

## CHAPTER I.

### Introductory and General.

1. We agree with and adopt Chapters I and II of the Majority Report regarding the events and the measures taken to deal with them, in (a) Delhi, and (b) Bombay Presidency, including Ahmedabad, Virangam, Nadiad and Bombay city. We are, however, not quite clear as to the merits of the step taken by the Delhi and Punjab authorities in turning back Mr. Gandhi from his intended journey to Delhi and the Punjab. It is almost certain that if Mr. Gandhi had not been so turned back the unfortunate events at Ahmedabad and other places in the Bombay Presidency would not have taken place and the official evidence leaves no doubt that his influence on his arrival at Ahmedabad on the 13th of April was fully thrown on the side of law and order and had great effect in quickly restoring Ahmedabad to normal conditions. It is probable that his presence in Delhi and the Punjab might have led to beneficial results. But on the other hand, the possibility of developments endangering public peace had also to be considered, and Mr. Barron explained to us the reasons which prompted him to take the action.

2. We think that in Delhi a difficult situation was handled with tact and restraint by Mr. Barron, the Chief Commissioner. Mr. Chatfield, the Collector of Amedabad, who had to deal with a sudden and grave outburst of mob fury acted with discretion and judgment which must be acknowledged. The manner in which the Bombay Government, while firmly taking adequate steps for the maintenance of peace and order in the city of Bombay and Amedabad and other places, avoided taking measures likely to cause public irritation and leave bitterness behind, displayed to our mind creditable statesmanship. In Ahmedabad where the atrocities committed by the unruly mob were as bad as those at Amritsar, Martial Law was never proclaimed, only one or two orders which were considered necessary by the military authorities for restoration of order were issued and remained in force only for two days and nothing was done savouring of a desire to punish the whole population or to teach them a lesson for the events of the 10th and 11th April. Ahmedabad was the birth place of the "Satyagraha Movement" with its offshoot of civil disobedience and intensive propaganda was carried on in the district of Ahmedabad and Kaira but no repressive measures were undertaken.

3. We are generally in agreement with the statements of facts contained in Chapters III to VII of the Majority Report as regards the events in the five districts of the Punjab under enquiry, which statements, we think, are substantially correct except in the particulars we indicate hereafter with regard to each district. In doing so we have confined attention only to matters of importance and have not considered it necessary to refer to matters of a comparatively trifling character. While, as stated above, we are in general agreement with the statements of facts in those chapters, we must not be taken as accepting all the inferences and conclusions drawn in those chapters from those facts. Where we take a different view the same will be found stated in our treatment of the particular incidents to which such facts relate. We agree in the view that the firing by the military and the police at the different places was under the circumstances justified, except in the case of the firing done from aeroplanes at Gujranwala and some of the firing done from the armoured trains. Our views on the action taken by means of aeroplanes and armoured trains are stated in the chapter dealing with those matters. As regards Chapter VIII which deals with the "Attack on Communications" our view on the subject is stated in the chapter where we deal with the necessity of the introduction of Martial Law.

4. We are in substantial agreement with Chapter IX of the Majority Report dealing with 'Causes' with the following reservation. We are unable to agree in the view expressed in the latter part of paragraph 23 which attempts justification for the assumption of the Punjab authorities that the outbreak was the result of a definite organisation. We are unable to agree in the view that the riots in the Punjab were in the nature of rebellion. To suggest that they had the elements of a revolution and might have rapidly developed into one, is, we venture to say, an exaggerated view of the events which is not justified.

We entirely agree with what is stated in this chapter regarding the *Satyagraha* movement and its offshoot, civil disobedience of laws.

5. Chapter X of the Majority Report headed 'Declaration of Martial Law' is purely a narrative of the various steps taken for such declaration and we are in agreement with the same. We are unable to agree with the conclusions of the majority as contained in Chapters XI and XII of their report, which are headed "Reasons for Martial Law and its continuance considered" and "Administration of Martial Law." Our reasons for holding that the introduction of Martial Law and its continuance for the period for which it was continued were not justified are fully stated hereafter. We may observe that with regard to certain incidence and measures taken by the authorities, *e.g.*, the firing at the Jallianwala Bagh meeting, the crawling order and some of the orders issued under Martial Law and the manner in which they were carried out, there is agreement as to the conclusions, but as we take a

different view as to the gravity and the proper appreciation of those matters, we have expressed our views at some length regarding them.

## I

### Amritsar.

6. With regard to the events at Amritsar, we are unable to hold that the crowd as they were going over the bridge, and before they had been fired upon or turned back, were crying out, "where is the Deputy Commissioner? We will butcher him to pieces." This allegation rests only on the testimony of Jiwan Lal, Inspector, Criminal Investigation Department. We think it is unsafe to rely on this man's evidence in the absence of any corroborative evidence, especially when he did not make any written report about what he had heard and witnessed when he was in the crowd over the bridge. Dr. Fauq who was with this crowd and gave evidence does not bear out Jiwan Lal. Dr. Fauq says that the cries were that they must see the Deputy Commissioner, ask him where Drs. Kitchlew and Satyapal were and insist on themselves being taken to where they were if they were not released. According to Dr. Fauq it was later in the afternoon after those wounded by the firing had been brought to Dr. Bashir's house for being treated that the crowd became excited and uttered threats against the Deputy Commissioner.

