One man at least was shot dead, others were wounded. One at least was maimed for life and rendered unfit for work. There seems to have been no warrant for this shooting. Women fled from their houses on hearing the shots, including those who were about to be mothers. Sardar Atar Singh, a Lambardar of thirty years' standing, and founder of the village, narrowly escaped death. His house was searched, cup-boards were broken open, and cash and other things removed. Atar Singh is said to be 115 years old. He is certainly over 100 and can hardly move about, and passes his days seated on a bedstead. He and Inder Singh were arrested ; he, being unable to walk, was put on a horse. They were both taken to the station, and confined in an iron waggon which served as an improvised lock-up. There, they were detained for some days. This waggon, being made of iron, without any lining, was naturally unbearable during the hot days of April, and in this way, several other villagers had to pass their days often without food and water. (St. 577).

A few days later, Mr. Bosworth Smith came with a party of soldiers, more than once. Mr. Labh Singh, an ex professor, M. A., and Barrister, was specially sent by us to Manianwala to make further investigation as to the evidence of a shocking character given to us. He has brought statements which are reproduced as a part of our own record. This is what witness Teja Singh deposed before him:—

" I had not yet left for the bangalow, where most of the villagers had gone by the order of the police. It was in my presence that Mr. Bosworth Smith gave a severe beating to Munshi Nawab Din and Lehna Singh. He asked him to give evidence against Bhai Mool Singh, forcing him to say that the latter had delivered a speech against the Government. After placing him in the custody of a constable who was ordered to take him to the bangalow, Mr. Bosworth Smith went towards the women. He removed their veils and used abusive language. He called them " flies, bitches, she-asses " and worse things. He said to them, " Your skirts will be examined by the police constables. When you were sleeping with your husbands, why did you allow them to get up and go". He also spat on them. (St. 580).

Gurdevi, the aged widow of Mangal Jat, stated before Mr. Labh Singh, "One day during the Martial Law period, Mr. Bosworth Smith gathered

together all the male persons of our village, over 8 years, at the bungalow, which is some miles from our village, in connection with the investigations that were going on. While the men were at the bungalow, he rode to our village, taking back with him all the women, who met him on the way, carrying food for their men to the bungalow. Reaching the village, he went round the lanes and ordered all the women to come out of their houses, himself forcing them out with sticks. He made us all stand near the village *Daira*. The women folded their hands before him, he beat some with his stick, spat at them and used the foulest and most unmentionable language. He hit me twice and spat in my face. He forcibly bared the faces of all the women, and brushed aside their veils with his own stick. He called them "she—asses, bitches, flies," and "swine", and said, you were in the same bed with your husbands, why did you not prevent them from going out to do mischief? Now your skirts will be looked into by the police constables." He gave me a kick also, and ordered us to undergo the torture of holding our ears by passing our arms under and round the legs, while being bent double." (St. 582) This statement is supported by several women of Manianwala.

Nawab Din, Government school teacher, says that Mr. Bosworth Smith pressed him to say that Mool Singh had spoken against the Government, and states, "But when I repeated that it was not the fact, he began to belabour me with sticks, and beat me so long and so cruelly that the marks of injury were visible on my wrist and ankles for a long time after." He said that I was a Government servant and I should, therefore, give evidence in favour of the Government. He went on beating me for some time, after which he ordered a constable to take me to the bungalow. (St. 578)

One Lehna Singh also received similar treatment. "As we left for the bungalow, the Sahib addressed himself to the women, whose cries fell upon our ears, as we went along." (St. 579.)

We have dwelt upon these incidents at some length, and we consider that an Officer, who is capable of behaving in the manner Mr. Bosworth Smith seems to have, is totally unfit to occupy a post of any responsibility in a civilized Government or to wear His Majesty's uniform.

The other statements, in connection with the incident at Manianwala, show how over eighty villagers were arrested and subjected to the greatest inconvenience, how the villagers were obliged to pay for meals which the Government was bound to supply them whilst they were in detention, and how they were pressed under a variety of threats to give false evidence, how flogging was administered, how Mr. Bosworth Smith conducted his trials, and how on the kind of evidence, described in the statements, villagers were tried before the Martial Law Commission, and some of them transported for life. Happily the sentences

were reduced, and, under the Royal Proclamation these very men have been discharged. But no such discharges can possibly atone for the grave injustice done to the villagers, the majority at least of whom appear to have been utterly innocent. A punitive police has been imposed on the villagers, and a heavy indemnity was levied upon them by Mr. Bosworth Smith, which was subsequently reduced.

We cannot close this brief review of the barbarities of Manianwala without mentioning that Mr. C. F. Andrews personally visited the place on behalf of the Congress Sub-Committee, and he brought evidence supporting the statements about the inhuman treatment described above.

15—Nawan Pind. (*Chak No. 78*)

This again is a very small village, smaller even than Manianwala, in the Tahsil, Khangah Dogran. This is also near the railway station, Dhaban Singh, and therefore, came in for practically the same treatment as Manianwala, except that the women folk seemed to have escaped the disgraceful treatment that was meted out to their less fortunate sisters of Manianwala. That some villagers might have taken part in the burning of the Dhaban Singh station is quite likely, but there can be no justification for the cruel and vindictive punishment of a whole village, and yet the selection we have made out of nearly 40 witnesses, all speaking about similar or the same incidents, shows that the same treatment was meted out to the residents of Nawan Pind as to those of Manianwala.

Khushal Singh states that the day following the burning of the railway station, the inhabitants of the surrounding villages, including Nawan Pind, had gathered on the railway station. The Tahsildar was there to select a man for the membership of the District Board, and on the arrival of the men, the booking office was on fire. After giving their votes, the men went away. The Tahsildar must have known most of the voters, and yet many of them were arrested in connection with the burning of the station. This witness states that, on his happening to be at the railway station the 3rd day after the fire, he learnt that the Sub-Inspector had been asking the porters to identify those who had burnt the station. The porters protested that the people were too many, and it was night time, and that they could not, therefore, identify them. The Sub-Inspector seems to have cajoled them. He said he would collect people from those villages and they (the porters) should only point out some of them and that he would see to their arrest. The next step was that all the people, except women and children, were ordered to appear before Mr. Bosworth Smith. No sooner did the *Sahib* arrive there, than we were all placed in rows. The porters, as well as the railway staff, came with the Sahib. The porters were ordered by the Sahib to identify from the rows of the people those men who were concerned in setting the railway station on

fire; those who were touched by the porters were separated from others, and bound hand and foot. The identification was conducted in the following manner:—"A man was identified by one porter, with a *Lambardar*, *Zaildar* and the Sub-Inspector of police at his elbow. Then again, another porter was made to identify the same person, in like manner. Thus some 28 or 29 men were arrested. One Bhagwan Singh begged to state that he had not left his home on the said day. The Sahib ordered him to be bound to a tree and flogged 12 times, because he had made a submission. After that, all the persons that were identified by the porters were taken to the railway station, where the names of the people had been called by the *Patwari*. Ishwar Singh was not present. The *Sahib* enquired whether there was any relative of his present. The *Patwari* replied that his brother-in-law, meaning me (Khushal Singh), was there. The *Sahib* at once ordered my arrest. We were all taken to the *Sarai* (Rest house) and shut up in a room, and a guard was posted outside We remained there for 2 days, without anything to eat or drink. The relatives who came there with food were turned back.....On the, 9th day, we were taken back to the Canal bungalow. Ishwar Singh also arrived on that day. The Sub-Inspector told him that if he deposed in favour of the prosecution, he would not be arrested. Teja Singh, son of Maya Singh Kambo, of Nawan Pind, was also there at that time, and was made a prosecution witness. Sadhu Singh, goldsmith, Jwala Singh, *Zaildar*, and Banta Singh, son of Jwala Singh, had also been arrested, and they were set free by the Sub-Inspector of police on their promise to appear as prosecution witnesses. No sooner was I made a prosecution witness, than I was also released. Every body, man or woman, from our village, was made to sit before the Tahsildar. Every body who was arrested was called and punishment pronounced against him. No evidence was taken. If any one said anything, he was beaten." (St. 611)

Here we have a full view of the so called trials conducted by Mr. Bosworth Smith, as also of the way in which prosecution evidence was manufactured. Mr. Wathen, the Principal of the Khalsa College, Amritsar, one of the biggest educational institutions in the Punjab, has left on record his view of how justice was miscarried in Nawan Pind. We reproduce below the whole of his argument :—

"The case of Bhagwan Singh aud Maghar Singh, sons of Jewan Singh of Nawan Pind, Chak No. 78, Tahsil, Khangah Dogran, Dist. Gujranwala.

(1) These two men were convicted on the 9th of May, 1919, under article 6 (a), (b), (c), Indian Penal Code, the charge being that they took part in burning Dhaban railway station, and were sentenced to two years' rigorous imprisonment and Rs. 200 fine, each.

The parties are now appealing against their conviction on the owing grounds.—

(*a*) They were not present that day at the railway station, and offered to produce several witnesses to prove an *alibi.* Their witnesses were not called by the court.

(*b*) They were identified by coolies of the railway, who were to them complete strangers, and it is suggested that the coolies were prompted, possibly bribed, by certain enemies to single out these two brothers.

(*c*) The enemies, it is suggested, are Jowala Singh *Z*aildar and Jewan Singh Lambardar, who have an old quarrel with the family of Jewan Singh. This quarrel, which is about a Lambardarship, has been going on for about 5 years. Evidence about it can easily be had and was offered, but was not called for.

(*d*) This statement has been made to me by the youngest brother of the accused, Jagat Singh, a boy of 18, whom I know well and who has been my pupil for four years in this College and School. Of Jagat Singh's personal loyalty, I have no doubt whatever. I am in a positiou to know what Jagat Singh's feelings are, and a suggestion that Jagat Singh was a politician of anti-British tendency would be regarded here as ludicruous; also the fact that these brothers who support the boy sent him here suggests that they are loyal; for, it is usually the loyal Sikhs who send the sons from a far to an institution which is supposed to have the special favour of the *Sirkar.* I have made enquiries among the railway coolies, many of whom know the two convicted brothers, and their universal opinion is that the brothers are perfectly innocent, and the case has been got up against them by their enemies.

