

*The 26th May 1920.*TO HIS EXCELLENCY THE RIGHT HON'BLE THE GOVERNOR GENERAL  
OF INDIA IN COUNCIL.

MY LORD,

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

2. *General.*—The report of Lord Hunter's Committee presents the results of a prolonged and patient investigation. Their labours would be of little value if their very complete and careful findings are not put to a practical use. The conclusions here recorded have been inspired in the main by the belief that the chief duty which lies upon His Majesty's Government and the Government of India in utilising the report is not primarily to apportion blame to individuals for what has been done amiss or to visit penalties upon them, but rather to prevent the recurrence in the future of occasion for blame or regret should unfortunate circumstances ever produce again a situation such as that which occurred in India in the spring of 1919.

3. *The conduct of Brigadier-General Dyer at Amritsar on April the 13th.*—The main features of the occurrence at Jallianwala Bagh in Amritsar City on the afternoon of April the 13th, 1919, are well known. They are set out at length in Lord Hunter's report and appear in minute detail in the evidence, both written and oral, given before the Committee by Brigadier-General Dyer himself, the full and authorised text of which is now available to the public. As to the facts, there is no doubt and no dispute, and it is only necessary here to recapitulate them very briefly in their baldest form. On the morning of April the 13th Brigadier-General Dyer, who had arrived at Amritsar on the night of

the 11th, issued a proclamation forbidding *inter alia* processions to parade in or outside the city and declaring that "any such procession or gathering of four men will be looked upon and treated as an unlawful assembly and dispersed by force of arms if necessary." This proclamation was read out at various places in the city, in the course of the progress through the streets of a column of troops led by Brigadier-General Dyer personally, who left his quarters about 9 A.M. for this purpose and returned to them about 1-30 P.M. About an hour before his return to his quarters in Ram Bagh Brigadier-General Dyer had heard that despite his proclamation it was intended to hold a large meeting at Jallianwala Bagh at 4-30 that afternoon, and at 4 P.M. he received a message that a crowd of about 1,000 had already assembled there. Shortly after 4 P.M. Brigadier-General Dyer marched from Ram Bagh with picketing parties (as he had previously determined to picket the main gates of the city) and with a special party consisting of 50 Indian Infantry armed with rifles, 40 Indian Infantry armed only with "Kukris" (type of sword), and two armoured cars. He proceeded straight to Jallianwala Bagh dropping his picket parties *en route* and on arrival marched his infantry through a narrow lane into the Bagh and deployed them immediately right and left of the entrance. The armoured cars he left outside, as the lane was too narrow to admit them. Having deployed his troops Brigadier-General Dyer at once gave orders to open fire and continued a controlled fire on the dense crowd facing him in the enclosure (which he estimated at about 5,000 persons) for some 10 minutes until his ammunition supply was at the point of exhaustion. 1,650 rounds of '303 mark VI ammunition were fired. The fatal casualties as the result of this action are believed to be 379; the number wounded has not been exactly ascertained, but is estimated by Lord Hunter's Committee at possibly three times the number of deaths. Immediately after giving orders to cease fire, Brigadier-General Dyer marched his troops back to Ram Bagh. The reasons given by General Dyer for the severity and duration of his fire are stated as follows in his written statement furnished to the General Staff (16th Indian Division) and subsequently laid before Lord Hunter's Committee: "We cannot be very brave unless we be possessed of a greater fear. I had considered the matter from every point of view. My duty and my military instincts told me to fire. My conscience was also clear on that point. What faced me was, what on the morrow would be the "Danda Fauj" [this, which may be translated as bludgeon army, was the name given to themselves by the rioters in Lahore]. I fired and continued to fire until the crowd dispersed, and I consider this is the least amount of firing which would produce the necessary moral and widespread effect it was my duty to produce if I was to justify my action. If more troops had been at hand, the casualties would have been greater in proportion. It was no longer a question of merely dispersing the crowd, but one of producing a sufficient moral effect, from a military point of view, not only on those who were present, but more especially throughout the Punjab. There could be no question of undue severity."

The principle which has consistently governed the policy of His Majesty's Government in directing the methods to be employed, when military action in support of the civil authority is required, may be broadly stated as using the minimum force necessary. His Majesty's Government are determined that this principle shall remain the primary factor of policy whenever circumstances unfortunately necessitate the suppression of civil disorder by military force within the British Empire.

