

# SEDITION COMMITTEE

1918



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# Sedition Committee

— 1918 —

## REPORT



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No. 2884.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

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Delhi, the 10th December 1917.

### Resolution.

The Governor-General in Council has, with the approval of the Secretary of State for India, decided to appoint a Committee—

- (1) to investigate and report on the nature and extent of the criminal conspiracies connected with the revolutionary movement in India,
- (2) to examine and consider the difficulties that have arisen in dealing with such conspiracies and to advise as to the legislation, if any, necessary to enable Government to deal effectively with them.

The Government of India consider that for the proper examination of these questions a strong judicial element is essential in the Committee.

They have succeeded in securing the services of Mr. Justice Rowlatt of the King's Bench Division of His Majesty's High Court of Justice as President.

The following have agreed to serve as members :—

- The Hon'ble Sir Basil Scott, Kt., Chief Justice of Bombay ;
- The Hon'ble Diwan Bahadur C. V. Kumaraswami Sastri, Judge of the High Court of Madras ;
- The Hon'ble Sir Verney Lovett, K.C.S.I., Member of Board of Revenue in the United Provinces ; and
- The Hon'ble Mr. Provash Chandra Mitter, Vakil of the High Court, Calcutta.

Mr. J. D. V. Hodge, I.C.S., Bengal, has been appointed Secretary to the Committee.

The Committee will assemble in Calcutta early in January 1918. It will sit *in camera*, but will be given full access to all documentary evidence in the possession of Government bearing on the existence and extent of revolutionary conspiracies in India and will supplement this with such other evidence as it may consider necessary.

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Ordered that the Resolution be published in the *Gazette of India*.

S. R. HIGNELL,  
*Offg. Secy. to the Govt. of India.*

FROM THE HON'BLE MR. JUSTICE S. A. T. ROWLATT,  
*President, Sedition Committee,*

TO THE SECRETARY TO THE GOVERNMENT OF INDIA,  
HOME DEPARTMENT.

*Dated 4, Elysium Row, Calcutta,  
The 15th April 1918.*

SIR,

I have the honour to refer to the order of the 10th December 1917 by which it was announced that the Governor-General in Council had, with the approval of the Secretary of State for India, decided to appoint a Committee—

- (1) to investigate and report on the nature and extent of the criminal conspiracies connected with the revolutionary movement in India,
- (2) to examine and consider the difficulties that have arisen in dealing with such conspiracies and to advise as to the legislation, if any, necessary to enable Government to deal effectively with them.

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

- The Hon'ble Sir Basil Scott, Kt., Chief Justice of Bombay ;
- The Hon'ble Diwan Bahadur C. V. Kumaraswami Sastri, Judge of the High Court of Madras ;
- The Hon'ble Sir Verney Lovett, K.C.S.I., Member of Board of Revenue in the United Provinces ; and
- The Hon'ble Mr. Provash Chandra Mitter, Vakil of the High Court, Calcutta.

Mr. J. D. V. Hodge, I.C.S., Bengal, had been appointed Secretary to the Committee.

The Committee was to assemble in Calcutta early in January 1918. It would sit *in camera*, but would be given full access to all documentary evidence in the possession of Government bearing on the existence and extent of revolutionary conspiracies in India and would supplement this with such other evidence as it might consider necessary.

The Committee referred to assembled in Calcutta early in January and I have the honour to forward our report herewith.

We had placed at our disposal by the Government of Bengal convenient accommodation at 4, Elysium Row, Calcutta, and we have had the services of a sufficient and competent clerical staff. With the exception of four sittings which we held at Lahore all our meetings have taken place in Calcutta. As directed by the order appointing us, we have on every occasion sat *in camera*.

Statements have been placed before us with documentary evidence by the Governments of Bengal, Bombay, Madras, Bihar and Orissa, the Central Provinces, the United Provinces, the Punjab, and Burma, as well as by the Government of India. In every case except that of Madras we were further attended by officers of the Government presenting the statement, who gave evidence before us. In the two provinces in which we held sittings, namely, Bengal and the Punjab, we further invited and secured the attendance, as individuals or as deputed by Associations, of gentlemen who, we thought, might give us information from various non-official points of view. Our thanks are due to all who came before us, whether official or non-official.