(*e*) The point which seems to vitiate the evidence against the men is that the third brother, Mangal Singh, was also identified by the same coolies as having been present at the railway station. It so happened that on the very day when he was alleged to have been at Dhaban, he happened to be staying with Jagat Singh at Khalsa College and was seen there by many reliable witnesses, including the Vice-Principal and some members of the staff.

He (Mangal Singh) actually came to see me in order to get leave Jagat Singh. I wrote and told the Deputy Commissioner of this, and learning in the court, immediately ordered Mangal Singh's release. I ggest that had the court realised that Mangal Singh, whose *alibi* was

proved, was the brother of Bhagat Singh and Maghar Singh, it would have regarded the evidence as to indentifying them as vitiated, for, the same coolies who identified Bhagat Singh and Maghar Singh also identified Mangal Singh.

(Sd.) G. A. WATHEN

Principal

Khalsa College, Amritsar.

(St. 613)

The parties in question were hastily discharged on the production of Mr. Wathen's letter, but every body cannot have the good fortune of having an intermediary known to a man occupying Mr. Wathen's position, as yonng Jagat Singh proved to be.

Bishan Singh gives a detailed account of the trial. He describes how, when a railway Babu said he could not identify, the *Lambardar* and the *Zaildar* coaxed him, and how a man who had been away from Nawan Pind was thus identified and convicted. (St. 612)

Surain Singh was asked about the presence of Mangal Singh in the course of the trial of a batch of prisoners by Mr. Bosworth Smith. He proceeds, "I said he was not present there. But certain other people, such as Jwala Singh *Zaildar* and Jiwan Singh, deposed that he was in the riot. Upon this, Mr. Bosworth Smith sentenced me to 3 months at once. I was let off as it was found afterwards, that Mangal Singh was at Amritsar on the day of the occurrence at Dhaban Singh, from the letter of the Principal, Khalsa College." (St. 614) We presume that Surain Singh was sentenced on a charge of perjury. He was a *Lambardar*. It was possible for him to escape full imprisonment, because of Mr. Wathen's letter, but although he has been proved to be innocent, his dismissal still stands.

Sohan Singh was also sentenced for the same reason, and released too upon the same discovery. He too was a Lambardar and was dismissed like Surain Singh. (St. 615)

Nandi, wife of Khushal, deposing about her son, says," No defence was even demanded. The fact is, he, against whom the railway coolies reported, was punished. No one was asked to even give his own statement. A man belonging to their *kot* (village) objected to such a procedure. He was fastend to a *shisham* tree and severely lashed." (St. 616)

As in other places, so in Nawan Pind, the officials helped themselves freely to people's goods. Thus goods, worth more than 108 rupees, were taken from Hira Singh in the shape of flour, *dal*, sugar, ghee and milk. The villagers made collections, and paid the poor man. (St. 618)

Kishan Chand says, he supplied Mr. Penny's and Mr. Bosworth Smith's camp and others, with rations to the extent of 400 Rupees. The villagers made up the amount. (St. 619)

Jwali, wife of Kahan Singh, states that her husband, 70 years old, weak as he was, was also arrested. She says, "The police on duty would not allow us to give food to our relatives without payment. I had to pay Re. 1 per day per head, as was done by others." (St. 620)

Nand Singh says, "The whole male population of the village, from 10 years upwards, was sent for. They were made to sit in rows in the sun, from morning till evening. Mr. Bosworth Smith was there. My brother, Bhagwan Singh, stood with foldded hands, and said that he was innocent and had not committed any crime. Upon this, Mr. Bosworth Smith became angry and ordered him to be beaten. A rope was sent for, which was brought by Satroo *Chaukidar*, with which Bhagwan Singh was bound at once. Satroo was ordered to cane him, and he gave 12 lashes. Mr. Bosworth Smith was standing by him and said, he did not mind if he was dead. He became unconscious, water was poured into his mouth and after a little time, he came to his senses. He was then taken away by the Sub-Inspector and arrested. This frightened the whole people, and none dared to speak. Soldiers with rifles were standing round all, and Mr. Bosworth Smith said that if anybody spoke, he would be also treated ikewise." (St 621)

This village was fined Rs, 10,000. One-third was taken during the last *Rabi*. (St. 622)

16.—Chuharkana.

This is an important Mandi, viz., a market-place, visited by hundreds of men from the neighbouring villages, who bring their stock to the market. The village of Chuharkana lies about a mile and a half from the Mandi. The station Chuharkana, is near the Mandi.

The *hartal* was observed on the 12th April. A public meeting, announcing it, was held on the previous day, in which all, including the Municipal Councillors, took part. Nothing happened upto the 14th. By the 15th, however, the news from Amritsar and Lahore had become common property, and people were much agitated. Some people, living at the Mandi, and others, from the villages, who were at the Mandi, proceeded to the railway station, and in broad day-light, took implements from the railway gang, damaged the line and burnt the station.

This was followed by the arrival of the military, and machine guns, with an armoured train. There was considerable indiscriminate shooting. Rai Sahib Sri Ram Sud has sought, in his evidence before the Hunter Committee, to justify the shooting, but the whole of the evidence in our possession contradicts his statement. Indeed, he seems to be condemned out of his own mouth. It should also be remembered that the shooting took place before the proclamation of Martial Law. Now, R. S. Sri Ram Sud is a Sub-Divisional Officer of many years' standing, he

has served in the district since August 1918; he, therefore, knew the people. He made himself principally responsible for the firing, and when he was cornered by Pandit Jagat Narain, he said that his authority was derived from the Criminal Procedure Code. In answer to Sir Chimanlal, who enquired on what he came to the conclusion that he should fire, he said:—"Because we already came to know that the mob had already collected there, and there was reliable information of it." Again he says:—"I had already heard that the people of Chuharkana were rushing to the market to loot." "Therefore, without any further enquiry, you began to fire" asked Sir Chimanlal. "Yes, we determined to open fire" was the answer. He was then asked:—"Your idea was that you wanted to strike terror." He replied,—"Well, if necessary. And we found it necessary." "And after that firing, you proceeded further to the station?" asked Sir Chimanlal. "Yes" was the reply. The Rai Sahib then described the movements of the people.

Q.—What do you mean by moving? They were not committing any mischief?

A.—No, not at that time. People were coming out and going into the village.

Q.—You do not know what their object was in coming out and going into the village?

A.—Well, their object was to attack the armoured train.

Q.—From a distance, how did you know that they were collecting to attack the armoured train?

A.—Unfortunately, I cannot illuminate things which are in my brain.

Q.—Parden me, Lala, we are dealing with what materials you then had and what you saw then. I want to know, when you refer to their movements, what was the actual movement. Will you kindly tell me?

A.—I said, they were coming and going and I fancy they were collecting.

Q.—With what object you cannot say?

A.—They were collecting for some sinister purpose.

Q.—From the fact that you saw some people were going to the village and certain people going out, you concluded that they were collecting with some sinister object?

A.—They saw our armoured train and yet they did not hide, what was the conclusion?

Now this evidence was given by the Rai Sahib on the 17th December. The evidence collected by us on our own behalf was long before

that time and it was checked by one of us on the 6th December, and it goes to show that there was no crowd collecting, and that the movement that the Rai Sahib saw was the very opposite of what he imagined it to be. The people were going out and hiding themselves through fear.

Dula Singh, a Jat, who knows what he is talking, and who seems to know every inch of the ground, says:—" They fired with the machine gun at the men who were leaving the village out of terror. I saw three persons falling down wounded by the machine gun fire. Maula Baksh and Kartar Singh, Members of the Committee, were also in the carriage." (St. 468)

Ganpat Mal says, " Firing from the machine guns lasted for a long while and people went on running hither and thither..... On the 17th April, the same course was followed, the British soldiers came with machine guns. They alighted from a train and fired on the people who were running hither and thither. " (St. 458).

Thus, whilst we will not go so far as to say that firing before Martial Law could not be justified, we believe that the firing referred to by the Sub-Divisional Officer was hasty, premature, indiscriminate and due to panic or over-zeal. To strike terror was no part of the officers' business. It is a sign not of strength but of weakess, not a vindication of justice, but a perpetration of injustice. A guilty conscience alone resorts to terrorism. We admit that the incendiarism, the looting and the wire cutting were all bad, unwarranted and disgraceful, and that the culprits deserved condign punishment. But nothing that the people did could possibly justify the random firing that was resorted to and that resulted in the loss of innocent lives and permanent injury to several innocent people, and the other barbarous measures that were taken, inorder to "terrorise" a whole people.

The other measures were more or less the same everywhere. The evidence about looting by the soldiers is stronger and more voluminous for Chuharkana than elsewhere. Cattle were forcibly seized and milked for the soldiers. Goats, utensils, eatables were taken away even in the absence of the owners. It is difficult to estimate the material loss that the people must have suffered during the Martial Law regime.

Sucha Singh says, "The police got one bedding from me by frightening me and it has not been returned as yet. " (St. 449)

Shaman deposes to the effect that "his crops were forcibly taken by the sepoys who were there, for the use of cheir horses. " (St 464)

Mohan Lal says, " When Mr. Bosworth Smith came here, provisions of the value of Rs. 45 were taken away from our shop, but no value has been realized upto this time. " (St. 474).

Haveli Ram says, "My shop and house were locked up for 10 or 15 days.....Many of the Mandi shops were searched. The British soldiers promenaded the Mandi, and tyrannised over the people. They used to enter the shops and take away anything they pleased.....The soldiers paid nothing to me as the price of the things they bought from me." (St. 453)

Ganpat Mal says:—"They took away anything they saw for their ration. Hens, eggs, goats and milk, all these, were forcibly snatched from the people. The policemen came to the people and asked for beddings, which people had to give because they were very much afraid. Until now they have not been returned. The police took buffalo milk forcibly from me and nothing was left for my children. I gave one bedding, which has not been returned to me as yet. .....During the Martial Law days, I had to pay Rs. 25 from *mandi* side, and Rs. 10 from the village side, for defraying the expenses of the Military rations." (St 458)

Certain shopkeeprs, who had supplied the military with rations, sent in to the authorities a list of the articles supplied. The reply sent by the Superitendent of Police, Gujranwala, was:—"It be sent to the Sub-Inspector with the direction that this money can under no circumstances be realized now. The applicants be made to understand that they should not trouble us again and again."

The villagers were prevented from cutting their crops for some days. In some cases, their crops were confiscated without any just cause. These acts are practically admitted by Mr. Bosworth Smith who was chiefly responsible for the Martial Law administration in these parts, *viz.*, between Sangla Hill and Sheikhupura.

