

FROM THE HON'BLE LORD HUNTER,

*President, Disorders Inquiry Committee,*

TO THE SECRETARY TO THE GOVERNMENT OF INDIA,

HOME DEPARTMENT.

*Dated Agra, March 8, 1920.*

SIR,

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

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

The order further stated that I was to act as President, and that the following had agreed to serve as members :—

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

The Hon'ble Mr. H. G. Stokes, C.I.E., I.C.S., had been appointed as Secretary to the committee. On 13th November 1919, he was unfortunately compelled owing to ill-health to resign, and on 24th November 1919 Mr. H. Williamson, M.B.E., I.P., was appointed to succeed him as Secretary.

The committee was expected to assemble at Delhi about the end of October. It was to conduct its inquiries in public, but any part of the proceedings might be conducted *in camera* if the President considered such a course desirable in the public interest.

Persons who desired to be called as witnesses were to apply in writing to the Secretary, care of Home Department, Government of India, Simla, giving their full names and addresses together with a brief memorandum of the points on which they desired to give evidence. It was left to the committee to decide what evidence they would hear.

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

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

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

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

The suggestion made in this letter was considered by the committee, who were unanimously of opinion that it was not within our province to review the discretion of the local Government as regards the release

of prisoners. A reply to this effect was sent by the Secretary to the above communication. In this letter there is the following passage :—  
“ If, in the course of their inquiry, it should appear that the evidence of any persons now in custody is necessary to throw light on the causes of the disturbances or the measures taken to deal therewith such persons will be called before the committee, and, in this event, the committee do not doubt that the Government of the Punjab will place no obstacles in the way of their appearance. The committee observe indeed from the communication of the Private Secretary to the Lieutenant-Governor, of which a copy is annexed to your letter, that an assurance has been conveyed to you on this point and also an undertaking that proper facilities will be allowed for consultation between persons in custody and counsel engaged in the enquiry which has been entrusted to the committee and Lord Hunter’s committee would expect that in this matter the Government would afford the fullest reasonable facilities. Lord Hunter has independently suggested to the Punjab Government that this should be done. Beyond this Lord Hunter’s committee feel that they cannot properly make any further suggestions.” I may add that the suggestions made by me on the above lines were all agreed to by the Punjab Government. In my opinion no further concession was necessary to give the Congress Committee the fullest opportunity for placing before us any evidence relevant or material to the inquiry.

The All-India Congress committee did not appear before us at any of the sittings in Lahore. We, however, gave ample opportunity for the presentation of non-official evidence in terms of the notice which we had issued as to procedure. In fact a number of witnesses sent statements to us and were examined as to complaints about the action taken by the officials during the period of the disturbances.

On 30th December after the conclusion of our sittings in Lahore I received a telegram from Pandit Malaviya in the following terms :—  
“ As principal leaders have been released in pursuance of Royal Proclamation my committee is now in a position to lead non-official evidence relating Punjab before Disorders Inquiry Committee, in the event acceptance of my committee’s suggestion it is assumed that official witnesses will be recalled for cross-examination when necessary. Wire reply.” I also had a communication to a similar effect from some of the imprisoned leaders who had been released. It appeared to me that the request to re-open the inquiry was in the circumstances quite unreasonable and the Secretary, at my request, sent a reply in the following terms :—“ In view of fact that the committee has sat at Lahore for over six weeks and has now completed the hearing of evidence there, that full opportunity was given for the presentation of non-official evidence and that it was open to your committee to cross-examine witnesses during that period, Lord Hunter regrets that he is unable to accept the suggestion of your committee.” The course which I thus took was subsequently approved by the committee. I may say that I had the less reason to regret that this was the only course open, as the evidence, which had been given, appeared to me to contain material for our reaching

a decision upon the different points coming within the scope of our inquiry—it being no part of our duty to re-try individual cases.

In conclusion, I have, on behalf of the committee, to express our thanks for the valuable assistance rendered to us by Mr. Stokes and afterwards by Mr. Williamson as Secretary.

I have the honour to be,

SIR,

Your most obedient servant.

WILLIAM HUNTER,

*President.*