

1 The Reforms of 1919: Montagu–Chelmsford, the Rowlatt Act, Jails Commission, and the Royal Amnesty

The year 1919 marked the formal end of the First World War and provided an opportunity to the British government in India to defuse radical and militant Indian nationalists who had challenged colonial rule through acts of political violence. The passage of the Government of India Act of 1919 intended to privilege Indian elites who were politically moderate by creating a road map to allow Indians the ability to eventually govern themselves, but with British supervision. Although colonial officials preferred the language of “responsible government” over self-government, the act proposed limited political changes to promote civic institutions and encourage democratic representation. In addition to the introduction of the Government of India Act of 1919, this chapter examines several measures and reforms that the British government in India instituted after the First World War, particularly the continuation of repressive legislation through the recommendations of the Rowlatt Commission, a reform of jails and prisons through the Jails Commission Report, and a royal amnesty of political prisoners. Focusing on how this series of reforms was shaped and affected by the revolutionary terrorist movement in Bengal, this chapter addresses the simultaneous introduction of constitutional and jail reforms with the restriction of civil liberties. As Edwin Montagu, secretary of state, noted, “... sooner or later there must be peace restored between the Government of India and these men ... Could they not be treated with courtesy and dignity as the honourable but dangerous enemies of Government?”¹

The political reform of British India developed from a liberal and international vision of territorial sovereignty for all nations. This internationalist discourse put particular pressure on nations with colonies. Systems of international laws to enable cooperation between European nations and the formation of the League of Nations were intended to put a

¹ APAC, L/P&J/6/1611, “Treatment of Prisoners Convicted of Political Offences,” J&P 1634/1922, “Telegram from Edwin Montagu, Secretary of State, India Office, London to Governor-General of India in Council, Dated 16 December 1921.”

putative end to colonial occupation as it was heralded in President Wilson's Fourteen Points.² Although Britain had long claimed to be at the forefront of humanitarian internationalism, these claims were challenged by its imperial activities.³ Thus, the end of the war marked particular crises for the British empire as nationalists in Ireland, Egypt, India, and the Khilafat rebelled against British rule. As the British government faced anticolonial challenges, it paradoxically expanded its influence under an internationalist regime in various places, perhaps most notably, the Middle East, where it held the mandate over large parts of the former Ottoman Empire.⁴

The most well-known post-war reform in British India was the passage of the Government of India Act of 1919, or the Montagu–Chelmsford reforms, after the two men who orchestrated its passage. Named after the Viceroy of India, Frederic Chelmsford, and the Secretary of State Edwin Montagu, the act has often been marked as a major turning point in the history of twentieth-century India. The provisions for representative self-government were expanded from a previous set of reforms promulgated in 1909, which had offered minorities, such as Muslims, separate electoral representation.⁵ The 1919 reforms are considered unique because they offered Indian nationalists dyarchy, which was a double or split government in which the central and provincial governments were given selected powers. The central assembly was governed by officials elected by Indian elites, and officials appointed by the colonial government; the provincial councils were comprised of appointed officials, both Indian and British. A newly constituted all-India Legislative Assembly required 106 members who were elected from an expanded population of those newly eligible to vote. In addition, 40 members were appointed from official and non-official groups that represented key constituencies, such as chambers of commerce, industrial groups, and universities. Bengal's Legislative Council was enlarged to 139 members, as many more property holders, businessmen, lawyers, and professionals were rendered

² John Gallagher, "Nationalisms and the Crisis of Empire, 1919–22," *Modern Asian Studies* 15.3 (1981): 355–68, see especially pp. 350–65; Erez Manela, *The Wilsonian Moment: Self-Determination and the International Origins of Anticolonial Nationalism* (New York: Oxford University Press, 2007).

³ Michelle Tusan, "'Crimes against Humanity': Human Rights, the British Empire and the Origins of the Response to the Armenian Genocide," *American Historical Review* 119.1 (February 2014): 47–77.

⁴ Mark Mazower, *Governing the World: The History of an Idea* (New York: Penguin, 2012); Jeanne Morefield, *Covenant without Swords: Idealist Liberalism and the Spirit of Empire* (Princeton: Princeton University Press, 2005); Susan Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (New York: Oxford University Press, 2015).

⁵ Shabnum Tejani, *Indian Secularism: A Social and Intellectual History, 1890–1950* (Bloomington: Indiana University Press, 2008), ch. 3.

eligible to vote.⁶ Provincial governments were responsible for governing education, public health, public works, and agriculture (the “nation-building” activities); the central government kept control over the military, revenue, and foreign policy (the “law and order” functions).⁷ The Government of India act was considered a step toward offering Indians the right to govern themselves through elected representatives, an expanded franchise, and involvement in local governance. In spite of provincial devolution and the expansion of the franchise, as many critics noted, the 1919 reforms were limited by the oversight of British administrators. The Governor-General of each province, who was appointed by the India Office, had the right to veto or validate any bill against the wishes of the partially elected council; the viceroy, the presumptive head of state in the Government of India, could override votes made by the Legislative Assembly.⁸

The reforms were meant to be evaluated after a decade and expanded further if the time seemed right. Some members of the Indian National Congress and Home Rule Leagues imagined that this might be a step toward Indian independence, but the majority of members of the Indian National Congress were unsatisfied with the reforms, arguing that Indians should have *purna swaraj*, or complete independence.⁹ British officials were divided on the question of complete Indian sovereignty, although there was some agreement that any constitutional change would have to come gradually through slow and incremental change rather than a quick transfer of power.¹⁰

⁶ The Central Legislative Assembly consisted of 140 members, 40 who were appointed by the government and 100 were elected by Indian electors, separate representation for Muslims and Sikhs. There was a council of State which had 60 members, 26 appointed and 34 elected, 20 General, 10 Muslims, 3 Europeans, and 1 Sikh. Provincial councils were expanded with up to 70 percent of its members to be elected. In the Bengal legislative council, there were 115 elected members, with no more than 16 being officials of the government. Divided by district, the constituencies were categorized as non-Muhammadan urban (11), non-Muhammadan rural (32), Muhammadan urban (6), Muhammadan rural (31), Europeans (6), landholders (5), universities (1), commerce and industry (15), and labour (2). www.archive.org/stream/govtofindiaact19029669mbp#page/n253/mode/2up [accessed June 26, 2016], pp. 210–213.

⁷ Dietmar Rothermund, “Constitutional Reforms versus National Agitations in India, 1900–1950,” *Journal of Asian Studies* 21.4 (1962): 505–22, pp. 508–12; Hugh Tinker, “India in the First World War and After,” *Journal of Contemporary History* (1968): 89–107, pp. 90–91.

⁸ Vincent A. Smith, revised by Percival Spear, *Oxford History of India*, fourth edition (Delhi: Oxford University Press, 1981), pp. 787–89.

⁹ Judith Brown, *Gandhi’s Rise to Power: Indian Politics, 1915–1922* (Cambridge: Cambridge University Press, 1972).

¹⁰ P. G. Robb, *The Government of India and Reform: Policies towards Politics and the Constitution, 1916–1921* (Oxford: Oxford University Press, 1976), chs. 1–4.

The Montagu–Chelmsford reforms, which had been under parliamentary discussion for several years before their enactment, expressed a vision that India (and other colonies) would one day govern themselves, perhaps as members of a commonwealth or with dominion status, so that Britain's links to India's economy would not be severed.¹¹ Many in Britain knew by the end of the First World War that continued colonial occupation was politically and economically unsustainable, but creating a plan for how Britain's colonies would gain some semblance of political independence remained fraught. Politicians from successive Liberal, Labour, Conservative, and coalition governments agreed that India needed self-government and had the right to self-determination, but it was unclear when India and Indians would be ready to govern themselves.¹² Parties on the political left, such as Labour, tended to support Indian nationalist demands, while British observers across the political spectrum wished to preserve British power and influence in India.¹³

The language of “responsible government” over “self-government” in the text of the Montagu–Chelmsford reforms was calculated to leave the timeline toward self-government and perhaps independence from Britain vague.¹⁴ This ambiguous timeline held Indian ministers accountable, first to their British superiors and secondly to an Indian electorate. But even colonial officials knew that the logic of this timeline varied: Lord Irwin, viceroy from 1926 to 1931, joked that the Earl of Birkenhead, who served as secretary of state for India in that period, believed that India would be ready for self-government in 600 years.¹⁵ From a certain perspective, the Montagu–Chelmsford reforms were a key moment in the historical progress of the colonial government to provide representative institutions for Indians, Indianizing the British civil service, and pragmatically scaling back British involvement in India without giving up sovereignty over Indian territories.¹⁶ But as successive governments in Britain grappled

¹¹ Carl Bridge, *Holding India to the Empire: The British Conservative Party and the 1935 Constitution* (New Delhi: Sterling Publishers, 1986); Andrew Muldoon, *Empire, Politics, and the Creation of the 1935 India Act*, (Burlington, VT: Ashgate Publishing, 2009).

¹² Richard Whiting, “The Empire and British Politics,” in Andrew Thompson, eds., *Britain's Experience of Empire in the Twentieth Century*, in *Oxford History of the British Empire*, companion series (Oxford: Oxford University Press, 2012), pp. 161–210.

¹³ S. J. Ball, ed., *Conservative Politics in National and Imperial Crisis: Letters from Britain to the Viceroy of India 1926–31* (Burlington, VT: Ashgate, 2014), chs. 5–6.

¹⁴ For a fuller explanation on how “responsible government,” rather than “self-government,” became a key term in the reforms, see Robb, ch. 3; Richard Danzig, “The Announcement of August 20, 1917,” *Journal of Asian Studies* 28 (November 1968): 19–37; Gallagher, “Nationalisms and the Crisis of Empire,” pp. 359–60.

¹⁵ Andrew Roberts, *The Holy Fox: The Life of Lord Halifax* (London, 1991), p. 19 cited in Whiting, “The Empire and British Politics.”