Shan Singh says: "My pecuniary losses amounted to about 2,000 rupees on account of the damage done to my crops." (St. 454)

Jiwaya says: "I had my crop of gram, 3½ *qillas*, near that of Sher Singh, which has been used by the army for their horses and was never paid for. Even when they were asked not to do it, they threatened me stating that if we prevented them from taking the green fodder, they would take us before the *Sahib*, and we would be punished." (St. 456) Ganpat Mal says: "It was also ordered that all that were present should remain in the village and no one should go outside into the fields to reap the wheat crops. He ordered the *Patwari* to go round in the fields, so that people should neither reap their crops, nor give anything to their animals to eat or take care of them. Accordingly, the cattle wandered uncared for, and the crops were ruined. Some of the crops were damaged by the military We got only one-fourth of the output of the crop." (St. 458, p. 597)

About the so called trials and the procedure adopted prior to them, the statements bristle with facts corroborating what has been stated by

us about other places. Mr. Todar Mal says that when the identification parade was going on, Mr. Bosworth Smith said: "I want only big men, they are *gandi makhi*, I do not want common people." This witness was pointed out as one of the guilty ones by Sardar Kartar Singh. He says, "I immediately challenged him and asked him why he had singled me out." He said that he could not give the reason, as the C. I. D. had prohibited him. He would have to do what was required," (St. 450, p,589). He was tried, but acquitted by the Martial Law Commission. Kanshi Ram says, "The defence evidence, which we wished to produce before the Deputy Commissioner, was not allowed, nor was anybody's statement recorded." (St. 451 p. 590). Maya Singh says that his son Ujagar Singh had gone out to fetch medicine and was arrested together with others. He protested, and "thereupon Langra Sahib (i. e., Mr. Bosworth Smith) ordered him to be fastened to a tree and to be given 25 stripes. ..... He was confined in the cell for 10 days, and when the accused were identified in the Canal Rest House, none identified him, and he was accordingly let off." (St. 448). Haveli Ram says: "One day, Ladha Singh, the watchman, informed all the Mandiwalas that all should present themselves the next morning at the canal bungalow, and that the absentees would have their properties forfeited. We reached the bungalow the next morning, and had to sit there without any food or drink. We were all required to stand in the sun at 12 noon, and had to do so for full 2 hours. All those that were pointed out by porters at the instance of the Lambardar were arrested and sent to the Police Station. They were given nothing to eat or drink, and if anybody wished to give them anything to eat or drink, he was beaten and abused. They were taken to Lahore the next day, and were brought in groups, and their sentences were read to them." (St. 452, p. 592). Sardar Shan Singh says, "I was confined in the *Sarai*, with other arrested people, after being hand-cuffed behind my back. I had to stay there for about 15 or 16 days. I could not even take my meals; nor could I bind my turban on account of the handcuffs being put on my hands from behind. I was kept handcuffed even during the night. Other people, who were confined with me then, used to put food into my mouth; others would bind for me my turban on my head My elder brother, Kahan Singh, was also confined with me there. He had one Arab horse which Ali Mohomed, Sub-Inspector of Police, asked him (my brother) to give to him, and he (the Sub-Inspector) would let him go. My brother replied that he was quite innocent and would not give his horse for nothing. The Sub-Inspector of Police was very angry at this refusal of my brother, and he added that he would charge him with many offences. The first thing that he did was to put surreptitiously some articles of a railway Babu in the house of my brother, and then after an investigation, got those articles produced from his house.....The Sub Inspector of Police asked me to pay Rs. 500, if I wanted to save my skin. I refused to pay, and on that, I was also *challaned* together with my brother. But afterwards my wife borrowed the amount of Rs. 500 from

some one and paid the same to the Sub-Inspector, through Sundar Singh Zamindar, Sheikhupura, Chak Manora. Upon that, the Sub-Inspector of Police promised to release me.....The Sub-Inspector stopped the men, who were made to depose against me, from giving their evidence, but he put only one ordinary witness instead. This resulted in my release on account of the ineffectiveness of the evidence. (St. 454, p. 594). Even a blind man was not free from interference. Ladha Mal, a blind man, was asked to produce his son, and, as the son was not then present, he was arrested, and discharged only after the mother had brought the son. (St. 467). Ganpat Mal states that Mr. Bosworth Smith ordered the villagers to gather together on pain of their property being burnt or confiscated. He says :—"Accordingly all people, out of fear, assembled in the Durbar Sahib. The 'Langra Sahib' ordered the *Patwari* to bring the census report. Lala Sri Ram, the Deputy of Sheikhupura, read out the names from the report of those who were not present. The women were sent for, through the police. The Sahib ordered them to produce their husbands ; otherwise, their houses would be burnt and lands confiscated. After giving this order, the women were asked to go; and the brothers and fathers of the absentees, who were present there, were arrested and taken away." He further says, "The arrested men were brought in batches of 10 or 12, and sentenced to two years' imprisonment each, and fined Rs. 200. No evidence was taken, only they were asked to beg pardon and the people replied, 'Sir, we are innocent ; if we have done anything, we should be pardoned." (St. 458). Sardar Harnam Singh says, he pays a revenue tax of Rs. 400, and that he bought Rs. 800 worth of War Bonds. He pays Rs. 60 as house tax. His brother Khushal Singh was arrested. He engaged Mr. Martin for his defence on a payment of Rs. 1000, but he says, "No body allowed him to plead. No body heard the defence witnesses, who were present ; nor were they sent for. Khushal Singh's case was disposed of within 5 minutes." He says, "In all summary trials, Mr. Bosworth Smith, or any Inspector of Police present used to address the accused thus. 'Do you beg for pardon ?' To this the accused invariably replied, 'Sir, we are innocent, we should be pardoned.' But this was recorded on the file as if the accused had made a confession of their guilt. No defence witness was heard ; nor was any time given to prepare the defence. On the first day, about 100 people were convicted, and within 2 or 3 hours their judgments and orders were also written." (St. 447).

Rs. 1500 were levied from Chuharkana as a fine. Towards this, Mangal Singh and his brother had to pay Rs. 230 (St. 460.) The firm of Lala Faqir Chand Jangli Mal paid Rs. 50 for the maintenance of troops in the month of April, Rs. 114 for the punitive police, Rs. 20 for the Lieutenant Governor's Memorial. "These Sums were realized forcibly from us," says the agent. (St. 480).

17. Sheikhupura.

Sheikhupura is a historic place, 25 miles from Lahore, and the last place to be noticed in the Gujranwala District. It derives its name from the pet name of the Emperor Jahangir, and it was the residence of Rani Nakain of Maharaja Ranjit Singh. It has a population of about 2,500 people.

Sheikhupura observed a *hartal* on the 6th of April. It was spontaneous and complete, inspite of the interference by the Sub-Inspector of Police with the people. There was a meeting in the evening, where, as admitted by the officials, temperate speeches were made. The Sub-Divisional Officer, Rai Sahib Ram Sud, unsuccessfully attempted to stop the meeting by summoning the pleaders and using threatening language towards them. Then upto the 13th, there was perfect peace. The news of Amritsar and Lahore, however, had its effect upon Sheikhupura's population, and the morning of the 14th saw another spontaneous and complete *hartal*, when, too, there was no untoward incident. It has been alleged that a baker's shop was forcibly closed that day and that the baker was assaulted. The statement is denied, inspite of a conviction registered by the so called Summary Court. During the night, however, some telegraph and signal wires were cut by unknown persons, very probably from Sheikhupura.

In any case, the trouble did not arise out of the *hartal*, but all the same, Martial Law was proclaimed on the 19th, and everything that has been narrated of the other places happened in Sheikhupura also. The pleaders came in for special attention. They were subjected to special humiliation, they were arrested and detained for 40 days and finally discharged without a trial and without being told why they had been arrested. A special feature in Sheikhupura was that the whole of the male population, over the age of ten years, was made to sweep a large area of land, just in order to humiliate the people. They were also made to attend from early morning till evening, for 7 days for the purpose of the so called investigation. School boys had to attend, as in other places also.

A 60 years old respected Lambardar, of 38 years' standing, and a retired Inspector of Police, was arrested, simply because his sons were not in Sheikhupura, when they were wanted. His property was confiscated and his tenants prohibited from cutting the crops.

The soldiers and the police freely helped themselves to the goods of the people. The usual pressure was applied for extorting evidence and the trials resulted in the same miscarriage of justice, as elsewhere. But unlike the other places, Mr. Bosworth Smith reported the pleaders to the High Court, with a view to their being deprived of the right of practising. Out of nearly 70 statements, we have selected about 30 for presentation, which support all the statements made above.

Sardar Boota Singh, B. A., L. L. B., was a member of the District War League, who had assisted in recruiting and had received a certificate for his services. He says that he took no part in either *hartal*, being engaged elsewhere on both the days. Writing of the 14th April, he says, " No mob was seen collected in any place, no demonstrations were made any where and nothing unusual was done by the people."

Together with the other local pleaders, he was suddenly arrested on the morning of the 19th. " All of us were put in charge of some 25 soldiers, who carried loaded guns with fixed bayonets. We were made to parade the city in this condition and were more than once made to sit upon filthy ground in the presence of our co-villagers. After making a full display of our humiliating condition for about an hour, we were marched double speed towards an armoured train."..... I was abused, jeered at and beaten with a stick on account of my not keeping pace with the others owing to my ill-health." The prisoners were taken to Lahore, the journey occupying two hours. Their repeated requests to be allowed to answer nature's call were refused by the guard, and no food was supplied to them till late in the evening. " From the railway station, we were taken to the Central Jail, Lahore, where we were handcuffed and taken to solitary cells. For 40 days we were thus detained, thereby suffering the greatest possible discomfort and hardship". As if all this was not enough, further humiliation was heaped upon them, even as they were discharged; for, they were taken handcuffed to Sheikhupura, marched to the police station and then to the Naib Tahsildar's house in the town, evidently in order to mock them, and it was there that they were finally discharged. (St. 486).