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

His Majesty's Government repudiate emphatically the doctrine upon which Brigadier-General Dyer based his action—action which to judge from his own statement might have taken an even more drastic form had he had a large force at his disposal and had a physical accident not prevented him from using his armoured cars. They have not overlooked the extreme gravity of the situation as it presented itself to the authorities in India generally and to Brigadier-General Dyer in particular on April the 13th, nor have they failed to appreciate the immensity of the responsibility which Brigadier-General Dyer felt and rightly felt to be imposed upon him by that situation. They think it is possible that the danger to the lives of Europeans and to the safety of the British and

Indian troops was greater than appears from the Committee's report. In Amritsar itself violent murder and arson of the most savage description had occurred three days previously and the city was still practically in possession of the mob. From the surrounding country-side reports were hourly being received of similar violent outbreaks and attacks upon communications, and the deficiencies in these reports (due to the success of the attacks on communications) were supplemented by rumours which there was little means of verifying and as little ground for disbelieving. In discharging this responsibility with the small force at his disposal Brigadier-General Dyer naturally could not dismiss from his mind the conditions in the Punjab generally and he was entitled to lay his plans with reference to those conditions. But he was not entitled to select for condign punishment an unarmed crowd which, when he inflicted that punishment, had committed no act of violence, had made no attempt to oppose him by force, and many members of which must have been unaware that they were disobeying his commands.

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

Upon a military commander administering martial law in a hostile country there lies a grave responsibility; when he is compelled to exercise this responsibility over a population which owes allegiance and looks for protection to the Government which he himself is serving, this burden is immeasurably enhanced. It would prejudice the public safety, with the preservation of which he is charged, to fetter his free judgment or action either by the prescription of rigid rules before the event or by over-censorious criticism when the crisis is past. A situation which is essentially military must be dealt with in the light of military considerations, which postulate breadth of view and due appreciation of all the possible contingencies. There are certain standards of conduct which no civilised Government can with impunity neglect, and which His Majesty's Government are determined to uphold. Subject to the due observance of those standards, an officer administering martial law must, and will remain free to carry out the task imposed upon him in the manner which his judgment dictates to him as best and most effective, and may rely upon the unqualified support of his superiors when his task has been accomplished.

That Brigadier-General Dyer displayed honesty of purpose and unflinching adherence to his conception of his duty cannot for a moment

be questioned. But his conception of his duty in the circumstances in which he was placed was so fundamentally at variance with that which His Majesty's Government have a right to expect from and a duty to enforce upon officers who hold His Majesty's commission, that it is impossible to regard him as fitted to remain entrusted with the responsibilities which his rank and position impose upon him. You have reported to me that the Commander-in-Chief has directed Brigadier-General Dyer to resign his appointment as Brigade Commander and has informed him that he would receive no further employment in India, and that you have concurred. I approve this decision and the circumstances of the case have been referred to the Army Council.

4. *The justification for the declaration and continuance of martial law.*—There are no grounds for questioning the decision of the majority of Lord Hunter's Committee that the declaration of martial law and the partial supersession of the ordinary tribunals in the districts of the Punjab in which martial law was applied were justified (Chapter XI, paragraph 17). As regards the dates to which it was prolonged, it is obvious that the institution of martial law involves the responsibility of deciding when it is to be revoked. The general principle is clear that martial law should remain in force no longer than the public safety demands, but beyond this there are no hard and fast criteria which can govern this decision, and a retrospective judgment in the light of after-events is not permissible. The fact that open disorder had ceased some time before martial law was revoked may have been due to the existence of martial law and its earlier abrogation might have been followed by a recrudescence. Looking back in the light of events, it is permissible to argue that an earlier abrogation was possible, though His Majesty's Government can feel little doubt that this argument would have been less pressed than it has been, had there been no grounds for complaint of the manner in which in some cases martial law was administered. But it is not permissible to condemn the authorities responsible for the decisions taken, who had to rely only on their anticipation of the future.

5. *The justification for Ordinance IV of 1919 giving the Martial Law Commissions jurisdiction to try any offence committed on or after March the 30th.*—The legality of this ordinance is not a point at issue; that question has been recently determined by the Judicial Committee of the Privy Council. Nor is there any valid reason to question the propriety, when (as was the case here) it can legally be done, of ante-dating the effect of an enactment setting up special martial law tribunals and procedure, so as to bring within their jurisdiction persons charged with overt acts of violence, which were the immediate cause of and justification for the declaration of martial law. The original ordinance setting up Martial Law Commissions in the Lahore and Amritsar Districts gave the Commissions jurisdiction to try offences committed on or after April the 13th. Had this date remained unamended, it would have been impossible to try by Commission persons charged with actual participation in the murders, incendiarism and destruction of property which

occurred on April the 10th at Amritsar, or persons charged with participation in the riots at Lahore on April the 10th, 11th and 12th, and in the murders at Kasur on the 12th; and if the Government of India with the legal power at their disposal had neglected to correct the anomaly to this extent, they would have omitted an obvious and necessary step towards the rapid restoration of normal conditions. But the use of the power which the ordinance gave in order to apply the special martial law method of trial to persons whose offence consisted in newspaper articles and speeches which were not demonstrably and immediately the cause of the outbreak of open disorder, stands on an entirely different footing and the terms "unfortunate" and "imprudent" which the majority of Lord Hunter's Committee applied to this policy are at all events not exaggerated criticism.