¹⁶ See Robb, *Government of India*, p. 52: “He [Chelmsford] looked forward to the transfer of power, not of sovereignty.” D. A. Low, “The Government of India and the First

with militant anticolonial resistance from Indians, British politicians revised their views on whether repressive legislation should be a part of constitutional reforms.

The Montagu–Chelmsford reforms are only one part of the accepted narrative of 1919. This chapter turns to several other reforms initiated by the colonial government in India in the interwar period, measures that occurred immediately after the First World War and had a large impact on how the revolutionary terrorist movement unfolded after 1920. Two of these measures, the reform of emergency legislation and the reform of jails, were authorized by commissions who studied the history of these problems under colonial rule and diagnosed possible solutions. These commissions, in the spirit of liberal reforms that animated this period, offered “high-profile promises of public accountability” that identified a reform project and articulated a goal that could be authorized by a multiplicity of political actors.¹⁷ Even though these “forms of inquiry” were often symptoms of an insecure government, commissions enlisted experts in making recommendations that would render state actions legitimate.¹⁸ As the constitutional reforms of 1919 got underway, the government attempted to address other reforms that could stand in the way of constitutional change. The provisions of the 1919 reforms were intended to “rally the moderates,” those among India’s political classes who could be expected to govern India on Britain’s behalf.¹⁹ Yet the government had an underlying concern that radical and militant anticolonial resistance would threaten the 1919 reforms and thus, they urged pre-emptive action.

One proposal to limit the influence of radicals and militants was the promulgation of the Anarchical and Revolutionary Crimes Act, better known as the Rowlatt Act, based on the report produced by the Rowlatt Commission, which recommended the continuation of repressive measures such as limiting the right to a jury trial in the case of certain political offenses and the suspension of *habeas corpus* through a provision that suspects might be detained because they were suspected of sedition. The provisions of the Rowlatt Act developed from measures in the Defence of India Act of 1915 to detain those who were defined as a threat to the security of the state while it was involved in fighting a war. The

¹⁷ Non-Cooperation Movement, 1920–22,” *Journal of Asian Studies* 25.2 (1966): 241–59, especially 242–43; see also Gallagher and Seal, pp. 399–401.

¹⁸ Ann Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton: Princeton University Press, 2009), pp. 28–35, especially p. 31.

¹⁹ Stoler, *Along the Archival Grain*, pp. 141–46, especially p. 141.

¹⁹ John Gallagher and Anil Seal, “Britain and India Between the Wars,” *Modern Asian Studies* 15.3 (1981): 387–414, see pp. 394, 399, 405.

Defence of India Act was considered a temporary and “emergency” piece of legislation that was to deal with the extraordinary context of war. Intended as a “preventive” measure that authorized the internment and detention of those who were politically subversive, it was used to detain revolutionaries, terrorists, members of opposition political parties, Germans, and others of suspicious political affiliation.²⁰

The language of wartime necessity authorized the expansion of executive powers, even when there was not a war: “wartime works as a short-hand invoking the traditional notion that the times are both exceptional and temporary.”²¹ The act was due to expire six months after the end of the war, yet even before the end of the hostilities, British officials recommended that the temporary measures in the Defence of India Act be extended with an eye toward making them permanent. The threat of political dissidence in the form of revolutionary terrorism had not died down and the government believed it needed a continuation of extralegal measures.²² Thus, in December 1917, the colonial government authorized the formation of a commission to “investigate and report on the nature of the criminal conspiracies connected with the revolutionary movement in India” and to “advise as to the legislations, if any, necessary to enable Government to deal effectively with them.”²³ Headed by Sidney Rowlatt, the commission issued the report in April 1918; it was printed before the formal cessation of hostilities in Europe and while the Defence of India Act was still in place.

This peculiar timing and logic – producing the language and rationale for a permanent executive order to suspend the rule of law in order to replace an existing temporary executive order – was fueled by the anxiety of what might happen to the colonial government if it lost its executive privileges to detain suspects on suspicion of sedition as it did in a time of emergency. By sustaining executive power, or what Walter Benjamin characterized as the “law-preserving” and “law-making” characteristics of the state, the colonial government was able to forestall the kind of political violence it feared from revolutionaries, terrorists, and other political insurgents.²⁴ The Rowlatt Act was thus framed as a preventive

²⁰ It is parallel to the measures used in the United Kingdom and Ireland during the war, which was the Defence of the Realm Act. See Giorgio Agamben, *State of Exception* (Chicago: University of Chicago Press, 2005), pp. 18–19.

²¹ Mary Dudziak, *Wartime: An Idea, Its History, and Its Consequences* (New York: Oxford University Press, 2012), p. 107.

²² WBSA, Memorandum on History of Terrorism from 1905–33.

²³ Sedition Committee Report, No. 2884, Resolution, Government of India, Home Department, Delhi, December 10, 1917, p. i.

²⁴ Walter Benjamin, “Critique on Violence,” *Reflections: Essays, Aphorisms, Autobiographical Writings* (New York: Schocken Books, 1978).

measure that would defend the process of constitutional reforms from those who might threaten it; there was no immediate threat of emergency except by the circular reasoning that the lack of repressive measures might potentially cause the government to face a political emergency.²⁵

At the same time as the colonial government considered the provisions of the Rowlatt Act, the Government of India initiated another commission to study the problem of prison reform. This commission was assigned to study the problem of jails in India, and in particular, how to end the practice of transportation as a punishment for those accused of sedition, conspiracy, or activities intended to overthrow the government. The committee focused on the Andaman Islands prison, which had been reserved for the most violent political offenders, including a large group of gentlemanly terrorists who had been sent there in the 1910s. Among the questions the committee considered was how to treat prisoners of different classes and castes, with the goal of reforming those who might be returned to the larger population. In a moment when reports, commissions, and reforms proliferated, the colonial government in India drew from a wealth of knowledge it had generated about India, depending on a colonial sociology of caste and its relation to criminality, and what could be expected of Indian behavior.²⁶ The growth of the prison population in India may have been a budgetary concern, but it merged with a growing concern about how to comprehend the large number of Indians who were *not* members of the “criminal castes and tribes” but who were considered political prisoners. Although colonial officials were reluctant to call these men “political prisoners,” colonial officials were especially concerned with the rehabilitation of those who were willing to go to jail as a form of political protest. For colonial officials, particularly high-ranking liberals such as Edwin Montagu, managing the imprisonment of those in jail for political dissidence was an important problem, largely because these were the groups who were imagined as being central to any future political reform. In debates between different constituencies within the government, the question of how to distinguish between terrorists, militants, radicals, and eventually, nonviolent activists such as the *satyagrahis* who were influenced by Gandhi and Congress officials, meant that officials were pressed to recognize the difference between crime and insurgency when considering the population of those in jail and whether these populations could be reformed.

²⁵ Rowlatt Commission’s Report, ch. XVII; Robb, *Government of India*, p. 153.

²⁶ Nicholas Dirks, *Castes of Mind: Colonialism and the Making of Modern India*. (Princeton: Princeton University Press, 2001), ch. 3.

The Jails Commission report of 1919 has often been seen as a tangent to the other reforms under discussion here, but I argue that it was linked to the constitutional reforms of that year with the Rowlatt Act, particularly from the perspective of Bengal's revolutionary terrorists. As the British government attempted to create a framework for "responsible" government in India, it became invested in the idea of the "responsible" Indian, a person who could represent Indian interests through a constitutional framework. Those considered "political prisoners," many of them radicals, militants, and terrorists before 1919, represented the class of Indians who could be enlisted in the project of constitutional reform. Because they were politically active, middle-class, educated men and women who had participated in civil (and sometime not-so-civil) protest, some colonial officials believed they could be turned away from radical politics and reformed. The problem of political prisoners intensified for the government after 1919: as Indian nationalists went to jail willingly in the 1920s and onward, the colonial government was pushed to defend its harsh treatment of those who were considered putative subjects of the crown.

The reforms I discuss below speak to the constitutive nature of how a self-consciously liberal and colonial state reformed its governance of a foreign territory so it could present itself as a constitutionally organized state with representative institutions. Thus, a plan of introducing self-government to educated elites in India and improving jail conditions was paralleled by a series of repressive legislation that attempted to discipline the revolutionary and radical activities of those very same educated elites; these measures exemplify a certain measure of the colonial state's sovereignty over its colonized subjects and its ability to discipline and educate these men and women in the service of the state's goals. But, perhaps just as crucially, these legislative events remind us how a modern state apparatus was able to reconcile principles of liberal government with repressive colonial tactics.

The Rowlatt Commission's Report as a History of Terrorism

The promulgation of the Rowlatt bills in March 1919, as every Indian school child knows, provoked a nationwide *hartal* (work stoppage) organized by Mohandas Gandhi, on April 6, 1919.²⁷ As its many critics noted at the time, the Rowlatt Act suspended basic principles of rule of law by allowing closed court proceedings against suspected political dissidents.

²⁷ J. Brown, *Gandhi's Rise*, ch. 5.

To Indian nationalists and politicians, these measures seemed antithetical to the liberal spirit of the Montagu–Chelmsford reforms, and the measures were quickly labeled the “Black Acts.” The government repeatedly claimed that the act would affect few Indians. But anticolonial activists, most notably Gandhi, used the occasion as a symbolically important moment because it allowed him to highlight the inconsistencies of British rule, particularly in the government’s application of the rule of law.²⁸ Indian officials on the Imperial Legislative Council voted unanimously against the measure, but it passed anyway, showing how executive power could be mobilized by the colonial government in a moment of political reform in which democratic institutions were expanding.²⁹ Gandhi noted with alarm that the act was an “affront to the nation.”³⁰

The first nationwide mass action on April 6, 1919, was followed by an army assault on an unarmed crowd in Jallianwala Bagh in the Punjab on April 13, killing several hundred Indians and injuring over a thousand. Subsequently, martial law was imposed in the Punjab because of the “Punjab disturbances” and there was widespread state terrorism against Indians.³¹ The Rowlatt bills were never implemented on a national level because of Indian agitation in 1919; many of those detained under martial law in Punjab were released by a royal amnesty later in the year. After the Rowlatt *satyagraha* brought Gandhi to national and international prominence, he began planning his well-known Non-Cooperation Campaign, in which he urged all Indians to withdraw their labor from British industries, government, and educational institutions.