Lala Ushnak Rai, B. A., L. L. B., is a first grade pleader of 9 years' standing. He has been a hereditary Lambardar of two villages, owns extensive landed property, and has continuously aided the War funds. He says, " Upto April last, I never took part in any political meeting". On the morning of the 15th, he was sent for by the Sub-Divisional Officer. He promised to co-operate with the officers in the maintenance of law and order. The same evening, the Sub-Divisional Officer went to Chuharkana, a step which seems to be inconsistent with his evidence before Lord Hunter's Committee, before which he stated that the peace of Sheikhupura was apparent and not real. It should be remembered that he left Sheikhupura, inspite of the wire-cutting incident, already referred to. The witness says that he co-operated with the local Extra Assistant Commissioner upto the evening of the 18th April. He even presented himself on the 19th before the Sub-Divisional Officer, and reported that all was well in Sheikhupura, but a few minutes later, he was arrested in his own house and was not allowed either to close the doors of his house or to put on his jacket. He adds, "I was then made to squat on dirty ground, while they were waiting for Gosain Maya Ram, whose office was only a few yards off from mine. I had no desire to squat down, as I was

not tired, but I was made to squat in order to humiliate me." Speaking of the railway lock up at Lahore, he says, " It was totally unfit for habitation, as it had been used previously as a latrine, and was reeking with foul smell". They were made to leave their turbans and shoes outside the lock-up. Gauhar Singh, being a Sikh, protested against the removal of the turban, and wanted to keep his spectacles on, as he could not see without them on account of his age. His protests were disregarded." He was dismissed from his Lambardari without his being informed of it, and his appeal to the higher authority was also dismissed without his being heard. (St. 485)

Gosain Maya Ram, also B.A.,L.L.B., says that the arrests took place early in the morning. " We were not properly clad. Some were arrested in their night shirts and *pyjamas*, whilst Maulvi Alim Din, Pleader, had only a shirt and a *dhoti* on. Our request to have our clothes brought was met with a curt refusal and a frown." He further adds , to illustrate the studied manner of the humiliation. " Myself, S. Buta Singh, Maulvi Alim Din, pleaders, and Jamiat Singh were put in one compartment, and were ordered to sit on the floor, although there were benches to sit upon. Sardar Buta Singh had taken a purgative the same day, early in the morning. He wanted to make water, and requested one custodian to allow him to do so, but to no purpose. All of us repeatedly made the requests, whereupon one of the soldiers replied, "Can't you swallow it?" After describing the other scenes, he says:—"The hardships, which we had to undergo in the jail, are simply indescribable. The ordinary jail food is fit for cattle, and not for human beings. We were allowed to leave our cells for half an hour only in the morning, and half an hour in the evening, for bathing etc. Even this one hour was many times denied to us by the warders, who used to open and shut our doors at will." (St.: 483). This witness relates an interesting conversation he had with the Sub-Divisional Officer, who tried to warn him first, and then the other pleaders, from going to the meeting of the 6th April, and when he succeeded in showing that there was nothing wrong about the meeting and nothing inconsistent with the pleaders' licenses to go to the meeting, the appeal was made on personal grounds, to which the Gosain weakly yielded. Then the Sub-Divisional Officer sent for other pleaders and told them that the Gosain had promised not to join the meeting. When the latter heard of this, he said, "I felt hurt, and thought that the Sub-Divisional Officer had made a wrong use of my name to influence the others ; so I wrote to him that I meant to go to the meeting, and that he had no right to use my name in this fashion." (St. 484)

Sardar Pritam Singh, Pleader, who happened not to be arrested, witnessed the ushering in of Martial Law, which was proclaimed in the evening of the 19th April. He thus describes it :—"The proclamation was read by the Sub-Divisional Officer, Rai Sahib Sri Ram himself, and after the reading was over, the people were told by him that

he had been invested with powers to shoot them, in case they repeated the *hartal* a second time. On this occasion, he made a thrust at the chins of several old respectable people with the end of his stick". He then describes the machine gun demonstration, referred to before the Hunter Committee.—

"About the end of April, a moving column of British and Indian soldiers made a demonstration of the strength of the *Sirkar* (Government) with a number of machine guns and motor cars mounted with guns. Several iron pieces were placed against a mound, facing the machine guns. After the machine guns had been worked, and the iron pieces pierced with gun fire, they were shown to the people, who had been made to see the *Tamasha* by the order of the authorities. They were told that those persons would be made the targets of these very machines, if they rebelled against the *Sirkar* again. This show of power was, however, preceded by the reading of a proclamation, issued by the Lieutenant Governor, wherein he had advised the people to co-operate with the Government in bringing about normal conditions."

This demonstration of power, side by side with an appeal for co-operation, seems to be an incompatible mixture.

There was another demonstration, on or about the 7th May, of a different character, this time intended not merely to terrorise, but also to humiliate. We again give it in the language of the same witness:—

"He gathered together in the sun all the people of the place including, among others, pleaders who had not been arrested. The pleaders were separated from the rest and made to stand in two rows; the front row consisting of those who had not joined the meeting of the 6th of April, and the back row consisting of those who had joined that meeting, but without taking any active part in it. Mr. Bosworth Smith then began his speech, and he took the Indian pleaders as his text. He said, among other things, that the pleaders of India were a low class of people (Kamin), who agitated against the *Sirkar* and made the innocent *Z*amindars their tools. He asked me, personally, as to what my father was, and where I had received my education. On being informed that I was the son of a school master and had my education in the Forman Christian College at Lahore, he wondered how I could have at all taken to the agitation. Mr. Bosworth Smith went even so far as to call me a 'little worm', in the presence of the other pleaders.

"After he had done with the pleaders, Mr. Bosworth Smith made Sardar Gauhar Singh, a retired Inspector of Police, parade before the people, barefooted and handcuffed, in the sun. The *Sahib* told the people that Gauhar Singh was a disloyal subject of the Government, and that three of his sons had been sent to jail for their misdeeds. The Government would forfeit his pension and deport him to Burma.

" He then advised the people generally. He said that they were all " *Suar log* " (Swine) and " *Gandi Makhi*" (contemptible flies). He actually spat on the ground, saying, *kala log*, (black men) *gande log*, (contemptible people), *sab ek rang ka* (all of one colour), inasmuch as they had rebelled against the *Sirkar* by the closing of their shops. " He told them that they never should listen to the pleaders, who always cheated them, but go for advice to their Lambardars, *Z*aildars, Tahsildars and Deputies." (St. 503)

Here we have a special insult offered to the pleaders, an attemt to wean the people from those whom they considered their friends, the studied degradation of a respected Inspector of Police, because of the supposed misdeeds of his sons, and a vulgar abuse of the whole of his audience, and all this by an officer, who was in charge of the district, and who was sent to restore order, and to punish the evil doers.

The case of Gauhar Singh shows to what extent the officials went in relentlessly persecuting innocent people. Sardar Gauhar Singh and his family have practically been ruined, and in bringing ruin to these men, the officer who especially interested himself in them did not hesitate to resort to questionable means. If the statement of Sardar Amar Singh, his son, is to be relied upon, Rai Sahib Sri Ram had his eyes upon this family for some time. " Accordingly", says this witness, "on the 19th of April, 1919, my father was arrested and sent to the Lahore Central Jail, without being guilty of any crime, but he was released that very day. What happened to us at Sheikhupura that day is beyond description. All our houses were locked up and all ladies and children turned out. The crop in the fields was confiscated, a guard was stationed there, and we were prevented from reaping it then. On this account, we suffered a heavy loss, which is well known to the people of our village. We were constantly threatened with our houses being set on fire". On the 20th April, the witness, along with two brothers, was arrested. His brother-in-law was also arrested, also a friend of his, together with two servants. Sardar Amar Singh says that they were made to suffer simply for my sake, as they were my servants. And these five, that is, the brother-in-law, the friend and the two servants were released without trial on the 28th May. The witness himself was brought to Sheikhupura on the 24th May. He was presented to the public, handcuffed, on the pretence of identification. He says this was done merely to disgrace me in the eyes of the public. On the 26th, he was brought before Mr. Penny, but as there was no evidence at all against him personally, he was discharged. (St. 490).

Witnesses 492, 493, 497, 499, 500, and 501 depose either to pressure having been brought to bear on them to give evidence against Gauhar Singh, or to having been themselves arrested, charged and convicted for no other fault than that they would not perjure themselves. Sardar Gauhar Singh, himself describing his case, says, " Inspite of my sons having voluntarily surrendered as required by the authorities, my house,

stables and other quarters remained locked up for about 8 days, and a strong police guard was placed around our house and the fields. So we had to remain out homeless. Our crops suffered a great deal owing to our not being allowed to look after them. Our poor tenants, who were to receive 2/3 of the produce suffered as well. These tenants had to pay full canal dues without any reduction. On the 17th of May, I was arrested again and was released on the 30th of May, 1919." He was dismissed from his Lambardarship, without being asked to show cause. (St. 488).

Although there was no damage done in Sheikhupura, and no damage done by the crowd of people to the wires, indemnity was levied. Gosain Maya Ram, Pleader, says, " the value of the loss cannot exceed Rs. 5 at the most. At first, the indemnity proposed was Rs. 9000 which was subsequently reduced to Rs. 100, out of which nearly Rs. 60 were recovered from 4 pleaders, who had the misfortune to be sent to jail for forty days, for no fault of theirs." (St. 483)

Lala Thakar Dass has brought to light what Mr. Bosworth Smith admitted in his evidence, namely, that he wanted a *tobaghar* (house of repentance) to be erected. The witness's contribution was to be Rs. 1000 (St. 507).

Before closing our review of the events of Sheikhupura during April, it is necessary to glance at a portion of the evidence given by Colonel O'Brien, Mr. Bosworth Smith, Rai Sahib Shri Ram Sud, who show the animus that they brought to bear upon their work. It will be remembered that Colonel O'Brien justified the arrests without warrants, of people in general, on the strength of powers given to the Commissioners under the Defence of India Act. The ordinary common sense view of the section, which we have already quoted, would be that the Commissioners did not include Deputy Commissioners; where powers have been given to Deputy Commissioners, they have been specifically mentioned. However, as far as Sheikhupura pleaders were concerned, Col. O'Brien shifted the ground by saying that they were arrested for organising *hartal*. Mr. Bosworth Smith, who was never before in Sheikhupura and, therefore, had never seen the pleaders before, has not only condemned them as a class without cause, but had the effrontery to report them to the High Court. Rai Sahib Shri Ram Sud has admitted that he had a ground of complaint that one of the pleaders was (a) " a subscriber to the Tribune", (b) " was seen bareheaded with another pleader on the day of *hartal*, and (3) " as the president of the meeting, after the 6th April, he got letters of regret from some of the pleaders;" while another was (a) " a subscriber to the Moslem Herald, (b) "was seen at the home of another pleader", and (c) " had written a letter to the President of the meeting, regretting his inability to attend it."