The documentary evidence considered by us has been extremely voluminous, particularly as regards Bengal. In the case of this province it has also been of a most complicated character. In view of this the Government of Bengal had before our arrival deputed Messrs. C. Tindall and J. C. Nixon of the Indian Civil Service to arrange the materials in a form in which they could be intelligibly presented to us. I am specially requested by the Committee to acknowledge the able and conscientious way in which these gentlemen performed a very arduous task. Without their labours our report must have been delayed for a period which it would be difficult to estimate.

Owing to the materials for our consideration being so largely documentary; we have had to devote much time to private study out of Committee, assembling for the purpose of going over together ground thus individually explored. It is only by continuous effort on these lines that we have been able to present our report in reasonable time. We have held 46 sittings.

In conclusion I have the pleasure, in association with the other members of the Committee, of expressing our thanks to our Secretary, Mr. J. D. V. Hodge of the Indian Civil Service, whose assistance has been in every respect invaluable.

I have the honour to be,

SIR,

Your most obedient servant,

S. A. T. ROWLATT.

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### *Summaries of some Bengal judgments.*

In this annexure we propose to summarise briefly the judgments in some noteworthy cases by way of illustrating the subject of our Chapter IV.

2. The first political murders in Bengal within the period under review were the Muzaffarpur murders. On the evening of the 30th April 1908 at Muzaffarpur in Bihar, a bomb was thrown into the carriage of Mrs. Kennedy and Miss Kennedy. Both ladies died. The syce was injured. The outrage occurred in front of Mr. Kingsford's house. The following points are established from the judgment of this case, as also from that of the Alipore conspiracy case so far as that judgment relates to this occurrence :--

- (1) For the first time in the history of Bengal a youth of the *bhadralok* class perpetrated a bomb outrage.
- (2) The motive for the offence was political (vengeance and terrorism). Mr. Kingsford as Chief Presidency Magistrate, Calcutta, had tried cases against the *Jugantar*, *Bande Mataram*, *Sandhya* and *Nabasakti* newspapers and had convicted persons connected with these papers. In connection with an incident arising out of one of these cases a *bhadralok* youth named Shusil Kumar Sen was sentenced to a whipping of 15 stripes by him. These magisterial acts of Mr. Kingsford had given great offence to the Alipore conspirators. They sent two youths named Khudiram Basu and Prafulla Chaki to Muzaffarpur to bomb Mr. Kingsford. But instead and by mistake they bombed the two ladies. No crime of this kind actuated by such motives, had before been committed by any Bengali.
3. A number of *bhadralok* youths entered into a conspiracy to wage war against the King-Emperor (section 121A of the Indian Penal Code) and used various places in furtherance of the object. Their headquarters were in Calcutta. They collected explosives, arms and ammunition. They employed newspapers in furtherance of this criminal conspiracy. On the 2nd of May 1908, by simultaneous searches in various places, the conspiracy was discovered.

The judgment of the High Court Bench presided over by Sir Lawrence Jenkins established the following points :--

- (a) That at least 12 persons had collected arms for the purpose of waging war against the King. They were prepared to use explosives in order to further their purpose and accomplish assassinations. Some had made full confessions. They had actually killed two European ladies.
- (b) The newspaper *Jugantar* was a "limb of the conspiracy." In our Chapter II we quoted the Chief Justice's estimate of this paper.
- (c) Even young boys in very remote parts of the country were corrupted by the *Jugantar* newspaper and its teachings.
- (d) A number of *bhadralok* youths of some education used a number of places in Calcutta and elsewhere for the purposes of a criminal conspiracy connected with the revolutionary movement, e.g.—

(1) No. 32, Muraripukur Road, Maniktala Garden—Explosives found.