Taking into consideration the acts committed under Ordinance IV of 1919, which it is impossible not to disavow, His Majesty's Government can feel little doubt that the terms of the ordinance itself were too wide, and that the drafting of any future ordinance of a similar kind should ensure due limits to its application.

6. *Administration of Martial Law.*—There is one question with regard to which it is impossible to avoid the conclusion that the majority of Lord Hunter's Committee have failed to express themselves in terms which, unfortunately, the facts not only justify but necessitate. In paragraphs 16 to 25 of Chapter XII of their report the majority have dealt with the "intensive" form generally which martial law assumed, and with certain specified instances of undue severity and of improper punishments or orders. It is unnecessary to recapitulate the instances which the Committee have enumerated in detail in both their reports, nor would any useful purpose be served by attempting to assess, with a view to penalties, the culpability of individual officers who were responsible for these orders, but whose conduct in other respects may have been free from blame or actually commendable. But His Majesty's Government must express strong disapproval of these orders and punishments, and ask me to leave to you the duty of seeing that this disapproval shall be unmistakably marked by censure or other action which seems to you necessary upon those who were responsible for them. The instances cited by the Committee gave justifiable ground for the assertion that the administration of martial law in the Punjab was marred by a spirit which prompted—not generally, but unfortunately not uncommonly—the enforcement of punishments and orders calculated, if not intended, to humiliate Indians as a race, to cause unwarranted inconvenience amounting on occasions to injustice, and to flout the standards of propriety and humanity, which the inhabitants not only of India in particular but of the civilised world in general have a right to demand of those set in authority over them. It is a matter for regret that, notwithstanding the conduct of the majority, there should have been some officers in the Punjab who appear to have overlooked the fact that they were administering martial law, not in order to subdue the population of a hostile country temporarily occupied as an act of

war, but in order to deal promptly with those who had disturbed the peace of a population owing allegiance to the King-Emperor, and in the main profoundly loyal to that allegiance. It is difficult to believe that this would have occurred had the civil authority been able to retain a larger measure of contact with the administration of martial law, and it is of paramount importance, if in the future it should unfortunately be necessary to have recourse to martial law, that some system should be devised which will secure such contact effectively.

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

7. *The use of bombing aeroplanes at Gujranwala.*—With regard to the use of bombing aeroplanes at Gujranwala on April the 14th the majority of Lord Hunter's Committee expressed their views as follows: "As to the use of bombs from aeroplanes we do not think that this would be defended by any one save in cases of urgent need, in the absence of other means, and under the strictest limitations even then. In our opinion the first two of these conditions were present in full force" . . . . . "We are not prepared to lay down as a charter for rioters that when they succeed in preventing the ordinary resources of Government from being utilised to suppress them, they are to be exempt from having to reckon with such resources as remain." They then proceed to state that no blame can be imputed to the flying officers concerned for carrying out the instructions given to them, but that the action taken under the instructions given illustrates their defectiveness, and they conclude by a recommendation that the formulation of instructions to be given to flying officers in future in similar circumstances should form the subject of careful investigation.

In formulating these conclusions, His Majesty's Government desire to state clearly that reconnaissance, communications, propaganda-dropping and moral effect summarise the normal and correct use of aircraft under conditions of unrest in normally peaceful countries. But emergencies may occur when, owing to distances, or damage to communications, or both, and the progress of murderous mob violence and arson which there is no other means of checking, exceptions from the general position are not only justified but necessary. It is impossible to guarantee by general or special instructions that machine guns or bombs will affect only the crowd which would be justifiably fired upon if troops were available on the ground. But in future explicit orders must be required for the employment of armed aircraft in such emergencies: these orders should be issued in writing by a civil authority, and should authorise only a limited amount of bombing and machine gunfire to

be employed to overawe mobs, which are, so far as the airman can judge, actually engaged in crimes of violence. The Government will see to it that instructions on these lines are issued as soon as possible. They regretfully agree with Lord Hunter's Committee that the instructions issued to the airmen who visited Gujranwala on this occasion left much to be desired in precision.