We have not dealt with the summary trials in any detail nor with extortion. The evidence on both these points is to be found in the

Sheikhupura statements in a full measure. The summary trials were a farce. The evidence on extortion is most damaging.

18—Lyallpur.

Lyallpur is the Head Quarters of the Lyallpur District. It is a new town containing a population of over 15,000. It is one of the largest depots for the exportation of wheat in the province. There was a spontaneous and complete *hartal* on the 6th April, and there was a public meeting also, at which resolutions were passed and carefully prepared, written out speeches, moderate in tone, were delivered. The meeting was held after due consultation with the authorities. Nothing happened up to the 12th. But, by that time, the news of the arrests of Mr. Gandhi, Dr. Kichlew and Dr. Satyapal had arrived and also about the firing at Lahore and Amritsar. This brought about another spontaneous *hartal*. The leaders tried to avoid it, but they were not able to control the feelings of the people. They, however, rendered to the authorities great assistance in observing peace. Rumours about the alleged firing of the Golden Temple had considerably disturbed the Sikh population specially, and the *hartal* was prolonged. But, through the tact and vigilance of the leaders, the *hartal* was broken up on the 15th. There was no disturbance whatsoever in the town. Wires were cut near Lyallpur, but there was no connection between the wire-cutting and the *hartal* or any person in Lyallpur. Bundles of *Bhusa* (chaff), stacked at the station, were burnt. This was considered to be the work of incendiaries. Innocent people were arrested and put to a lot of trouble in this connection, but upon a claim made on behalf of the Secretary of State for compensation, a full enquiry was held and the magistrate dismissed the claim, and found that the burning of *Bhusa* was not the work of incendiaries. Unfortunately, the enquiry was held too late for the protection of the innocent people. We have annexed the judgment to the statements recorded by us. The magistrate says, "The *Bhusa* appears to have gone on fire between 8-15 p. m. and 8-45 p. m. The fire was noticed by the picket at about 8-40. The night was dark, there was strong wind blowing from the direction of the factories at the time. This wind later developed into a dust storm of great violence.

"The stack or rather pyramid of bales which was nearest to the factories had taken fire. The fire had begun on the side nearest to the factories. The *sirki* covering or roof over the bales had caught fire. The fire communicated itself to the bales at once. The *chaukidar* of the *Bhusa* stacks was absent at the time. The store keeper or the Officer in charge of baling operations arrived shortly after the fire had begun. I reached the spot with cavalry very shortly after the fire had begun. A few people from the factories, a few members of the Municipal Staff and the store-keeper alluded to above were the only persons on the spot when I arrived. There was no information of any crowd having visited the stacks or of any

single person having been seen near the stacks. The absence of the chaukidar seems to have been due to laziness and not to have been arranged or premeditated. Neither patrol nor picket saw anything suspicious in the vicinity of the goods yard. The subsequent dust storm and the covering of the ground by foot-prints of the helpers who tried to prevent the fire spreading to other stacks prevented all possibility of evidence.

"A very exhaustive police enquiry was made; no trace of anything bearing on the burning of the *bhusa* came out. There were some approvers in the Lyallpur cases, who were associates of and in the secrets of those who were convicted in the Lyallpur disorders. None of these however had any information to give in regard to the burning of the *bhusa*, which does not seem to have formed part of the plans of their associates.

"There was a strong suspicion at the time that this was the work of an incendiary, because,

(1) Similar acts had occurred elsewhere in connection with the disorders.

(2) A plot to burn *bhusa* had been alleged to have existed at Toba Tek Singh.

(3) Of the fact that goods had been removed from the goods yard the day before.

"The police enquiry, however, has failed to connect the burning of this *bhusa* with the act of any incendiary or with any riot or rioters. Those convicted in jail in Lyallpur disorder were questioned by me. They have now, after conviction, no object in concealing what they knew, and have given information on a number of other points, but none of them have any information to give about the *bhusa*.

"I have examined the theory of whether it was the act of some villager or villagers, but no clue has been obtained.

"Four factories were working on the day in question. One of them was in close proximity to the stacks. During the winter months no fires were caused to the *bhusa* by factories working; but since April, there have been a number of fires in piles of open cotton in factory yards, due to cinders from chimneys etc. It is possible, though not likely on account of the distance, that this may have been the cause of the *bhusa* fire.

"I have been unable to find anything, except suspicion, to point to this injury having arisen from riot and unlawful assembly within the area.

"I am unable, therefore, to make the assessment contemplated in Section 15 A (2) (*c*) of the Police Act."

Incidentally, the magistrate has remarked, " there were no riots or disturbances at Lyallpore that day; though shops were shut, no disorder or unlawful assemblies were noticed in the town itself. " (St 517A).

So much was Lyallpur free from violent tendencies, that Mr. B. W. Smith, Superintendent of Police, in giving his evidence before the Hunter Committee, said that Martial Law was not " essential ", though he considered it was " desirable; " and yet there was all the military display, all the terrorism, prosecutions, salaming orders, restrictions upon traveling and unwarrantable attempts to discredit and to undermine the influence, such as it was, of the natural leaders of the people.

It was not before the 22nd that arrests were commenced. Lala Chint Ram Thapar says:—

" On the 22nd, the people were not even out of their beds, when machine guns were placed all round the city which was surrounded by British Soldiers. About twelve people were arrested, I being one amongst them, . . . On the 2nd of May, we were produced before the court, handcuffed in twos. We protested . . . . . In this way, we were taken from jail to court and from court to jail, and as long as we remained in the court, we remained handcuffed and were not allowed to sit. Efforts were made to make me an approver, and an autograph letter of the Deputy Commissioner was sent to me through a friend of mine." But the witness was unbending. After conviction, the prisoners were taken to Lahore. The witness says :—" At about 11 a. m. in the scorching heat, we had to walk from the jail to the station with hand-cuffs and fetters on. Our ankles were wounded owing to the fetters." (St. 521, p. 664).

Lala Bodh Raj, Chairman of the District Congress Committee, Director of the Punjab National Bank, Limited, at Lyallpur, and Vice-Chairman of D. M. A. S. High School Committee, a legal practitioner of 2 years' standing, was also among those who were arrested. Unlike the Gujranwala District, the prisoners were told what charge they were to be tried under. It was under Sec. 143 of the Indian Penal Code regarding the formation of unlawful assembly. So they applied for bail and the application was rejected on the ground that some other charges, too, were under contemplation. Describing the treatment, whilst under detention, the witness says that although under-trial prisoners are entitled to have their own food from their houses, their application that they should be allowed to have their own food brought to them, was not only rejected but they were taunted with this that as they could observe fast, they should be satisfied with jail food. " During the trial, they were kept standing from 10 a. m. to 7 p. m. They, therefore, requested that they should be allowed to have refreshment during the day at their own expense. It was allowed for the first day, but for the rest of the days they were told that they were not entitled to it. The Magistrate refused to allow them the inspection of records before or

after the commencement of the proceedings, and yet they were asked to name the defence witnesses. (St. 517). Lala Amir Chand arrived at Lyallpur on domestic business on the 13th April. He had arrived from Calcutta at Lahore on the 5th April. He, too, was arrested. The trial was postponed from time to time at the instance of the authorities. The last date fixed was the 14th of June, but, suddenly without a warrant, the date was anticipated and the trial took place on the 5th of June. The witness says, he was convicted without being able to produce his witnesses. He was charged afresh on the 6th and was sentenced to undergo imprisonment for 3 months, and on the 18th of June he was awarded 2 years' imprisonment. In common with so many sentences that were revised by the Lieutenant Governor, his sentence had also undergone revision and he was discharged on the 18th of September. He was arrested again and made to furnish security, but for reasons best known to them, the police withdrew the case. The witness states that he subsequently learnt that he was arrested on the suspicion that he might have destructive instruments with him, as he had come from Bengal. He concludes :—"This was why the officers came with pistols in their hands to my house to arrest me.". (St. 524)

Sardar Sant Singh, Vakil, gives a graphic description of the trial of the pleaders and others. He shows how at every step they were obstructed in their defence, and delay was caused, during which time, they were kept under detention, and although the case was not finished when Martial Law ceased to exist, they were convicted. Fortunately, as the trial was finished after Martial Law, they were able to appeal. The convictions were pronounced to be illegal by the Superior Court, and the cases were remanded for retrial. They were then released on 23rd July, but they were promptly re-arrested, though this time they were allowed out on bail.

They, therefore, all in good faith, re-started their practice, but they were immediately sent for by the Magistrate, and informed that they were still under-trial men, and were "guilty of improper conduct" for resuming their practice. The witness says that although the warning was concluded in the form of advice, they considered it prudent not to resume practice. The last act in the drama, however, was not yet finished. On the 1st of October, non-bailable warrants were issued.

They were arrested, and the witness says, "we were subjected to the indignity of sleeping in a dirty room, on dirty mattings on the floor; our request to send us to the judicial lock-up in the jail was disregarded." Ultimately, however, owing to the agitation that was set up by the Hon'ble Pandit Madan Mohan Malaviya in the Imperial Council regarding this atrocity, the proceedings were withdrawn and the pleaders discharged from detention. (St. 516).