- (2) No. 38-4, Raja Novokissen's Street—Explosives found being prepared here by Hem Chandra Das.
  - (3) No. 15, Gopi Mohan Dutt's Lane, used for storing and manufacture of explosives.
  - (4) No. 134, Harrison Road—Explosives and ammunition stored.
  - (5) Sil's Lodge, Deoghar (about 200 miles from Calcutta), used for the purposes of this conspiracy.
- (e) Arms, ammunition and explosives were collected; seditious books and literature conveying instruction in the manufacture of explosives were collected.
  - (f) The Chief Justice held that the accused were "for the most part men of education, of strong religious convictions."
  - (g) Hem Chandra Das, a *bhadralok* youth, went to Paris to learn the manufacture of bombs and explosives. Ullaskar Datta, another *bhadralok* youth, was self-taught in the manufacture of bombs and explosives.

From the points established, as also from the evidence accepted by the Court, it is clear that a number of *bhadralok* youths combined and collected arms and explosives, and committed various overt and daring acts of crime. Although the number of persons actually concerned was not very numerous, yet the conspiracy was a remarkable one in many respects. It was the first criminal conspiracy of any magnitude that the revolutionary party started. The conspirators showed enterprise, daring and determination. They succeeded in collecting a fair amount of money. The conspirators were gradually extending the field of their operations. Apart from their headquarters at Maniktala Garden, they used four other places for the furtherance of the objects of their conspiracy—one being an out-of-the-way place near Deoghar in Bihar.

The accused belonged to various castes and came from different parts of the Province. Some were students and others were young men who had entered life. There were teachers as well. Among the number were—

- (1) Upendra Nath Banarji, aged 29 years; Brahmin. Passed F.A. and read up to B.A. Was a teacher in the Bhadreswar School; acted on the staff of the *Jugantar* as an assistant. He was a teacher of recruits. Native of Chandernagore.
- (2) Sudhir Kumar Sarkar, native of Faridpur, resident of Khulna; Brahmin. Read up to the 2nd class of an entrance school. Left school about two years before. Helped in the publication of the *Jugantar*.
- (3) Bibhuti Bhusan Sarkar, aged 20 years, Kayastha; student. Native of Santipur, Nadia.
- (4) Ullaskar Datta, age 22 years; Baidya. Occupation cow-keeper. Native of Sibpur, Howrah. Self-taught in bomb-making.
- (5) Narendra Nath Bakshi, aged 18 years; Brahmin; student. District Rajshahi.
- (6) Birendra Nath Ghosh, aged 17½ years; Kayastha. District Jessore. Son of a small landholder. Student.
- (7) Hrishikesh Kanjilal, aged 29 years. Teacher, Chatra School, district Hooghly. Read up to B.A. Took to teaching with the object of poisoning the minds of students.

The first batch of accused persons were under trial in the Magistrate's Court from the 4th of May to the 19th of August 1908. There was a second batch, and all those committed were under trial in the Sessions Court from the 14th of October 1908 to the 4th of March 1909. Their appeals were disposed of by the High Court some months afterwards. The number of persons committed by the Magistrate to the Sessions Court was 38 in all. While the accused were under trial in the

Sessions Court, one of them who had turned approver was murdered by two of the others. These were separately convicted and hanged.

4. On the 16th August 1909 a dacoity was committed at Nangla (district Khulna). In the course of the investigation which followed this dacoity various places were searched. Amongst these No. 15, Jorabagan Street, and No. 165, Ahiritola Street, Calcutta, were searched. In the search at No. 15, Jorabagan Street, Bidhu Bhusan De, Ashwini Kumar Basu and Brajendra Kumar Datta were arrested, and in the search at No. 165, Ahiritola Street, Kali Das Ghosh was arrested. Various seditious literature was found and, as further investigations disclosed the existence of a conspiracy to wage war, 16 persons were placed before a Magistrate under section 121A (conspiracy to wage war). Three were discharged and the remaining 13 were sent up before the High Court under the provisions of Act XIV of 1908 on the 2nd of June 1910. These persons were tried by a bench consisting of Harington, Holmwood and Doss, J.J. Eleven persons were found guilty under section 121A (conspiracy to wage war against the King-Emperor) and the remaining two were acquitted. Six were transported or imprisoned for terms varying from 7 to 2 years. Judgment was given on the 30th of August 1910. The following facts were established:—