8. *Sir Michael O'Dwyer*.—It follows from what has been said in earlier paragraphs that on certain points arising out of this enquiry His Majesty's Government do not regard Sir Michael O'Dwyer as immune from criticism. Thus they cannot endorse the unqualified approval which he accorded on insufficient information to the action of Brigadier-General Dyer at Jallianwalla Bagh and they think it unfortunate that he did not adhere at the time to his first impulse to withhold both praise and blame on a matter with which as a civil officer he was not in the circumstances directly concerned. The motives which evidently prompted him to adopt another attitude and to maintain that attitude subsequently and in the light of fuller knowledge are less open to criticism.

Secondly, the opinion already expressed on the application of martial law procedure to certain trials must be taken as applying to Sir Michael O'Dwyer in so far as he was personally responsible for the action in question. As regards the administration of martial law generally Sir Michael O'Dwyer had evidently contemplated arrangements by which civil officers would be accorded a recognised position to advise on military administration, and the martial law manual which your Government have under consideration should ensure that in future this plan is brought into operation.

With the general question of Sir Michael O'Dwyer's administration of the Punjab His Majesty's Government are not now immediately concerned. They recognise that it has formed the subject of much controversy in India and that a widespread impression has been engineered that the Punjab Government under his direction was hostile to the educated classes and was determined to suppress not only illegitimate but also legitimate and constitutional political agitation. While they sincerely trust that this atmosphere may be dispelled, they are fully conscious of the difficulties of the situation with which he was faced. Conspiracy, the activity of enemy agents, the rise in the cost of living and the necessity of furnishing the bulk of the vast number of recruits for the Indian Army which the needs of the Empire required, though fortunately powerless to disturb the loyalty of the province as a whole, caused constant anxiety throughout his term of office. That term is now closed, a long and honoured connection with India is ended, and His Majesty's Government desire here to pay a tribute to the great energy, decision and courage which Sir Michael O'Dwyer brought to his task through a period of exceptional difficulty and to express their appreciation of his services.

9. As to the conclusions which Your Excellency's Government have recorded on other matters arising out of this report, I am glad to find that I am in general accord with your views save in so far as otherwise



appears from the foregoing paragraphs and I have little further to add at the present moment. Your Excellency's Government will, however, understand that the publication of documents in which the public, both in India and in this country, is vitally interested is not necessarily a final settlement of all the large questions involved. In particular I shall expect you to submit for my early approval the draft of the martial law manual which you have under consideration. To this matter I attach the utmost importance. I need hardly say that I most earnestly trust that occasion may never arise for the enforcement of such rules. But this enquiry will have served a valuable purpose if it results in the enactment of a code of regulations calculated to ensure, so far as human foresight can serve, a system of administration which is at once adequate to repress disorder, to secure the speedy, just and fitting punishment of its promoters, and which yet subverts no more than the fulfilment of these requirements necessitates the ordinary rights and course of life of the people at large, and adheres to the processes of civil justice and Government. For in view of conditions which threaten the existence of the State, martial law is a necessary remedy, but it is a remedy which unless applied with wisdom and good judgment loses its value. It is therefore incumbent upon us to do all in our power to prevent the depreciation of its value by misuse. The same observations apply in my judgment to deportation, an expedient which in its present form it is so notoriously difficult to employ and the effects of which are so incapable of exact estimation.

10. His Majesty's Government found it necessary to criticise in strong terms the conduct of certain officers charged with the administration of martial law and Your Excellency's Government have indicated that all proved cases of abuse of their powers on the part of subordinate officers of the police and other services will receive due notice. But these exceptions apart His Majesty's Government desire me to express to you in no uncertain terms their warm endorsement of your appreciation of the conduct of officers and men, both civil and military, both British and Indian, upon whom fell the heavy task of assisting the people of India to recover their fair name for loyalty and orderliness. The burden thus imposed upon officers and men of His Majesty's British and Indian armies, of his police force and of his civil services who had already borne with fortitude but not without fatigue the trials and strain arising from a long drawn war, was a heavy one. In setting themselves to their task these men proved true to the great traditions of their services.

His Majesty's Government wish further to express the profound regret which they, equally with Your Excellency's Government, feel for the loss of life which these disturbances occasioned, and their deep sympathy with those to whom the events have brought personal bereavement.

11. In conclusion I am glad to have this opportunity of assuring Your Excellency of the sense of obligation which His Majesty's Government feel to you personally for the manner in which you have fulfilled

your high trust. Great as is always the burden borne by the Governor-General of India, world-wide circumstances have combined to lay upon you a degree of anxiety such as has only at long intervals fallen upon any of your illustrious predecessors. His Majesty's Government desire that you should be fortified by the knowledge that they continue to repose the fullest confidence in Your Excellency's discretion, inspired as they feel certain it has constantly been by the single aim of the good of the peoples whose Government is committed to your charge.

I have the honour to be,

My LORD,

Your Lordship's most obedient humble Servant,

(Sd.) EDWIN S. MONTAGU.