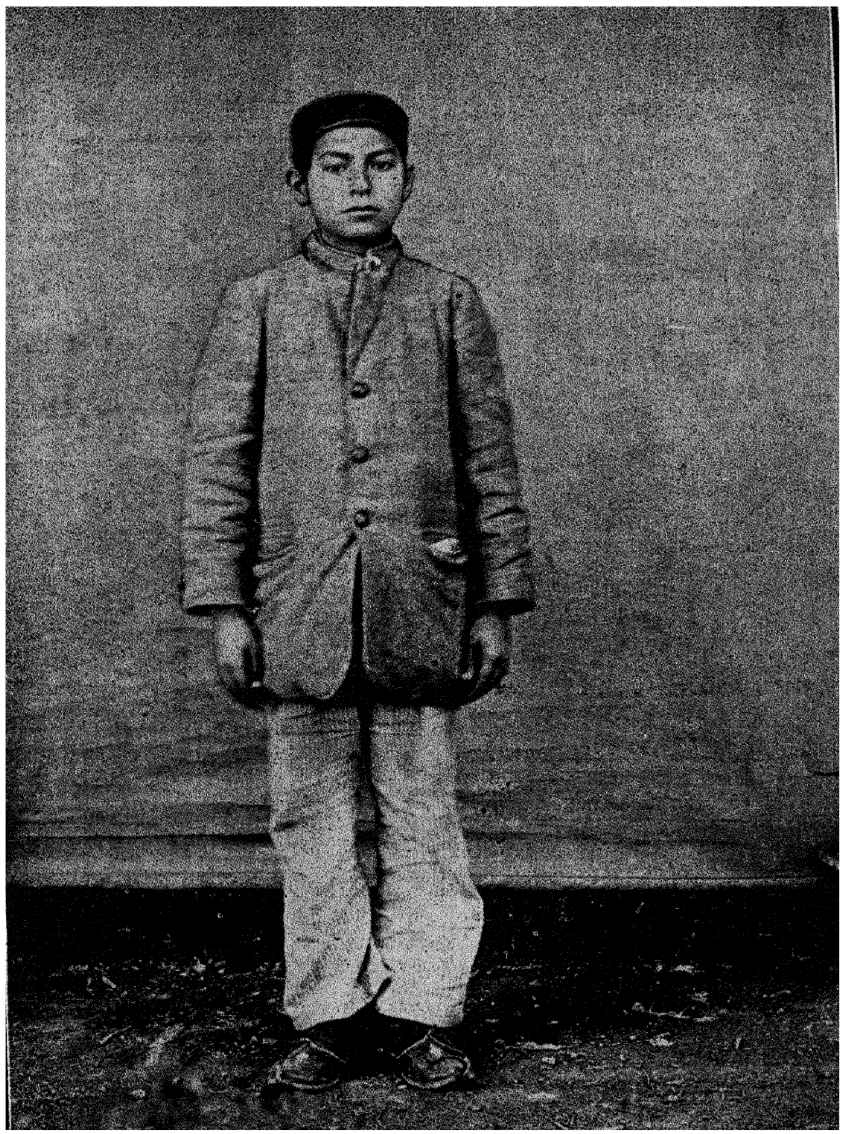
Mr. Ram Dass Chhokra, Barrister-at-Law, says that, for the offence of reading a paper on *Satyagraha*, he was interned "within the municipal limits of Lyallpore", and this internment lasted till the abrogation of Martial Law". "But", he says, "an order, which was harder than the one of internment, was one regarding the fixing of Martial Law notices at my office in the Kacherry Bazar. My office is at a distance of at least ½ a mile from my residential house, and to guard the Martial Law notices from such a distance at the risk of one's complete liberty was a very hard job. I made a modest request to the Commander in regard to this matter, which was not, however, granted. I said to the Commander that as my office was at a considerable distance from my house, the Martial Law notices might be handed over to me personally instead of being fixed to my office during my absence, for, in the latter case they might be torn away before I came to know of their existence. I also made a second request to him, and that was that I might be allowed to paste the notices on to a board, which I would make arrangements to exhibit at my office during the day time, but which could be put away during night, and so I could be saved the night watch of notices. The Commander said those were quite reasonable requests and he would consult the Deputy Commissioner and let me know. The next day, I was informed that I could go to the office of the Superintendent of Police every evening, and find out if there were any Martial Law notices. As regards the second request, he kept perfect silence.

I saw the Deputy Commissioner after these orders had been passed against me, and asked him bluntly why I was being prosecuted. He said he had not been receiving good reports about me. I said, "That is exactly what I have come to know. Will you kindly tell me specifically what it is that you have against me." He promised to look up Police papers. I went to him twice after this, but each time I was informed that he had had no time to do so. And I do not know, till now, the reasons for the strange action of the authorities." (St. 520).

The pressure, put upon witnesses to give false evidence, was practically of the same character, as described elsewhere. A remarkable expression was made use of by an officer to a witness, who was expected to give evidence in particular, "*ya takht lo, ya takhta milega*," meaning, 'choose between the throne and the gallows.' If the witness gave evidence as desired, he was to be free; if he did not, imprisonment was to be his lot (St. 530). See also Statements 518, 522, 525, 526, 531, 533, 536, 537 and 548.

19—Gujrat.

Gujrat is a historic place, famous for the battle of Gujrat during the Sikh war. It has a population of nearly 20,000. It is a Railway Station, beyond Wazirabad, on the main line, and nine miles from it.



Kundanlal of Gujrat, age 10, sentenced to transportation for life for 'waging war.'

An attempted *hartal* for the 6th April was prevented by the efforts of a local merchant, Lala Ram Chand Tandon, the President of the Sanatana Dharma Sabha. But on the 13th, some students from Lahore and belonging to Gujrat, as also a party that had gone to Wazirabad for the *Baisakhi* festival, returned by the late night train about 11 p. m. They formed themselves into a kind of procession, and entered the town, crying out against the Rowlatt Act. In the morning, they spread the news of the doings in Lahore and other places, and succeeded in inducing the shopkeepers to close their shops. The *hartal* having taken place, the authorities sent for the Municipal Commissioners, and asked them to keep watch in their respective wards. Accordingly, during the night of the 14th, they, with the help of their friends, looked after their respective wards, and nothing untoward happened during the night. On the 15th, the boys and others who had joined them proceeded to the Mission School, and asked the Head Master to close it. The latter, however, refused, and is said even to have caned some of the boys. Thereupon, the boys threw stones at the windows and smashed some panes. They did similar damage at the Station, burnt some papers, but before they could do anything more than break a few window panes, they were fired upon, and they dispersed. There were no casualties.

There was nothing beyond the above incidents. No responsible person had taken part in the promotion of the *hartal* or in what followed. Yet Martial Law was proclaimed in Gujrat on the 19th April. Mr. Williamson, the Deputy Commissioner, knew nothing about the Martial Law. He did not want it, and when he received a telegram announcing Martial Law, he questioned whether it could be Gujrat, in the Punjab, at all. He thought it must be Gujrat, in the Bombay Presidency. But he was mistaken, and Gujrat, which had done nothing to deserve it, was handed over to the Military, and remained under their sway till Martial Law was done away with in June.

In Gujrat, there are two factions, in one of which local officials seem to be involved. The other is headed by Seth Charag Din, a prominent citizen, and, till recently, an Honorary Magistrate and Municipal Commissioner. The official faction, therefore, appears to have determined upon breaking up their opponents. And Mr. Har Gopal, a Barrister of Gujrat, and others were arrested and detained in custody for a long time, They were tried by the Martial Law Tribunal and honorably acquitted; the judges remarking that the officials who had given evidence on behalf of the prosecution had perjured themselves. Lala Ram Chand Tandon, who had assisted the authorities during the War, and who holds Government *Sanads* for various acts, was also harassed. Respectable pleaders and others had their houses searched without the slightest cause.

Seth Chirag Din himself was dispossessed of his magistracy and commissionership. He holds several *Sanads* from the Viceroy

downwards., He holds a Kaisar-i-Hind medal. We was responsible for singly supplying 2co recruits. We invite attention to our selection of the Gujarat Statesments. Mr. Har Gopal applied for permission to prosecute the officials concerned for perjury, but the permission has not been granted.

All the other hardships, referred to in the other districts, were the lot of the residents of Gujrat also. It may be stated that there has been no political life in Gujrat. It does not boast of even a District Congress. Committee.

A punitive police has been imposed upon Gujrat without any justification whatsoever. A tax of Rs. 42,000 has been fixed, and is to be exacted in six instalments. The first instalment has already been collected, Strange as it may appear, one-fourth of it has been exacted from Lala Ram Chand Tandon, and one-fourth from some pleaders. We consider that the incidence of the tax is as inequitable as the tax itself.

20. Jalalpur Jattan.

This is a small village in the Gujrat District, about eight miles from Gujrat. It is an important weaving centre.

There was no *hartal* here on the 6th April. On the 15th, however, what may be termed a sympathetic *hartal* took place. There was no damage done by the crowd. A procession was formed, in which all participated. A telegraph wire was cut by some one during the night of the 15th or 16th.

Apparently, for this offence, Martial Law was duly proclaimed. Arrests of respectable people followed. Seventeen were arrested in all. One was discharged without being brought up before the court. The others were produced before the Martial Law Commission. Of these, ten were discharged and the remaining six were sentenced to a variety of terms of imprisonment.

School boys, including little children, had to attend the Thana three times a day during Martial Law.

An indemnity of Rs. 12,000 has been imposed on this village without any justification. One-sixth of it has already been collected.

21. Malakwal

Malakwal, an important railway junction, is reached from Lala Musa which is on the main line, and which is over ten miles from Gujrat. It has a population of 3,000. At Malakwal, on the 17th April, some men probably railway labourers, had torn down a rail, thus endangering the lives of passengers. A train was, as a matter of fact, derailed, but happily no damage was done.

Martial Law was proclaimed in due course, and there was a repetition of the usual things On enquiry, we found that over forty arrests were made, including young students and about twenty of the railway clerical staff. Of these, eight were acquitted, and over fifteen, released without ever being brought to trial, though, they were detained for a long time in custody. Respectable men were compelled to pull *pankhas* for the officers. They were also called upon to clean streets and do other sanitary work. School children were compelled to appear three times a day to salute the Union Jack.

The railway clerical staff was dismissed, although acquitted. Some of these were servants, who had an unbroken record of over thirty years' service.

We have now reviewed, in the briefest manner possible, the events of April last in the five districts, in which Martial Law was proclaimed, *viz*, Amritsar, Lahore, Gujranwala, Lyallpur and Gujrat. In spite of our desire to do full justice to the tragedy in the Punjab, for it was nothing less, we have been unable to do so. It is not possible for us to condense into the compass of a brief review the story of persecution, corruption and disregard of human feelings, that is revealed in the evidence we are presenting to the public. We have endeavoured to hold the scales evenly. We have endeavoured to make every allowance for the exceptional circumstances in which the officers suddenly found themselves placed. Yet, we have come to the conclusion that the measures taken by the authorities to suppress what have been termed disorders were far in excess of the requirements.