We think it is not correct to say that the firing was in no sense the cause of the excesses on the 10th April. The excesses committed by the mob on that day were altogether inexcusable, and nothing that had happened afforded any justification for them. But on the evidence before us, we think that it is true that the crowds, when they started to go to the Deputy Commissioner and came on the bridge, had no intention of committing any excesses. After the firing they lost their heads and seized by a mad frenzy started on their nefarious work. This is supported by the statement of Mr. Miles Irving.

## II

### Lahore.

7. With regard to the narrative of the Badshahi Mosque meeting we are unable to hold that the false story of the *ex-sepoy* that the Indian regiments had mutinied, that British soldiers had been killed and that he had himself killed six British soldiers was received with great enthusiasm and that he was garlanded and carried to the pulpit of the mosque. The only evidence before us is that of Jiwan Lal, the Criminal Investigation Department Inspector, to whom we have already referred before. We are unable to accept his story in full. This man made a report that very day to his superior officer who made a record of it. In that record the present story given by this witness of the reception given to the *ex-sepoy* at the Mosque finds no place. That record says "the Sikh disappeared shortly afterwards and was not to

be seen when the meeting came to a close. The people looked out for him to enquire further details from him. His disappearance created doubts in the minds of the people as to the correctness of what he had said." Jiwan Lal's attention at the time of his examination before us was drawn to this report and he admitted that the statement was made by him.

8. As regards the alleged conduct of the crowd on the 11th in front of the Lahore Fort, after a careful consideration of the evidence given by Lieutenant-Colonel North and of the surrounding circumstances, we are led to the conclusion that Colonel North has mixed up his own observation with what he heard and had exaggerated to himself what happened at the fort. His evidence shows that he is not clear as to the date on which this incident took place. He mentions the 11th April as the date of these occurrences; but then he says that these occurred in the afternoon on the day when the police fired on the crowd at the Hira Mandi. If a crowd of 6,000 persons was trying to pull the rails of the fort down, it is really strange that no damage was done to them. The fact of this demonstration at the fort does not appear to be recorded in the War Diary or in any official report. Lieutenant-Colonel North was evidently under some misapprehension when he said that the force in the fort was entirely isolated for seven days. On the 12th April Lieutenant-Colonel Johnson marched through the city and was at the Hira Mandi before the fort. He picketed the city, and after that the military and the police were in complete control of the city. Lieutenant-Colonel North, in fixing the date when the police fired, says, "I am quite certain because I was in the Gymkhana Club and I did not get away from the club till 9 o'clock because of the crowd." Lieutenant-Colonel North did not say at what hour he went to the Club, but the fort was certainly not so isolated if he was able to go from there to the Gymkhana Club. Moreover, he had 120 soldiers, some machine-guns and other artillery in the fort; and it is rather unlikely that a crowd in face of such an armed strength would behave in the manner stated. As already observed above, Lieutenant-Colonel North has evidently mixed up partly what he saw himself and what he was told by his men. With regard to certain incidents Lieutenant-Colonel North admits that what he stated was what he had been told by his men. It is possible that in speaking of events that happened many months ago he mistakes what he had been told about other incidents as his own observation.

### III

#### Attempts to seduce the soldiers and the Police.

9. The evidence before us does not show that there was at any time any serious attempt made to win away either the police or the troops. Only two attempts with regard to the police have been deposed to. Baba Kher Singh, Sub-Inspector, Kasur, said that when the rioters

came in front of the tahsil, attempting to damage it, he warned them of the consequences, upon which they replied, "you also come down and join us." Then, on the 11th April it is alleged that when the crowd was collecting at the Lohari Gate, one person shouted to the police, "You are are our brothers. Join us." Mr. Rehill, Superintendent of Police, Amritsar, said that no attempts to seduce the police came to his notice. With reference to soldiers the only evidence is that General Dyer was told that some people had given sweetmeats to soldiers, but as to when, how and under what circumstances no evidence has been produced. General Dyer says :—

*Q.* On the 29th April was there a meeting of Brigadiers held at the Divisional Commander's house at Lahore at which the danger of agitators getting at the Indian Army was discussed ?

*A.* Yes, Sir.

*Q.* Were any attempts made to undermine the loyalty of the troops brought to your notice ?

*A.* There were a good many rumours and I was informed that the citizens of Amritsar had been giving my sepoy sweets and so on with a view to getting at them. Beyond that I did not see anything among the troops. When they were ordered to fire, they fired ; I could not see anything among the troops beyond that.

We have already referred to the evidence of General Hudson on this point in another place.

#### IV

##### Posters.

10. Reliance has been placed upon certain posters of a seditious and inflammatory character found posted on buildings at various places. The appearance of these posters at the period we are dealing with should not be given undue importance. There are always among the population fanatics who do these things and it would not be just to regard such posters as indicating the temper or the inclination of the general population. The same to a certain extent is true with regard to certain seditious cries that are stated to have been uttered by some people.

Khan Sahib Abdul Aziz, Deputy Superintendent of Police, Political Branch, Criminal Investigation Department, Punjab, said :—

"It is true that seditious posters of worst type are found every month and we have not been able to trace who was responsible for them. I have no evidence that the pasting of these posters at Lahore was the work of any organised society. I admit that it will be natural for some anarchists or fanatics at such times to publish these posters."

### General.

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