In this section, I analyze the text and the provisions of the Rowlatt report closely in order to argue that the Rowlatt report mobilized the history of terrorism in Bengal as a way to advocate for the extension of security laws across India. Using historical data and evidence collected from the Intelligence Branch, government reports, and testimony of colonial officials engaged in combatting counterinsurgency in India, the Rowlatt Commission wrote a history of terrorism, one in which the government’s past experience with Indian counterinsurgency provided the grounds to

²⁸ CWMG, “Letter to the Press on Satyagraha Pledge,” dated February 26, 1919, vol. XVII, p. 318.

²⁹ J. Brown, *Gandhi’s Rise*, pp. 162–63.

³⁰ J. Brown, *Gandhi’s Rise*, p. 164; letters that Gandhi wrote to his associates from February 1919, culminating in a telegram that he sent to the Viceroy on February 24, 1919.

³¹ Purnima Bose, *Organizing Empire: Individualism, Collective Agency, and India* (Durham: Duke University Press, 2003), ch. 2; Vinay Lal, “The Incident of the ‘Crawling Lane,’ Women in the Punjab Disturbances of 1919,” *Genders* 16 (1993): 35–60; Derek Sayer, “British Reaction to the Amritsar Massacre, 1919–1920,” *Past and Present* 131 (1991): 130–64; Taylor Sherman, *State Violence and Punishment in India* (London: Routledge, 2010), ch. 2.

argue for permanent legislation that could be invoked in times of emergency to limit the legal rights of Indians. The section on Bengal comprised roughly two-thirds of the report, although the recommendations for emergency legislation would apply to all of India. The bulk of historical evidence was drawn from the government's archives in Bengal, by various members of the Intelligence Branch who had thoroughly documented aspects of the movement throughout the 1910s when the movement was seen to be the most active. The repetitive nature of reports on the terrorist movement converted several episodes of the movement into a documented genealogy of causal events, making it appear as if a conspiracy against the British was well organized.³²

Although the Rowlatt Commission was produced in December 1918, it was a virtual copy of a previous report produced by the Government of Bengal the year before.³³ The first printed report was published in 1917 by J. C. Ker, the Director of the Intelligence Branch, and it was titled *Political Trouble in India, 1907–1917*, marking the decade from the emergence of the revolutionary terrorist movement in 1907 to its putative conclusion in 1917. The report declared that a decade of fighting terrorism had been won by police and intelligence officers through careful surveillance, multi-sited investigation, and the use of extra-legal powers to detain those suspected of sedition. This first report was followed by a half-dozen others, including the publication of the Rowlatt Committee Report, weekly and annual reports from 1920 through the 1930s, and finally, a second version of *Political Trouble in India*, in 1937.

By the later reports, there was an established sequence of acts that was attributed to the development of the revolutionary terrorist movements of the early twentieth century: the 1872 assassination of Lord Mayo at the Andaman Islands by a political prisoner; the 1897 assassination of Lieutenant Rand, the plague commissioner in Pune by the Chapekar brothers, who had been inspired by Tilak, a visible and volatile Indian nationalist. The 1905 victory of the Japanese over the Russians was often noted as an inspiration to the revolutionaries who applauded the success of an Asian power over a European one. Although the histories were careful to distinguish the differences between different regions of India – Madras seemed to be calm, while Bengal, Maharashtra, and Punjab were always in turmoil – the collection of information into these historical compendium made the crisis of counterinsurgency appear as a violent and coordinated

³² On repetition as a way of producing or disrupting historical “facts,” see Edward Said, *The World, the Text, and the Critic* (London: Faber and Faber, 1983), pp. 111–25; Stoler, *Along the Archival Grain*, p. 20 and p. 142.

³³ J. C. Ker, *Political Trouble in India, 1907–1917* (original published by the Government of India, 1917; Delhi: Oriental Publishers, 1973, reprint), foreword.

conspiracy across the different regions and provinces against British rule, one that would have to be pacified before the British could hand over the reins of power to moderate political forces and leave India. Although the repetition of these reports bordered on plagiarism, the invocation of the same sequence of historical events made the causes and effects of revolutionary terrorism clear from a colonial perspective – when the government removed repressive tactics, revolutionary terrorism thrived.

Ker's *Political Trouble in India*, 1907–1917 laid the groundwork for the ways in which officials would use the history of terrorism to make arguments about how it could be contained. Ker began his career in the capital of British India in Bengal as the personal assistant to the director of the Criminal Intelligence Department in 1907 and rose to becoming one of the first experts on terrorism in Bengal. A member of the Indian Civil Service, Ker had been trained a mathematician and was a fellow of Gonville and Caius College, Cambridge; he left this position at the age of 23 to go to India.³⁴ Ker went on to become Director of Criminal Intelligence, generating weekly reports for officials in India and Britain, by drawing from surveillance and history sheets of those who were under suspicion and the reports of the provincial officials who monitored local revolutionary and politically suspicious activities. In his first few pages, he made his historical method clear: he called his book a “connected account” that synthesized the many records that had been kept by his office in the first decade of its existence. He specified that his account could not be comprehensive – “It would be impossible to follow the ramifications of every conspiracy in detail” – but he tried to explain the reasons they had been included in his report.³⁵

Political Trouble spanned over 500 pages, beginning with an account of India in 1907 and ending with chapters such as a “Who’s Who,” of important “political agitators,” a chronology that listed all of the key events and crimes that might be categorized as terrorism, and an appendix that listed the compilations of “history sheets” of important suspects that had been kept by the Criminal Intelligence Division. In the appendix, important historical events in the history of Indian terrorism range from a Coronation tree being sawed in half in the Central Provinces to the murder of Colonel William Curzon Wyllie, a high-ranking official, in London in 1909. Each event was classified, either as “political dacoity” or bomb-related action, and the passage of important legislative

³⁴ Richard Popplewell, *Intelligence and Imperial Defence: British Intelligence and the Defence of the Indian Empire* (Portland, OR: Frank Cass, 1995), p. 68.

³⁵ Ker, *Political Trouble*, pp. 1–2.

information was listed in order that readers might link the legislation with certain outcomes. Ker's account drew from earlier reports produced by those who worked in the intelligence branch of the government, F. C. Daly, R. H. Sneyd-Hutchinson, H. L. Salkeld, among others.³⁶

In spite of the volume of materials produced about the history of revolutionary terrorism in Bengal in the 1910s, many in the intelligence services in India concluded, "By 1918, neither the terrorists of Bengal, nor the Indian revolutionaries abroad appeared a threat to the Raj."³⁷ The publication of Ker's volume marked 1917 as an end date for the movement, declaring that Bengal's terrorism was over because of the effectiveness of detaining suspected terrorists under the terms of the Defence of India Act.

The Defence of India Act had not been initially intended to target revolutionary terrorists. Analogous to the Defence of the Realm Act which was used in the United Kingdom and Ireland during the war, these were temporary pieces of emergency legislation to deal with the extraordinary context of war and intended as a "preventive" measure that authorized the internment and detention of those who were opposed to Britain, particularly Germans.³⁸ But the Defence of India Act had an additional purpose in the Indian dominions of the British empire; it was used to detain revolutionaries, terrorists, members of opposition political parties, and others of suspicious political affiliation. By and large, it was seen to be successful in suppressing revolutionary activity in Bengal and yet, police and intelligence forces still felt weakened and pressed for legal measures to continue surveillance and arrest of those who were involved in revolutionary violence. With the end of the war and the end of this legislation looming, many officials feared that there might be a resurgence of radical political activity.

To confront what was perceived by British officials as an ongoing problem, a commission headed by S. A. T. Rowlatt, was convened. The members of the commission worked in the British Government in India; they included three judges (including Rowlatt), and three members of the Indian Civil Service.³⁹ Because Bengal had been one of the central

³⁶ These reports have been made publicly available and reprinted by the West Bengal State Archives, *Terrorism in Bengal*, vols. I and II. F. C. Daly, "Notes on the Growth of the Revolutionary Movement in Bengal, (1905–1911)," in vol. 1, pp. 1–216; dated August 7, 1911. H. R. Salkeld produced a four-volume study of one revolutionary association, the Dacca-based Anushilan Samiti, which appears in *Terrorism in Bengal*, vol. II; R. H. Sneyd-Hutchinson, "Note on the Growth of the Revolutionary Movement in Bengal, Eastern Bengal and Assam, and United Bengal," *Terrorism in Bengal*, vol. III. pp. 219–349; dated May 1, 1914, it covers from 1900 to April 1, 1912.

³⁷ Popplewell, *Intelligence and Imperial Defence*, p. 300.

³⁸ Agamben, *State of Exception*, pp. 18–19.

³⁹ S. A. T. Rowlatt was a judge in Britain; Sir Basil Scott, the chief justice of Bombay; C. V. Kumaraswami Sastry, a High Court Judge in Madras. The others included Verney

sites “seditious and anarchical crimes,” the province had assigned two full-time civil servants from the Special Branch to gather information for the commission’s research, which was conducted in Calcutta.⁴⁰ In addition, the commission was advised by J. C. Ker, J. C. Nixon, C. Tindall, and J. D. V. Hodge, all of the Indian Civil Service.