What was the nature of the disorders, and how did they arise? These disorders consisted in incendiarism in isolated places; murders of innocent Europeans; cutting of telegraph wires; burning, in an indifferent manner, of one or two small bridges, and derailment in one or two places. It is admitted that they were not universal, that the armed population remained unaffected, took no part, directly or indirectly, in the disorders; that the vast masses of the peasantry took no part in violence; that the population, even according to the official testimony, alleged to have have been concerned in the disorders, was only 4½ lacs out of 2 crores, the total population of the Punjab. According to the evidence in our possesion, the only places where violence did take place were Amritsar, Kasur, Gujranwala, Wazirabad, Nizamabad, Hafizabad, Moman, Dhaban Singh, Chuharkana, Khem Karn, Patti and Malakwal, containing a population of about 2¼ lacs. But it has to be remembered that of this population of 2¼ lacs, it is clear from the evidence both before us and the Hunter Committee and that obtainable from the records of the several trials, that only a very small fraction could have taken an actual part in the alleged 'disorders. The European lives lost were four. We cannot too strongly condemn this action of the mob.

But how did a people, generally peaceful, find it in them to burn public property and commit murders? We have attempted to give the answer. Sir Michael O'Dwyer put an undue strain upon the proverbial patience of the people. By his vilification of the educated classes, by his methods of recruiting and collecting the War Loan and other funds, by his suppression of the public press, he had caused immense irritation among the people. His utterly unjustifiable deportations of Mr. Gandhi and Doctors Kitchlew and Satyapal lighted the material he had made inflammable. Being defeated in his attempt to prevent the peaceful demonstration of the 6th April against the Rowlatt legislation, he thought he would make one supreme effort to crush the spirit of the people, struggling to find a free and disciplined expression. He mistook this healthy plant for a poisonous weed to be rooted out by every means; and he resorted to the madness of the deportations just mentioned. It would still perhaps have been well, if he had issued peremptory orders to his subordinates not to be free with their rifles. But it was impossible for him to be temperate and furious at the same time. The unwise firing at Amritsar strained the temper of the people to the breaking point. The crowd became mad, and, in its fury, committed arson, murder and pillage, and spent its fury in three hours. The other places, mentioned by us, caught the infection from and copied Amritsar; we are, however, thankful to be able to say, without any further destruction of life except at Kasur.

Was this a state of rebellion or a waging of war? Was this a state beyond the power of the civil authority, taking assistance, if necessary, from the military to cope with? Was it a state necessitating supersession of law? We have answered the question in dealing with each place separately, and the cumulative effect of the whole examination strengthens the conclusion that, so far as the published evidence before the Hunter Committee and the evidence in our own possession shows, there was no necessity whatsoever for the promulgation of Martial Law. The secret evidence led before Lord Hunter's Committee will have to be extraordinarily clear and overwhelming to establish a case for Martial Law.

The theory of rebellion or war completely broke down before the Hunter Committee. There was no proof of organization outside the Punjab and behind the so called conspiracy. On the contrary, Col. O'Brien—one of Sir Michael's trusted Lieutenants—had to admit that he had no evidence to support the theory of rebellion, that it was mere guess work and that his arrest of the leaders of Gujranwala, too, was based on mere table talk. He admitted that he had nothing to connect the leaders directly with violence, but that he wanted to hold them responsible, if there was any violence at all in Gujranwala. The other witnesses fared no better. They only betrayed their own incapacity for assessing the values of acts and events.

The fact is, it was necessary, for Sir Michael's theory that the Rowlatt agitation was mischievous, to establish a wide spread conspiracy. The wish was father to the thought, and he saw, and he made others see that in every speech of the leaders there was sedition, in every *hartal*, a conspiracy, and in every Hindu Muhammadan fraternization, a menace to British rule. No wonder the conspiracy theory broke down.

And if Martial Law was unjustified, much more so was its prolongation for nearly two months. The measures taken under it were such as to disgrace any government, calling itself civilized. Its inauguration was heralded by the massacre of the innocents of Jalleanwala Bagh. The tone of frightfulness set up by General Dyer was approved by Sir Michael O'Dwyer during the two dark months that followed. If our figures are correct, and we hold them to be so, nearly 1,200 lives were lost, at least 3,600 men wounded, and some permanently disabled. The vengeance taken was out of all proportion to the wrong done by the people—a wrong, moreover, which was initiated under grave provocation. The slow torture administered to the survivors during the martial law period, we have sufficiently described. We can only hope that the revelations presented by us will make a repetition of the atrocities impossible.

CHAPTER VI.

Conclusion.

We have now dealt with the five districts in which Martial Law was proclaimed,. We have dealt with Sir M. O'Dwyer's regime, and we have endeavoured to examine the Rowlatt Act and the *Satyagraha* movement.

We desire to state that we have endeavoured to keep ourselves to the facts before us, and not based our conclusions on anything outside the evidence, printed separately, supplemented by the evidence given before Lord Hunter's Committee and the record of the Martial Law Tribunals.

We have been obliged in places to use strong language, but we have used every adjective with due deliberation. If anything, we have understated the case against the Punjab Government. We recognise that we have no right to exact an impossible standard of correctness from the Government. In times of excitement and difficulty, any officer is prone to make mistakes, inspite of the best intentions in the world. We recognise, too, that when the country is on the eve of important changes introduced in the administration, and the Sovereign has made an appeal to the officials and the people for co-operation, we should say nothing that may be calculated to retard the progress.

But we feel that it is not possible to ignore acts of atrocious injustice on a wholesale scale by responsible officers, as it would not be possible, no matter how bright the future might be, to ignore the criminal acts of the people. In our opinion, it is more necessary now than ever before that the official wrong should be purged, as well as the people's. The task of working the reforms and making India realise her goal in the quickest time possible would be well nigh impossible, if both the people and the officials did not approach it with clean hands and clean minds. If, therefore, we recommend that officials who have erred should be brought to justice, we do so, not in a vindictive spirit, but in order that the administration of the country may become purified of corruption and injustice. Whilst, therefore, we believe that the mob excesses in Amritsar and elsewhere were wrong and deserving of condemnation, we are equally sure that the popular misdeeds have been more than punished by the action of the authorities.

We believe that had Mr. Gandhi not been arrested whilst he was on his way to Delhi and the Punjab, and had Drs. Kitchlew and Satyapal not been arrested and deported, innocent English lives would have been saved, and valuable property, including Christian Churches, not destroyed. These two acts of the Punjab Government were uncalled for, and served like matches applied to material rendered inflammable by previous processes.

In examining, in detail, the events in the different districts of the Punjab, we have refrained from saying anything regarding the Government of India. It is impossible, however, to ignore or slur over the inaction, if not the active participation, of the Central Government in the official action. His Excellency the Viceroy never took the trouble of examining the people's case. He ignored telegrams and letters from individuals and public bodies. He endorsed the action of the Punjab Government without inquiry. He clothed the officials with indenmity in indecent haste. He never went to the Punjab to make a personal inquiry, even after the occurrences. He ought to have known, at least in May, everything that the various official witnesses have admitted, and yet he failed to inform the public or the Imperial Government of the full nature of the Jalleanwala Bagh massacre, or the subsequent acts done under Martial Law. He became a party to preventing even a noble and well-known English Christian of unimpeachable veracity in the person of Mr. C. F. Andrews from proceeding to the Punjab, whilst he was on his way, not to inflame passions, but simply to find out the truth. He allowed Mr. Thompson, the Chief Secretary to the Punjab Government, to indulge in distortion of facts and insult the Hon'ble Pandit Madan Mohan Malaviya, whose statements, made in the Council, have almost all been now proved to be true out of the mouths of the official witnesses themselves. He expressed such a callous indifference to popular feelings and betrayed such criminal want of imagination, that he would not postpone the death sentences pronounced by the Martial Law Tribunals, except after he was forced so to do so by the Secretary of State for India. He seems to have closed his heart against further light by shutting out questions by a responsible member of the Council, like the Hon'ble Pandit Madan Mohan Malaviya. He would not visit the Punjab for local inquiry. We refrain from criticising his attitude over the Rowlatt agitation. But a sense of public safety forbids us to ignore His Excellency's inability to appreciate and deal with the situation in April. Whilst, therefore, we do not think His Excellency was wilfully neglectful of the interests of those who were entrusted to his charge by His Majesty, we regret to say that His Excellency Lord Chelmsford proved himself incapable of holding the high office to which he was called, and we are of opinion that His Excellency should be recalled.

We summarize below our other conclusions :—

1. The people of the Punjab were incensed against Sir M. O'Dwyer's administration by reason of his studied contempt and distrust of the educated classes, and by reason of the cruel and compulsory methods, adopted during the war, for obtaining recruits and monetary contributions and by his suppression of public opinion by gagging the local press and shutting out nationalist newspapers from outside the Punjab.

2. The Rowlatt agitation disturbed the public mind and shook public confidence in the good will of the Government, This was shared

by the Punjab in a fuller measure, perhaps than elsewhere, because of the use made by Sir M. O'Dwyer of the Defence of India Act for purposes of stifling public movements.

3. The *Satyagraha* movement, and the *hartal* which was designed as a precursor of it, whilst they vitalised the whole country into activity, saved it from more awful and more widespread calamities, by restraining the violent tendencies and passions of the people.

4. The Rowlatt agitation was not conceived in an anti-British spirit, and the *Satyagraha* movement was conceived and conducted in a spirit entirely free from ill-will and violence.

5. There was no conspiracy to overthrow the Government in the Punjab.

6. The arrest and internment of Mr. Gandhi, and the arrests and deportations of Drs. Kitchlew and Satyapal were unjustifiable, and were the only direct cause of hysterical popular excitement.

7. The mob violence which began at Amritsar was directly due to the firing at the Railway overbridge, and the sight of the dead and wounded at a time when the excitement had reached white heat.

8. Whatever the cause of provocation, the mob excesses are deeply to be regretted and condemned.

9. So far as the facts are publicly known, no reasonable cause has been shown to justify the introduction of Martial Law.

10. In each case, Martial Law was proclaimed after order had been completely restored.

11. Even if it be held that the introduction of Martial Law was a state necessity, it was unduly prolonged.

12. Most of the measures taken under Martial Law, in all the five districts, were unnecessary, cruel, oppressive and in utter disregard of the feelings of the people affected by them.

13. In Lahore, Akalgarh, Ramnagar, Gujrat, Jalalpur Jattan, Lyallpur and Sheikhupura, there were no mob excesses at all worthy of the name.