Much like J. C. Ker’s report, the Rowlatt report began with revolutionary conspiracies in late nineteenth-century western India. Part I, which was titled “Historical,” comprises the bulk of the text, or about 180 pages; Part II is titled “Difficulties and Suggestions,” and runs about 40 pages with a shorter appendix of judicial summaries of conspiracies that had been prosecuted (unsuccessfully, to the mind of the Rowlatt Committee, because so many had been overturned on appeal or resulted in acquittals). The first 15 pages of the report constructed a lineage that repeated what had appeared in *Political Trouble*. The murders of Curzon Wyllie in London in 1909, followed by the murder of district magistrate in Nasik in western India later that year, were seen to be part of a longer historical progression even though the events took place oceans apart, one in Britain and another in Maharashtra. Coincidentally, Rowlatt had been involved in the prosecution of Curzon Wyllie’s assassin, an Indian engineering student named Madanlal Dhingra.⁴¹

According to the Rowlatt Committee, the link between these different activities in western India and in Britain was that “All the conspiracies were Brahmin and mostly Chitpavan.”⁴² The chapters that followed established the sequence of these particular events as somehow foundational to the emergence of terrorism in Bengal in eastern India (which was across the subcontinent). This series of events then became the animating reason for the founding of the Criminal Intelligence bureaus in the early 1900s and the subsequent recommendations of the Rowlatt committee in the 1920s. The report provided this candid assessment: “It may be true to say that there was not one conspiracy in the sense that the individual of one group or party could not be held legally responsible for the acts of another group . . . But that there was one movement, promoting one general policy of outrage and intimidation and working very largely in

Lovett, who was a member of the Board of Revenue in the United Provinces, and Provash Chandra Mitter, a *vakil* (a pleader) in the High Court in Calcutta. The secretary was J. D. V. Hodge, a member of the Indian Civil Service, stationed in Bengal.

⁴⁰ Two agents from the Special Branch had been assigned to support the Rowlatt commission in gathering information. P. B. Sinha, “A New Source for the History of the Revolutionary Movement in India, 1907–1917,” *Journal of Asian Studies* 31.3 (1971): 151–56.

⁴¹ “Madar [sic] Lal Dhingra, Murder 19 July 1909,” Old Bailey Online, www.oldbaileyonline.org, version 7.2 [accessed June 6, 2016].

⁴² Rowlatt, p. 13.

concert is, we think, perfectly clear.”⁴³ The Rowlatt report’s history made the argument that what might have previously been thought of as isolated terrorist attacks should be seen as part of a larger movement.

The bulk of the Rowlatt report – over a hundred pages of the total two hundred – were devoted to the problems faced by the British in Bengal, the region in which the British had centralized their commercial operations in the eighteenth century and their political administration in the nineteenth.⁴⁴ As the committee noted, “The *bhadralok* of Bengal have been for centuries peaceful and unwarlike, but, through the influence of the great central city of Calcutta, were early in appreciating the advantages of Western learning.”⁴⁵ Drawing from the language of the “unwarlike” Bengali elite, as a colonial official had done in 1913, the Rowlatt report reiterated a popular stereotype to explain how unusual it was for *bhadralok* to embrace violence. The report put forward a historical argument based on the progress that British colonial activity had provided, dating to Macaulay’s wish to see Indians educated in English: increased access to western education gave upper-caste Bengali elites an enhanced sense of political possibility. But, as Bengali elites began to imagine social and economic mobility, they found themselves limited by job opportunities. In a narrative that would later resonate for Marxist historians of Bengal in the postcolonial period, the report noted, “Thus as *bhadralok* learned in English have become more and more numerous, a growing number have become less and less inclined to accept the conditions of life in which they found themselves on reaching manhood.”⁴⁶ The Rowlatt report argued that many of these educated elites were landholders who found their lands sold off, thus, their annual income based on the rents paid by peasant cultivators was shrinking; amid this economic squeeze that limited social mobility – the lack of job and a decline in the worth of their land – they turned to political radicalism.

The Rowlatt report then followed a year-by-year account of political crimes committed in Bengal, from 1906 until 1917, which were accompanied by a foldout map that identified the major centers of sedition and revolution. Following the narrative of Ker’s account from the year before, the movement was reported to be inspired by late nineteenth-century religious ascetics such as Rama Krishna, Swami Vivekanand, and

⁴³ Rowlatt, p. 102. ⁴⁴ Marshall, *Bengal: The British Bridgehead*.

⁴⁵ The language of these men as “unwarlike,” had been articulated in a previous series of reports, APAC, L/P&J/6/1246, J & P 2198/1913, letter no. 208, dated Simla May 27, 1913, from Government of India, Home Department to Chief Secretary, Government of Bengal.

⁴⁶ Rowlatt, p. 16; Rajat Ray, *Social Conflict and Political Unrest in Bengal, 1875–1927* (Delhi: Oxford University Press, 1984).

eventually Sri Aurobindo and propelled forward by the ill-judged decision of the viceroy, Lord Curzon, to partition Bengal into two halves in 1905. Although the report did not identify this fact, the brothers of Swami Vivekanand and Sri Aurobindo, Bhupendranath Dutta and Barindra Kumar Ghosh respectively, had been jailed for radical activities and continued to be active in revolutionary circles well into the 1930s.⁴⁷ The first partition of Bengal in 1905 provoked the swadeshi movement. Largely nonviolent, the campaign to boycott foreign goods was supported by groups drawn from volunteer societies, secret societies that trained in the martial arts, and college and university groups.⁴⁸ The swadeshi call to boycott goods such as machine-made textiles, tobacco, and alcohol became a template for Gandhi's later movements in the 1920s and 1930s.

In words used by James Ker in *Political Trouble* and echoed in the Rowlatt report, sometime around 1907, the nonviolent swadeshi turned to "rowdyism" and gangs of elite men organized robberies to fund their acts of political violence against high-ranking officials. The targeted officials were chosen because of their involvement in suppressing political violence. On December 6, 1907, the Lieutenant-Governor's train was derailed by a bomb outside Midnapore, a district that would later become synonymous with political violence. Perhaps most famously, in April 1908, there was an attempt on the life of Douglas Kingsford, the district magistrate of Muzzafarpur, in which two women were mistakenly killed. The Muzzafarpur attack became the seed for prosecuting the Alipore Conspiracy Case, when a home in Calcutta was discovered with the ingredients for the bombs that had killed the two women in Muzzafarpur. The Alipore Conspiracy resulted in the conviction of 15 men, but the killing of an approver by two of the accused showed the lengths to which revolutionary terrorists were willing to go to enforce loyalty within the movement; a public prosecutor and a deputy superintendent involved in prosecuting the case were also killed by the members of the movement.

The repeated attacks against police officials and witnesses who had agreed to testify for the state appeared in the Rowlatt report as explanations for the proposed promulgation of enhanced extra-legal procedures. Rowlatt noted that there was a legal precedent: in December 1908, in the

⁴⁷ Shukla Sanyal, *Revolutionary Pamphlets, Propaganda, and Political Culture in Bengal* (Delhi: Cambridge University Press, 2014), chs. 1–2; for the influence of Swami Vivekanand and Aurobindo, see Rajat Ray, "Moderates, Extremists, and Revolutionaries: Bengal, 1900–1908," in Richard Sisson and Stanley Wolpert, eds., *Congress and Indian Nationalism: The Pre-Independence Phase*. Berkeley: University of Berkeley Press, 1988, pp. 62–89.

⁴⁸ Sumit Sarkar, *The Swadeshi Movement in Bengal, 1903–1908* (New Delhi: People's Publishing House, 1973).

year after the Alipore Conspiracy, the government passed the Indian Criminal Law Amendment Act, which authorized trials without juries but by a tribunal of three judges. The act had also allowed the banning of certain revolutionary groups. In 1910, the government passed a censorship act and a prohibition limiting the ability of “seditious” groups to meet, both of which were targeted toward the revolutionaries and terrorists of Bengal. The Indian Criminal Law Amendment Act (1908) was used with limited success in prosecuting a number of cases in Bengal, the Dacca Conspiracy Case and the Barisal Conspiracy Case, as well as elsewhere in India, Lahore, Benaras, and Delhi.

By 1913, there were so many attacks on police officials, government buildings such as railway ticket and post offices, and witnesses that “It is unnecessary to describe all the dacoities of the year in detail, since in all respects they conformed to what had by this time become a recognized type of crime.”⁴⁹ By abandoning what was seen as needless repetition, the logic of the Rowlatt report was that history showed a pattern of political violence that was well established.

The shortest part of the Rowlatt report was perhaps the most consequential: it ended with a recommendation that the government enact the Anarchical and Revolutionary Crimes Act, or what became known as the Rowlatt Act. The provisions of the Rowlatt Act were a continuation of many provisions of the Defence of India Act of 1915, although the war was coming to an end. In Part II, which the committee labeled “difficulties and suggestions,” they recommended the extension of what they called “extraordinary powers” in order to successfully jail those accused of trying to bring down the British government. The report acknowledged that measures such as Regulation III of 1818 and the Defence of India Act in 1915 had succeeded because they resorted to measures that were not in line with the ordinary practice of criminal law, which the revolutionary terrorists seemed to flout more easily.⁵⁰

In the process of explaining why extra-judicial measures should continue, the Rowlatt committee noted that few of these conspiracies had been prosecuted under the ordinary criminal law, which called for certain rules of evidence, jury trials, and the guarantee of the right of defendants to hear charges and be present for their trials. Instead, the committee noted that “The main reason why it has not been possible by the ordinary machinery of the criminal law to convict and imprison on a larger scale those guilty of outrages and so put down crime is simply want of sufficient evidence.”⁵¹ Police in local areas were hindered by the lack of enough investigators; the roads were often impassable in the monsoon season and

⁴⁹ Rowlatt, p. 59. ⁵⁰ Rowlatt, p. 181. ⁵¹ Rowlatt, p. 182.

made collecting evidence difficult; and confessions made to the police were often disallowed as evidence. Added to these problems, witnesses were often unreliable or reluctant to come forward for fear of recriminations. Because the trials often took years, and were well publicized, the trials served to recruit more followers, especially if they did not result in convictions. The report noted a grim cause-and-effect: “If they are not convicted, the movement is not checked.”⁵²

The final twenty pages of the report offered suggestions to the government “to deal effectively with the difficulties that have arisen in dealing with conspiracies,” by which they meant the inability of the government to successfully prosecute those who had wanted to overthrow the British government.⁵³ Although the committee was not charged with drafting legislation, they recommended that any changes to the law should be enacted *before* the movement revived. Anticipating the need for emergency regulations before there was an emergency, the Rowlatt report noted, “The powers which we shall suggest for dealing with future emergencies must be ready for use at short notice. They must therefore be on the statute book in advance . . . To postpone legislation till the danger is instant, is, in our view, to risk a recurrence of the history of the years 1906–1917.”⁵⁴ They did not recommend a permanent extension of emergency powers, but rather that the laws should be available in case of emergency: “The powers involved are therefore to be dormant till the event occurs.”⁵⁵ These caveats were intended to ensure that these measures would be used for a defined period of time and could be invoked at the discretion of the Governor-General of each province when necessary.