14. The Jalleanwalla Bagh massacre was a calculated piece of inhumanity towards utterly innocent and unarmed men, including children, and unparalleled for its ferocity in the history of modern British administration.

15. The Martial Law Tribunals and the Summary Courts were made the means of harassing innocent people, and resulted in abortion of justice on a wide scale, and under the name of justice caused moral and material sufferings to hundreds of men and women.

16. The crawling order and other fancy punishments were unworthy of a civilized administration, and were symptomatic of the moral degradation of their inventors.

17. The imposition of indemnity and of punitive police at various places, notwithstanding exemplary and vindictive punishments meted out, through nearly two long months, mostly to innocent men, and the exaction of fines and illegal impositions were an uncalled for, unjust, and added injury.

18. The corruption and bribery, that took place during Martial Law, form a separate chapter of grievance, which could have been easily avoided under a sympathetic administration.

19. The measures necessary for redressing the wrong done to the people, for the purification of the administration and for preventing a repetition in future of official lawlessness are :—

(a) Repeal of the Rowlatt Act.

(b) Relieving Sir M. O'Dwyer of any responsible office under the Crown.

(c) Relieving General Dyer, Col. Johnson, Col. O'Brien, Mr. Bosworth Smith, Rai Shib Sri Ram Sud and Malik Sahib Khan, of any position of responsibility under the Crown.

(d) Local inquiry into corrupt practices of the minor officials, whose names have been mentioned in the statements published by us, and their dismissal on proof of their guilt.

(e) Recall of His Excellency the Viceroy.

(f) Refund of the fines collected from people who were convicted by the Special Tribunals and Summary Courts; remission of all indemnity imposed on the cities affected; refund thereof where it has already been collected ; and removal of puntive police.

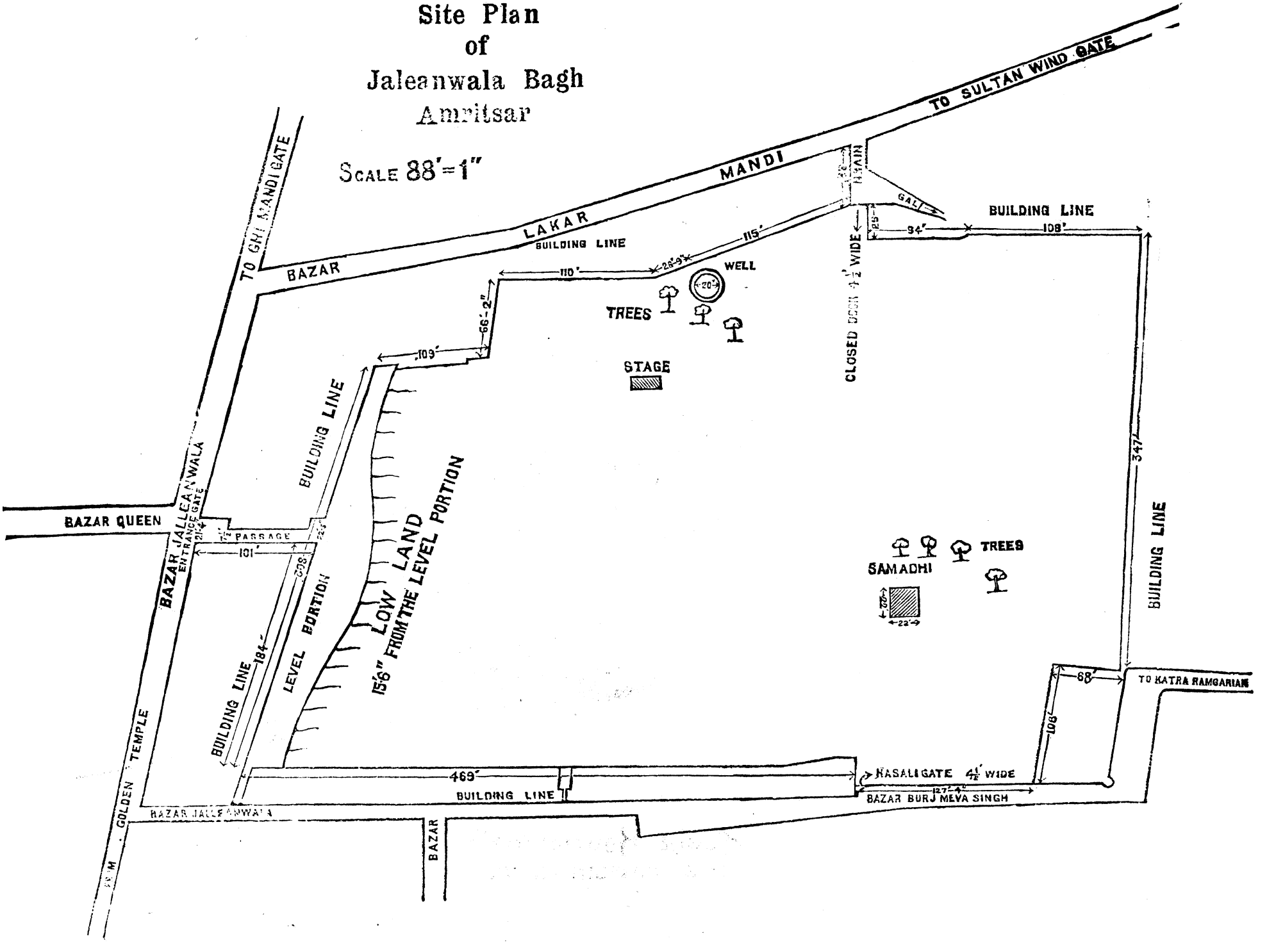
It is our deliberate opinion that Sir M. O'Dwyer, General Dyer, Col. Johnson, Col. O'Brien, Mr. Bosworth Smith, Rai Sahib Sri Ram Sud and Malik Saieb Khan have been guilty of such illegalities that they deserve to be *impeached*, but we purposely refrain from advising any such course, because we believe that India can only gain by waiving the right. Future purity will be sufficiently guaranteed by the dismissal of the Officials concerned.

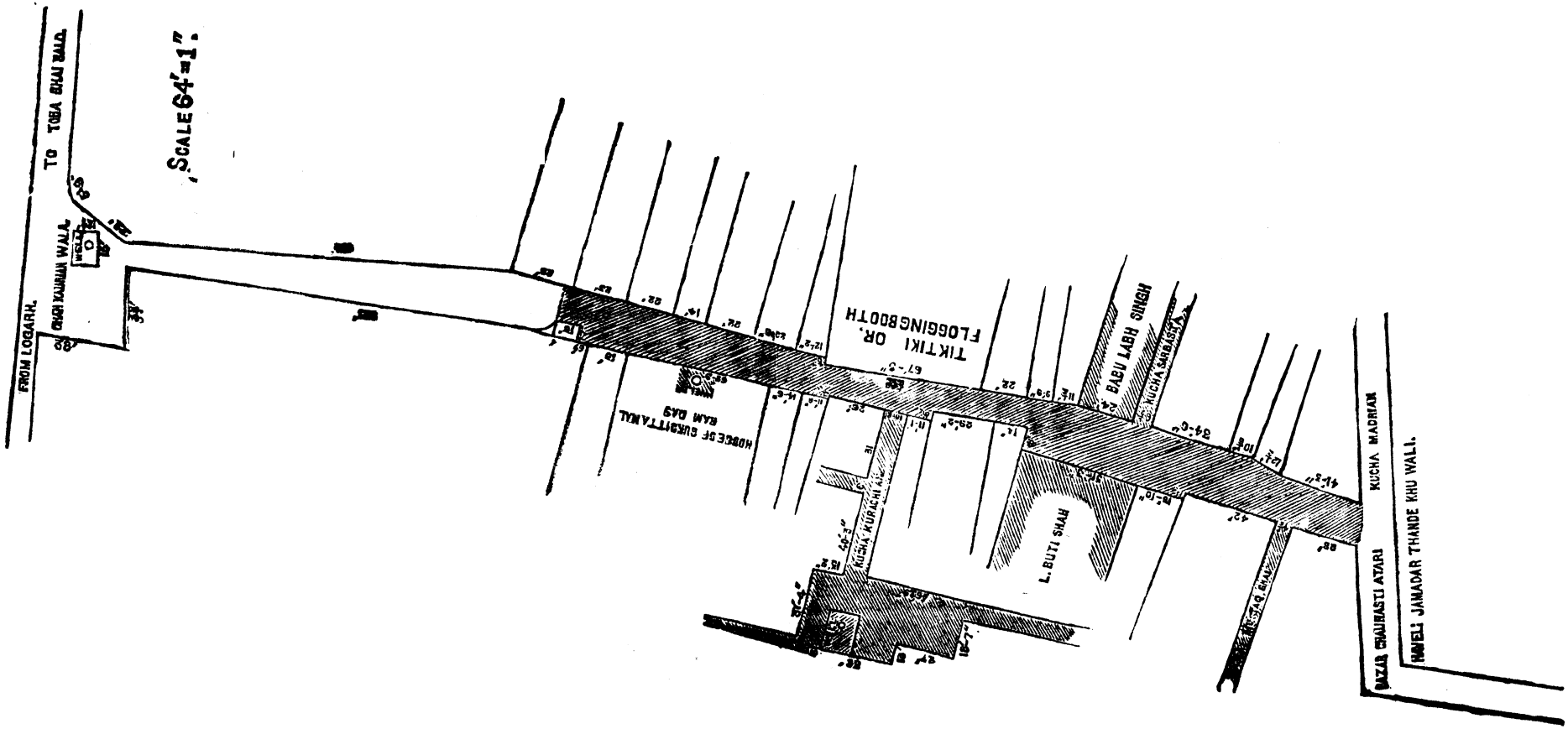
We believe that Col. MacRae and Capt. Doveton have failed equally with Col.O'Brien and others to carry out their trust, but we have purposely refrained from advising any public action against them, as, unlike the others mentioned by us, these two Officers were inexperienced and their brutality was not so studied and calculated as that of the experienced Officers.

M. K. GANDHI.
C. R. DAS.
ABBAS S. TAYABJI.
M. R. JAYAKAR.

Site Plan of Jaleanwala Bagh Amritsar

SCALE 88'=1"





Kucha Kaurianwala

(THE CRAWLING LANE)