Among other recommendations, the Rowlatt commission argued that seditious crimes be tried by three judges, rather than a jury. This measure had been previously authorized by the Indian Criminal Law Amendment Act of 1908. They also recommended that suspects should be required to report their movements to the police, that they could be banned from attending meetings of proscribed political groups, write for a journal, or to be complicit in disseminating seditious materials. Among the more extreme measures proposed by the committee was that the executive arm of the government could arrest, search, and confine in “non-penal custody,” anyone they suspected of seditious activity against the government. The principles behind the Rowlatt report allowed the executive branch of government to detain suspected revolutionaries and terrorists without charging them through the ordinary criminal code – the Indian Penal Code – but rather through the extra-judicial provisions that were inspired by the Defence of India Act of 1915.

⁵² Rowlatt, p. 192. ⁵³ Rowlatt, p. 195. ⁵⁴ Rowlatt, p. 200. ⁵⁵ Rowlatt, p. 209.

Anticipating dissent, the Rowlatt Commission defended the detention of suspected revolutionary terrorists. The report referred to a special report that was issued by Justices Beachcroft and Chandavarkar titled “The situation of the Bengal Detenus under the Defence of India Act and Regulation III of 1818.” Commissioned by the Government of Bengal in the summer of 1918 to answer its critics who were opposed to the large-scale detention of political activists during the war, the two judges investigated the detention of over 800 men in Bengal whose political activism was seen to be subversive and necessitated detention. Of the 806, 702 were detained under the Defence of India, 100 under Regulation III of 1818, and 4 under the restrictions to limit the movement of subversives under the Ingress into India Act. The judges asked for written representations from each person and only 167 detainees responded. Nonetheless, based on written evidence that had been collected by the Bengal police, Beachcroft and Chandavarkar determined that all but 6 of the detainees who remained in detention in August 1918 remained a threat to public safety.⁵⁶ These findings were hailed by Bengal’s many lawyers as proof that the detentions remained unlawful; colonial officials in government, including those writing the Rowlatt report, used this report to demonstrate that rule of law had been upheld, even if the detainees had never been charged of any crimes or tried in court.

In March 1919, the legislation that emerged from suggestions in the Rowlatt report was promulgated by the Government of India. The report was quickly equated with the exercise of arbitrary martial law by Indian nationalists, particularly Gandhi, who led a day-long *hartal*, or work stoppage, to show that he could mobilize a national protest. Ironically, although the legislation targeted those who identified with political violence, the idea that the colonial government could suspend *habeas corpus* galvanized the nonviolent movement. A week later, a group of armed military led by General Reginald Dyer fired on and killed several hundred unarmed civilians when they congregated at Jallianwala Bagh in Amritsar. Martial law was declared in the Punjab, but under provincial legislation, and not under the central legislation proposed by Rowlatt.

Ultimately, the legislation recommended by the Rowlatt report was never enforced on a national level and the legislation was repealed quietly in September 1921. By then, emergency legislation such as the Defence of India Act had expired and other repressive measures – the Indian Press Act of 1910, and the Seditious Meetings Acts of 1908 – were not being enforced. At the end of 1919, those detained under various

⁵⁶ APAC, L/P&J/6/1675, Bengal Detenus Committee Report on Detenus and Internees in Bengal, file 3021.

emergency powers were released under the terms of a royal amnesty. By 1920, what the British called the “terrorist threat,” seemed to have subsided, especially because revolutionary groups were believed to have joined Gandhi’s Congress party and appeared to be following the campaign of nonviolence.

Although the recommendations of the Rowlatt Commission were not adopted and the protests that it generated were seen as a failure for the colonial government, the historical arguments mobilized in the 200-page report documented a pattern that colonial officials would draw from to argue throughout the 1920s and 1930s about the necessity of repressive legislation to combat terrorism.

Indian Jails Committee: Reforms for Political Prisoners

Simultaneous with the Rowlatt commission’s recommendations were the recommendations of another committee that was enjoined by the government to reform the status of prisoners, and in particular, those who had been identified as threats to the security of the state. When the Report of the Indian Jails Committee was presented to Parliament in 1921, it comprised 24 chapters that began with a historical survey about prisons, jails, and reform across the British empire – Hong Kong, Burma, Malaya – and other parts of the world – Japan, the Philippines, England, France, and Germany. Based on both world historical and ethnographic research, the report drew from a global language of prison reform and offered some suggestions with the goal that rehabilitation was a central concern. Key among these suggestions was that a better system of classification was needed so that prisoners who were likely to be reformed could be targeted early, treated according to their status, and ultimately released into the general population.

The report noted that there were two main groups: “habitual convict and non-habitual convict,” and that the two groups ought to be incarcerated separately. Habitual or “ordinary criminals” were seen to be those whose livelihoods depended on crime, members of the criminal castes and tribes, and those who would be harder to reform. Among the “non-habitual convicts,” were the “well-to-do criminals,” many of whom comprised “persons of good social status.”⁵⁷ These distinctions mapped onto the prisons’ regime, and those who were more respectable were seen to be deserving of special dispensations on the question of clothing, diet, and the kind of labor they could be expected to perform.⁵⁸

⁵⁷ APAC, L/PARL/2/407, Report of the Indian Jails Committee, 1919–1920, p. 90.

⁵⁸ These provisions were spelled out in the Prisons Act (1894), section 60.

Informants who were interviewed for the report claimed another category – the “political prisoners” – whose crimes were not motivated by criminal ends, but by patriotism. The members of the Indian Jails Committee objected to the idea of the designation of the political prisoner, noting that it would be difficult to decide whether a criminal act – such as murder, attempted murder, or armed assault – that was motivated by politics was distinct from criminal acts that lacked an explicit political demand. Yet, that the term appeared in the report suggests that it was a salient category for those in the jails and those hoping to reform the jails system.⁵⁹ Supporters of this designation noted that the political prisoner was not a habitual convict and should be treated with respect because of their status and patriotism; repeatedly, throughout the period of the committee’s inquiry and afterward, Indian politicians would argue that crimes committed by political prisoners would cease if the cause of their political opposition – the continued British occupation of India – ended.

As the population of those who might be considered political prisoners expanded through the 1920s and 1930s, which were the most active phases of the Indian nationalist movement, the colonial state was repeatedly confronted with the question of designating the political prisoner as a distinct type of incarcerated person. In the case of revolutionary terrorists, among the key concerns was whether the government’s recognition of political prisoners would be seen as legitimizing violence against the state. For this reason, the government was reluctant to use the term “political prisoner” although it agreed to make special provisions for those who were understood to be “non-habitual” criminals. Many of the so-called non-habitual criminals had not been convicted of crimes, but were being held on suspicion of sedition, rendering their status legally anomalous. Officials also hoped that special treatment (although not a designation) would produce reformed prisoners who could one day become model citizens. Thus, the government made provisions that included special diets, the right to wear one’s own clothing, the right to read, to correspond with relatives, and, eventually, the guarantee of a bar of Lifebuoy soap to be supplied monthly for bathing.⁶⁰

Shortly after the 1921 Jails Report was published, the Government of India began a series of correspondence with local and provincial governments to determine how each province dealt with prisoners who were in

⁵⁹ Ujjwal Singh, *Political Prisoners in India* (Delhi: Oxford University Press, 1998), pp. 9–22; Indian Jails Committee, p. 91.

⁶⁰ NAI, Home Political File 43/18/40, “Treatment of Detenues and Court Martial Prisoners in the Cellular Jail, Port Blair,” dated 1940.

jail because of their political activities and to attempt to homogenize the rules across the different British dominions. There were vociferous debates within the Legislative Assembly, between Indian representatives and colonial officials. Eventually the colonial government convened a conference of relevant officials in Simla in July 1922 to determine a response to the question that was framed as the “Treatment of Political Prisoners.” The presumption behind all of these discussions was that those who were in jail for political reasons were middle-class and well-educated, rather than uneducated or members of lower castes and classes. In what represented a peculiar irony, the colonial government was keen to treat political prisoners in a way that was commensurate with their social status, which indirectly provided legal recognition that they were being jailed for political protest rather than what would be considered “ordinary” criminal acts that could be prosecuted by ordinary laws.⁶¹

Almost all of the colonial officials polled were “opposed to any preferential treatment being accorded to political prisoners, though they recognized that some intermediate form of punishment between ‘simple’ and ‘rigorous’ was desirable.”⁶² Although there would be no recognition of the political prisoner, perhaps these prisoners could have the requirement to perform labor that was not “arduous.”⁶³ Among the suggested forms of labor for gentlemanly terrorists were gardening or envelope making, but that “Strict instructions have been issued that political or special class prisoners of any kind are under no circumstances to be employed on any form of office or clerical labour” lest they use these supplies to produce seditious material.⁶⁴

In the correspondence between officials at the provincial level and those at the central level, liberal officials who hoped to devolve political authority to Indians placed some hope in the possible reform of those in jail for protesting the government. Montagu, the secretary of state, argued with officials both at the level of the central government and at the provinces that political prisoners should be recognized as distinctive: “there are cases in which men who suffer ‘for conscience sake’ should

⁶¹ APAC, L/P&J/6/1611, “Treatment of Prisoners Convicted of Political Offences,” J&P 4976/22, “Letter from Secretary of Government of India to All Local Governments, Dated Simla, 23 August, 1922.” See also Ujjwal Singh, *Political Prisoners*, pp. 94–106; Sherman, *State Violence*, pp. 47–49.

⁶² NAI, Home Political File 201/I/1921, serial no. 1.

⁶³ NAI, Home Political File 201/I/1921, serial no. 2, “Letter from C.W. Gwynne, Government of India, Home Department to Governments of Bombay, Bengal, United Provinces, and Punjab, 22 August 1921.”

⁶⁴ NAI, Home Political File 201/I/1921, serial no. 6, “Letter from W.S. Hopkyns, Secretary to the Government of Bengal to Secretary of Government of India, Home Department, Dated 6 October 1921.”

not be treated as ordinary criminals.”⁶⁵ Montagu debated Chelmsford, the Viceroy, over this issue:

... what I am very much concerned with is the fact that the world should think that we allow political leaders to undergo rigorous imprisonment ... I would repeat that sooner or later there must be peace restored between the Government of India and these men ... Could they not be treated with courtesy and dignity as the honourable but dangerous enemies of Government? Should we not gain more than we lose by letting it be known that we treat these political prisoners with courtesy and recognition of the sincerity of their mistaken and dangerous motives rather than as jail birds.⁶⁶

The tension between the “honourable but dangerous enemies of Government,” encapsulated the tensions between Indian politicians, colonial officials at the provincial level, and central government officials. Secretary of State Montagu, who represented the British government’s position to the colonial government, recognized that incarcerating Indian political activists and leaders seemed antithetical to the liberal goals of the colonial government; officials in India, such as the Viceroy, were not completely persuaded. As the violence escalated, officials felt more keenly that law and order within India was at risk.

Indian politicians felt that distinctions between the political prisoners and others should be maintained. Provincial assemblies, newly infused with more Indian representatives by the terms of the Government of India Act of 1919, were among the most vocal advocates of making distinctions between those who were in jail for political reasons and those who were in jail for common crimes. Mian Beli Ram, spoke forcefully in the Punjab Legislative Council, “... prisoners should not be mixed up with ordinary culprits because in their case the motives are very different from those of ordinary prisoners. They are not low class people actuated with the love of crime ... They generally belong to that class which is known as the patriots”⁶⁷ Pandit Nilakantha Das of Bengal demanded that political prisoners “be classed distinctly and separately from other prisoners and

⁶⁵ NAI, Home Political File 201/VI/1922, serial nos. 1–54, “Letter from Wm. Hailey, Government of Bengal to S.P. Donnell, Secretary of Government of India, Home Department, Dated 30 December 1921,” pp. 9–10. See also APAC, L/P&J/6/1611, “Treatment of Prisoners Convicted of Political Offences,” J&P 4799/19, “Letter from Edwin Montagu, Secretary of State, India Office, London to Governor-General of India in Council, Dated 11 September 1919.”

⁶⁶ APAC, L/P&J/6/1611, “Treatment of Prisoners Convicted of Political Offences,” J&P 1634/1922, “Telegram from Edwin Montagu, Secretary of State, India Office, London to Governor-General of India in Council, Dated 16 December 1921.”

⁶⁷ APAC, L/P&J/6/1611, “Treatment of Prisoners Convicted of Political Offences,” J&P 2122/23, “Punjab Legislative Council Debates, Dated 27 February 1923.”

should receive treatment in keeping with their honour and respectability,” thus allowed to read books and newspapers.⁶⁸

In a report that responded to the Jails Committee’s recommendations, those considered politically moderate in the Indian National Congress, B. N. Sharma, M. Shafi, and Tej Bahadur Sapru noted that they would “refrain from going into the larger issue relating to the classification of prisoners . . .” but that they hoped that the government would consider using the “Irish rules,” and regard political crime as a misdemeanor rather than a capital crime.⁶⁹ Sharma, Shafi, and Sapru noted that anyone convicted of murder, attempted murder, manslaughter, wrongful assault, robbery, extortion, rioting, or possession of arms or ammunition would be considered a felon, regardless of their social status. But they hoped that the government understood that it would “stand to gain much and not to lose anything if, when these prisoners come out, they feel that they were not unnecessarily humiliated or put to avoidable discomfort.”⁷⁰

Colonial officials from the provinces that had large numbers of political prisoners – Bengal, United Provinces, Punjab, and Central Provinces – refused to label the political prisoner as distinct from other prisoners, but made provisions commensurate to these prisoners’ social status. Most local officials ensured that these prisoners were allowed their own clothes, food, and books; if they could afford it, these prisoners could hire convicts to serve as personal servants to perform menial chores such as laundry. Throughout the process of working out how to treat this new group of prisoners, some officials in the administration such as William Vincent of the Home Department resisted these accommodations and noted that “In Bengal, they live in absolute comfort, and are subject to no discipline, playing games, acting plays, reading books all day and having their food whenever they like.”⁷¹

When the “Rules for the treatment of special class prisoners,” was published in pamphlet form in 1923, “special-class prisoner” denoted the political prisoner and the rules spelled out the modifications of the Indian Prisons Act of 1894 which had detailed how prisoners should be treated. Among the many provisions that were agreed to – in consultation

⁶⁸ NAI, Home Political File 238/1925, “Resolution on 16 January 1925 by Pandit Nilakantha Das.”

⁶⁹ NAI, Home Political File 201/VI/1922, serial nos. 1–54, pp. 16–19, “Report Prepared by B.N. Sharma, M. Shafi, and T.B. Sapru on the Order of the Executive Council to Formulate Recommendations, Undated.”

⁷⁰ NAI, Home Political File 201/VI/1922, serial nos. 1–54, pp. 23–24, “Letter T.B. Sapru, Dated 13 March 1922.”

⁷¹ NAI, Home Political File 201/VI/1922, serial nos. 1–54, “Telegram to Secretary of State, from Wm. Vincent, Secretary of Government of India, Home Department, Dated 21 February 1922.”

with British officials at all levels of the colonial government, Indian politicians, and others who sent petitions and letters – were that prisoners of “special class” could import their own food to supplement the prison diet, they could wear their own clothing as long as it did not represent a political symbol (the Gandhi cap was a particular concern), they would be kept separate from the other prisoners, they would have the right to separate latrines, they would be allowed one monthly visit from a family member, and the right to write and receive a letter a month.⁷² In recognition of their special status, these prisoners would be expected to stand, but not salute (“raise the hands so as to display the palms”), in the presence of jail authorities such as the Superintendent, Deputy or Assistant Jailer, or medical officers and visitors. Additionally, these prisoners “should not be called on to perform menial duties if he is willing to pay for the services of one other prisoner to serve him.”⁷³ In spite of its reluctance to label political prisoners as such, the colonial government, prodded by protests made by some Indian politicians and the encouragement of high-ranking liberal officials such as Edwin Montagu, made a series of distinctions about the conditions of incarceration.

The question of how to categorize “political prisoners” would become a much larger issue in the years after these guidelines were issued. Largely because of the growth of the Gandhian Non-Cooperation Movement in the 1920s, which produced a larger number of Indian politicians who were willing to go to jail, the treatment of “non-habitual prisoners” became a central concern for colonial authorities in Bengal and across India.⁷⁴ Echoing Montagu’s concern that “sooner or later there must be peace restored between the Government of India and these men,” the government went to significant lengths to make special provisions for the jailing and detaining of those they considered political opponents, particularly once new legislation was introduced that permitted the government to detain suspected terrorists and keep them under detention without charging them of particular crimes. I return to this problem in Chapter 3.

The Royal Amnesty

In the final section of this chapter, I want to examine a lesser-known political event of 1919, which was the royal amnesty of political

⁷² APAC, L/P&J/6/1611, “Treatment of Prisoners Convicted of Political Offences,” J&P 504/1923, “Rules of the Treatment of Special Class Prisoners.”

⁷³ APAC, L/P&J/6/1611, “Treatment of Prisoners Convicted of Political Offences,” J&P 4976/1922, “Letter from Secretary of Government of India to All Local Governments, Dated Simla 17 June 1922.”

⁷⁴ Ujjwal Singh, *Political Prisoners*, ch. 3.

prisoners and revolutionary terrorists that accompanied the release of the Montagu–Chelmsford reforms in December. This reform offered – at least on the surface – a kind of solution to how the colonial state attempted to treat those who had been imprisoned for political offenses but might be persuaded to support the liberal reforms promoted by the Montagu–Chelmsford reforms.⁷⁵ While it might seem ironic to have a British monarch involved in a process of constitutional reform in India, the proclamation re-established the presumed connection between the King (a sovereign) and his subjects in India, particularly those who had been agitating for the right to represent themselves. Stemming from a precedent set from the Queen's proclamation in 1858, a seemingly archaic connection between a monarch and his putative subjects endured in spite of the reforms to expand the role of the constitution in a parliamentary government.

In December 1919, shortly after the colonial government abandoned the Rowlatt Act and decided to close the jail at the Andaman Islands, the King issued a proclamation that had been written with the support of the secretary of state for India, Edwin Montagu. The proclamation granted a royal amnesty to those who had been jailed or detained for political crimes and commuted the sentences of those who had less than a year to serve. Although many of these political prisoners had been jailed for plotting the violent overthrow of the colonial government, the government argued that this group of men might be drawn into a new political formation, one whose foundations included the Montagu–Chelmsford reforms. The royal amnesty, issued by King George V, called for the immediate release of political prisoners who had been detained or convicted and remained in British jails under the Seditious Meetings Act, the Indian Press Act, the Defence of India Act, Regulation III of 1818, and those convicted of sections 121A, 124A, and 153A of the Indian Penal Code, and “other similar enactments or ordinances.”⁷⁶ In spite of the findings of the Beachcroft–Chandavarkar report which had shown that these men had been rightly detained, the amnesty authorized the release of all prisoners who had been detained during 1919 under the nationalist agitations against the government that year and remitted the sentences of those in jails for political crimes committed before and during the war.

⁷⁵ Sherman, *State Violence*, pp. 21–22.

⁷⁶ L/PO/6/5, “Government of India Act 1919 and Amnesty,” Telegram from Secretary of State to Viceroy, November 25, 1919, p. 112. The phrase was written by Montagu. See also, WBSA, Home Political File 409/19 (1–24), Grant of Clemency to Political Prisoners on the Occasion of Passing of Government of India Bill, Serial no. 1, Telegram from Home Department to Bengal Home Political File December 4, 1919.

The language of the proclamation was remarkable in its scope: it provided a historical narrative of the progress of liberal and representative institutions in the governance of British India and offered a vision of a political amnesty that promised to render the most militant opponents of the colonial government into participants of the broader constitutional reforms that the colonial government had introduced that year. It also promised the king's loyalty to the Chamber of Princes, who represented the 500 areas that were not under direct British rule, thus recognizing and guaranteeing the sovereign power of the royal states within India, who were not included in the Montagu–Chelmsford reforms. The King's proclamation began with a brief history of legislative acts promulgated in the British Parliament that directly dealt with Indian affairs: acts promulgated in 1773, 1784, 1833, 1858, 1861, and 1909 provided a series of legislation that were "for the better government of India and the greater happiness of its people." The particular legislation from 1861 and 1909 were noted because they "sowed the seed for representative institutions," something that the 1919 act would bring to fruition. Based on India and Britain's longstanding relationship of "affection and devotion," the King noted that "the Parliament and the people of this realm and My officers in India have been equally zealous for the moral and material advancement of India." With this grand and ambitious beginning, the King noted his approval of Indians' growing demands for representative institutions, and agreed that the "progress of a country cannot be consummated – the right of its people to direct its affairs and safeguards its interests." He briefly acknowledged that Indians had long been clamoring for political reforms, applauding those who had pursued these reforms through "constitutional channels," rather than through "acts of violence committed under the guise of patriotism." In spite of Indians' demands for a change in the style of governance, the King's proclamation noted the British origins of good government, "In truth the desire after political responsibility has its source at the very root of the British connection with India."

The king's brief history lesson sketched a British history of India that was filled with liberal progress toward democratic institutions. The king warned that in the future, "the path will not be easy," and offered advice to those who were elected to "face responsibility," and "sacrifice much for the common interest of the State," in order to "maintain the standards of a just and generous government." After a brief instructional passage to Indians about how self-representative institutions relied on "honest work," "mutual respect," and "perseverance and forbearance," paragraph 6 explained why it was important for the crown to offer an amnesty to those who had been convicted of political crimes. It is worth quoting

this passage at length to animate the liberal aspirations that guided this proclamation:

It is my earnest desire at this time that, so far as possible, all traces of bitterness between My people and those who have been responsible for My government should be obliterated. Let those who, in their eagerness for political progress, have broken the law in the past respect it in the future. Let it become possible for those who are charged with the maintenance of peaceful and orderly government to forget the extravagances which they have had to curb. A new era is opening. Let it begin with a common determination among My people and My officers to work together for a common purpose. I therefore direct my Viceroy to exercise, in My name and on My behalf, My Royal clemency in the case of political offenders, save those who have directly taken part in the murder of Our subjects, to the widest extent which in his judgment is compatible with the public safety, and to extend it to persons suffering restraint or held to security for offences against the state under any special or emergent measures for the maintenance of order, or under any exceptional powers employed for that purpose by the executive government. I trust that this leniency will be justified by the future conduct of those whom it benefits, and that their conduct will render it unnecessary to enforce the law against them hereafter.⁷⁷

The amnesty was issued over the objections of the Viceroy of India, Lord Chelmsford, who was repeatedly advised by local authorities from Punjab to Madras that the release of those convicted under various political crimes would pose a serious threat to the security of the state and would create more unrest rather than defuse it.⁷⁸ As the viceroy measured the various positions, he noted, “The risk of release on the one hand is the danger . . . [of] the gradual reformation for revolutionary organization. The risk on the other hand of continued detention is . . . the creation of bitterness and wide-spread agitation, which might be fatal to authority of Government.”⁷⁹ Officials in Punjab, in particular, made clear that the inquiry into the April 1919 disturbances and the Jallianwala Bagh massacre should be concluded before any political prisoners were released.⁸⁰

Montagu, the secretary of state, was not to be dissuaded and issued a strongly worded rebuke that was directed at local authorities who were attempting to dilute the general amnesty with “exceptions”: “I feel very strongly that this amnesty is only worth granting if we give it in a spirit of

⁷⁷ APAC, L/PO/6/5, “Government of India Act 1919 and Amnesty,” pp. 1–30.

⁷⁸ APAC, L/PO/6/5, “Government of India Act 1919 and Amnesty,” Telegram from Viceroy to Secretary of State, December 14, 1919, pp. 101–2.

⁷⁹ APAC, L/P&J/6/1643, J&P 560/20, Memo from Viceroy to the India Office, dated January 25, 1920.

⁸⁰ The Hunter Commission report to investigate the actions of Reginald Dyer at Jallianwala Bagh were released in March, 1920; see Sayer, pp. 147–49; Sherman, pp. 20–22.

most liberal confidence. And I feel that we ought to give it in that spirit and make a supreme effort to convince India by our sincere desire to bury the past.”⁸¹ As he reiterated the liberal aspirations of the amnesty, Montagu made the case that a general amnesty would promote the success of the Government of India’s reforms.⁸² It would fulfill the conditions of bringing Indians into government, something that British government had committed itself to in constructing the reforms; indeed, political prisoners such as Annie Besant had been released from internment under the Defence of India Act as early as 1917 in order to show the good faith of the government in negotiating with dissidents.⁸³ His statements, both in public and in private, illuminated his belief in a liberal approach that would remake “gentlemanly terrorists” into gentleman who might take part in a new structure of governance for India; he argued that the “King’s policy of a clean slate,” would enable such a political reformation.⁸⁴ In any case, the terms of the amnesty gave local authorities sufficient grounds for restraining the small number of figures they felt were a serious threat.

Against their considered judgment, officials from the province of Bengal released nearly 60 men who had been members of revolutionary terrorist groups in 1920 and 1921; all were high-caste, educated, and had been either convicted or detained for their involvement in secret, underground networks, but most had not themselves pulled any triggers, set off any bombs, or assassinated any officials.⁸⁵ Bengal’s officials argued they were upholding the spirit of the general amnesty, as Montagu had directed, but they registered their “gravest misgivings,” and “want to have it placed on record that they have done so [released these detainees] under

⁸¹ APAC, L/PO/6/5, “Government of India Act 1919 and Amnesty,” Telegram from Secretary of State to Viceroy, December 15, 1919, p. 98.

⁸² WBSA, Home Political File 409/19 (1–24), Grant of Clemency to Political Prisoners on the Occasion of Passing of Government of India Bill, Serial no. 1, Telegram from Home Department to Bengal Home Political File December 4, 1919.

⁸³ NAI, Home Political File 1917 Sept. 14 – Part A; Announcement by Secretary of State for India Re: An Amnesty to Certain Political Offenders, Appendix A, *Gazette of India*, August 10, 1917.

⁸⁴ APAC, L/PO/6/5, “Government of India Act 1919 and Amnesty,” Telegram from Secretary of State to Viceroy, December 26, 1919, p. 78; see also Sherman, p. 21, citing APAC, MSS Eur D/523/9, letter from Chelmsford to Montagu, July 25, 1919.

⁸⁵ APAC, L/P&J/6/1743, Release of Bengal Prisoners under the Amnesty of 1919, J&P 98/20; for a detailed analysis of each prisoner, their alleged crime, and the statutes under which they were detained, see NAI, Home Political File Poll-May-416-470, Part A, “Release under the Amnesty Announced in the Royal Proclamation under Bengal Regulation III of 1818; The Ingress into India Ordinance of 1915; And the Defence of India Act 1915; Also, Those Convicted of Offences under Section 121-A and Cognate Offences of the Indian Penal Code.”

force.”⁸⁶ Montagu continued to insist that these were exactly the men whose trust could be earned by an amnesty and brushed off these anxieties.⁸⁷

Even if the numbers of crimes, casualties, and detainees in Bengal were roughly equivalent with those from other regions, particularly Punjab, which had been the site of protests in the aftermath of the Jallianwala Bagh massacre, Bengal’s officials felt they faced a particularly acute crisis from the amnesty: if they kept some political dissidents in jail, it might unleash protests and “wide-spread agitation,” but releasing them was sure to result in a renewed campaign of terrorism.⁸⁸ As one of Bengal’s top officials predicted, “... the result will be a revival of agitations against the policy of extra-judicial restraint and a widespread and virulent attack upon Government, who will be represented as whittling down the Royal boon.”⁸⁹

In spite of their grave misgivings about the royal amnesty and releasing those who had a record of violent insurgence against the government, between 1920 and 1921, the Bengal government under the governor, the Earl of Ronaldshay, released nearly all prisoners and detainees who had been in British jails and prisons for political crimes under various statutes. Called alternately “state prisoners,” if they were detained under Regulation III of 1818, or “detenus,” if they were held under the Defence of India Act, the amnesty marked the end of their detention. The amnesty reduced the sentences of political convicts whose sentences were near completion, which meant that those who had been convicted of political crimes against the state, such as publishing or distributing seditious texts, involved in conspiracies against the government or its officials, or organizing meetings for anti-government activities were released as well.

In anticipation of a new chapter in politics in India, in 1921, the Government of India also decided to close the Cellular Jail at the Andaman Islands, which had been built and used to incarcerate India’s worst political offenders. Among the prisoners who had been jailed there included those convicted of some of the most widespread criminal conspiracies of the 1900s and 1910s.

⁸⁶ APAC, L/PO/6/5, “Government of India Act 1919 and Amnesty,” Telegram from Viceroy to Home Department, Delhi, January 4, 1920, pp. 74–75.

⁸⁷ APAC, L/PO/6/5, “Government of India Act 1919 and Amnesty,” Telegram from Secretary of State to Viceroy, January 6, 1920, pp. 69–71.

⁸⁸ APAC, L/P&J/6/1743, Release of Bengal Prisoners under the Amnesty of 1919, J&P 560/20 from Viceroy, Home Department, to India Office, London, Dated January 25, 1920.

⁸⁹ WBSA, Home Political File 409/19 (1–24), Grant of Clemency to Political Prisoners on the Occasion of Passing of Government of India Bill, Serial 6, Letter no. 14779P, Calcutta, December 20, 1919, from H. L. Stephenson, Chief Secretary to Government of Bengal, to Secretary of Government of India, Home Department.

Conclusion

These small and large historical events that occurred in the immediate aftermath of the First World War – the Montagu–Chelmsford reforms, the Rowlatt Act, the Jails Commission’s reforms, and the royal amnesty – are constitutive of one another, intricately linked by the exigencies of political reform that was carefully managed by colonial officials and focused on those who had undertaken acts of political violence. The revolutionary terrorist movement put a great deal of pressure on the colonial state as it attempted to reform the structure of governing India. In the process of introducing constitutional reforms, the colonial government was compelled to defuse radical and militant activity that had been thriving for over a decade, particularly among a group who had been identified as gentlemanly terrorists, or in Montagu’s words, “honourable but dangerous enemies of the Government.” The tensions between the goals of British officials in London, such as Montagu, Chelmsford in Delhi, and provincial officers in Bengal animated a bureaucratic, administrative, and legal set of problems that was central to governing a colonial territory that was putatively governed by rule of law and simultaneously confronted by the threat of campaigns of political violence. In the discussions that spanned the years of 1919 to 1921, where this chapter ends, liberal ideals of rule of law and prisoner reform laid the foundations of Britain and India’s interwar relationship. The realities faced by local officials, who were often resistant to adopting legislation or policies that would embolden revolutionary terrorists, were repeatedly challenged by reform-minded officials at higher levels who felt Indian radicals, militants, and revolutionaries could eventually be persuaded to convert to the goals of civic and liberal government.

Disagreements between colonial officials at different levels show how conflicts about how to suppress violent acts of political dissidence were debated on the grounds of laws and legislation that were ratified by emergent representative institutions. Embedded within this moment – maintaining repressive laws that had the logic of rule law behind them while promoting political reforms – was a crisis of sovereignty and political legitimacy in the aftermath of the war. Throughout the conversations and discussions behind the plight of the detainees, the government stood behind the legality of the Rowlatt Act and the wisdom of granting amnesty to political prisoners (allowing for the possibility that they might be detained again). Throughout, Indian nationalists voiced in their objections to the Rowlatt bills and provincial colonial officials stated strong opposition to the royal amnesty. By framing the Rowlatt Act as they did, the colonial government voiced a clear commitment to making the detention of

suspected revolutionaries and terrorists appear legal because it was produced through constitutional channels and in consultation with officials and legislators. The appearance of bureaucratic transparency – sustained by the convening of commissions, investigations, and reports – enabled the colonial government to explain how it was promoting constitutional reform all while enacting emergency legislation.

Reports such as those by the Rowlatt commission, the Beachcroft-Chandavarkar inquiry, the Hunter commission on the Punjab disturbances, and the Indian Jails Commission repeatedly investigated the enforcement of laws having to do with Indian affairs and showed how committed the government was to thorough inquiry with legality in mind. As Montagu noted in a debate in the House of Commons, the Rowlatt Act and other similar legislation had passed through many channels of discussion, even though the government could have issued an executive ordinance in its place.⁹⁰ Indeed, in response to opposition by elected Indians, the Government abandoned the idea of making the Rowlatt legislation permanent; instead, it was adopted for a three-year period and only in districts where there was a defined threat of revolutionary activity. In the end, because of mass protests, the Rowlatt Act was never enforced.

Yet, Montagu defended the legislation: although a suspect could be detained indefinitely, the government had to convene a three-member committee to ensure that there was a just cause for detention. This committee could be understood in a benign and liberal spirit: “It is more like a body of schoolmasters investigating trouble in a school, a committee of a club using its friendly services for the purposes of inquiry; some body to explore all matters, some body to see that injustice is not done, some body to be sure that all the facts are investigated.”⁹¹ The detention of suspects was authorized through legal measures that subjected political dissidents to more state intervention, subverting the accusation that these measures were arbitrary or authoritarian. To their critics, Montagu and other British officials noted that the government already had the mechanism to detain those suspected of sedition – Regulation III of 1818 – but that the Rowlatt provisions gave more legal rights to the detainee by creating oversight for the government’s actions.

⁹⁰ Statement of Montagu, Secretary of State for India, *Hansard, House of Commons Deb 22 May 1919 vol 116 cc621–713*. While acknowledging the unrest and opposition to the Rowlatt Act, Montagu defended the work of the Rowlatt Committee, noting that it was a commission of legal thinkers, p. 629: “Our anxiety was to try to rely entirely upon legal processes rather than upon executive action.”

⁹¹ Statement of Montagu, Secretary of State for India, *Hansard, House of Commons Deb 22 May 1919 vol 116 cc621–713*.

In order for India to develop as a nation, which was a stated goal behind the constitutional reforms, the government needed to protect the political arena from those who might disrupt the progress of the Montagu-Chelmsford plan. As Montagu wrote, “We intend to maintain order in India, and we intend to safeguard it because we believe that that is the only atmosphere in which nationality can grow uninterruptedly, surely, and swiftly.”⁹²

The aspirations toward “safeguarding” order so that nationalism could thrive would prove not to be well founded. Within a year of Montagu’s statement, Gandhi, who had been elected the President of the Indian National Congress, abandoned any optimism about the possibilities of the royal amnesty and turned against the constitutional reforms of 1919.⁹³ He called for *purna swaraj*, or complete independence from the British within the year, and announced plans for a non-cooperation campaign that called on all Indians to withdraw their labor from work, school, and administration – anything that sustained the British government and economy in India. By July 1920, he expressed his dismay about the events of 1919, gesturing in particular to the bad faith that was represented by the Rowlatt Act and the Jallianwala Bagh massacre. For Gandhi, who had trained as a barrister and passed the bar at the Inner Temple in London, violence by the military backed by a new round of repressive laws showed that the British were not fully committed to the project of Indian governance in India. He wrote that he had “honestly believed that a new era was about to begin, and that the old spirit of fear, distrust, and consequent terrorism was about to give place to the new spirit of respect, trust, and goodwill . . . But to my amazement and dismay, I have discovered that the present representatives of the Empire have become dishonest and unscrupulous.”⁹⁴

Under Gandhi’s leadership, the Indian National Congress was reorganized, adopting a creed of nonviolence. Many former revolutionary terrorists – including those who had been amnestied in 1919 – joined Gandhi’s movement in Bengal, even though they had been active as revolutionary terrorists before the war. The next chapter begins with those released from Cellular Jail on Andaman Island, those who had been considered the most dangerous threat to political order, which included Barindra Kumar

⁹² Statement of Montagu, Secretary of State for India, *Hansard, House of Commons Deb 22 May 1919 vol 116 cc621–713.*

⁹³ Rajat Ray, “Masses in Politics: The Non-cooperation Movement in Bengal, 1920–22,” *Indian Economic and Social History Review* 11 (1974): 344–45.

⁹⁴ CWMG, vol. 21, p. 90.

Ghosh, Upendra Nath Banerji, and Trailokya Nath Chakrabarty.⁹⁵ While the revolutionary terrorist movement appeared to be moribund, largely because many of its participants in the 1910s appeared to join Gandhi's nonviolent movement, these political prisoners generated a history of the terrorist movement in Bengal from the perspective of its participants. From the early 1920s onward, they produced memoirs that included an account of their early lives, how they embraced revolutionary nationalism, and how a revolutionary future might emerge if Indians came together to challenge the British.

The autobiographies, memoirs, and histories written by those who participated in the revolutionary terrorist movement articulated a different kind of historical progression than the one offered by the British that was animated by a history of India's past as a nation that had resisted many kinds of tyranny. Among those released from jails in Bengal, Bhupendra Kumar Dutta published a series of historical vignettes, explaining Bengal's turn toward radicalism as part of a revolutionary process that would undermine the kind of incremental change that the British imagined. As a burst of autobiographies, memoirs, and historical accounts of the experiences of revolutionary terrorists were published and distributed widely in the early 1920s, former revolutionary terrorists returned to clandestine activity, causing a "recrudescence of terrorism," as British officials called it.

After Gandhi's protests, the Rowlatt legislation was not enforced at a national level, but many of the extra-legal measures were later enacted and enforced on a provincial level, particularly in Bengal where the revolutionary movement continued to be characterized as a live threat by the government. Enabled by the provisions of a diarchic government, the Government of Bengal enacted nearly all of the provisions that the Rowlatt Act had proposed. In subsequent chapters, I turn to "temporary" legislation that followed the events of this chapter and I examine the logic of a series of provincial acts that began with the Bengal Criminal Law Amendment Acts and Ordinances in the 1920s, and became more or less permanent provisions enabling the government to detain without charge until the next Government of India Act, which was passed in 1935.

⁹⁵ WBSA, Home Political File 309/20 (1–4), "Proposed transfer of political convicts from Andamans, which authorized these transfers," NAI, Home Political File 1919–January–272–273–Part B, "Release of Barendra Kumar Ghosh, Hem Chandra Das, and Upendra Nath Banerji under the Terms of the Amnesty."