- (a) Search at No. 15, Jorabagan Street, resulted in the find of much seditious literature, the most important being a copy of *Mukti Kon Pathe*, and of certain documents laying down instructions for the organisation of secret associations and for manufacture of bombs. Three of the accused were found on the premises and seditious literature was found with them.
- (b) With regard to the *Mukti Kon Pathe* and the other documents, the learned Judges observed: "The *Mukti Kon Pathe* consisted of a reprint of articles originally published in a seditious newspaper called the *Jugantar*. These articles, amongst other matters, in supporting the view that there should be a revolution, pointed out that a revolution has to be prepared for in two definite stages—one is the formation of public opinion, and the other is (to use the words of the writer), 'by brute force and the collection of arms.' The *Mukti Kon Pathe* goes on to show how public opinion is to be formed, and it recommends publication, of newspapers, music, literature, preaching, the formation of secret meetings and secret associations. The second branch of the preparation for revolution, namely, by brute force and the collection of arms, is also dealt with, and the paper sets out that arms must be purchased by money collected to that end by robbery. Further, that bombs should be prepared, and that the attention of the youth of the country should be directed to the attainment of physical strength for the coming struggle."

As regards the other documents the Judges observed: "In those exhibits are to be found the details as to the organisation of secret societies. There are to be found instructions of how high explosives and bombs are to be manufactured, and the instructions are illustrated with beautifully executed pencil drawings, which must have been made by a draftsman of very considerable skill. There is no evidence as to when the *Mukti Kon Pathe* was published, but the confidential exhibits contain internal evidence that a portion of them at least has come into existence since April 1909. In that month an attempt was made to murder the Mayor and Mayoress of Chandernagore by throwing a bomb into the room in which they were sitting. Mercifully it failed to explode, but a reference in one of the confidential documents to this abortive attempt and a discussion of the reason why that bomb did not go off establish clearly that that particular document has come into existence since that attempt was made."

- (c) The different accused associated with each other for the purposes of the conspiracy mentioned above and the association was proved *inter alia* by letters and a diary of Bidhu Bhusan De, one of the accused.
- (d) Some of the accused trafficked in firearms.
- (e) The accused assembled at a place called *Jana Kachia* for the purpose of committing a dacoity at Nangla.
- (f) The letters to the accused at No. 15, Jorabagan Street, were not addressed to that address, but were addressed to No. 165, Ahiritola Street, where accused Kali Das was employed. In other words, Kali Das's address was used as the "post-box," a feature which we frequently come across in many of these political cases.
- (g) That they were members of a samiti, one of the ostensible objects of which was the improvement of physical culture by exercises in *lathi*-play, etc., but the real object was to bring about a revolution.

From the findings of this judgment it can be concluded that a number of *bhadralok* youths entered into a criminal conspiracy to wage war against the King-Emperor on the lines indicated in *Mukti Kon Pathe* and translated the pernicious teachings of that book into practice: that persons who belonged to different castes came from different places, entered into a criminal conspiracy and used more than one place in and outside Calcutta for the furtherance of their criminal conspiracy. The accused made use of an association which had the ostensible object of physical culture for the furtherance of their revolutionary object.

5. On the 29th of July 1910 a complaint was filed against 47 persons under sections 121A, 122 and 123 of the Indian Penal Code. Eight were subsequently added and 44 were committed for trial by the Sessions Judge of Dacca. On the 7th of August 1911 he convicted 36 and sentenced them to various terms of transportation or imprisonment. The convicts appealed to the High Court. The convictions of 14 were affirmed but the sentences were modified. In other cases the convictions were set aside. The accused were charged mainly under section 121A (conspiracy to wage war against the King-Emperor).

**The Dacca conspiracy case.**

The principal point was whether the Dacca Anusilan Samiti was a criminal society the object of which was to conspire to wage war against the King-Emperor.

The High Court found that it was a criminal society with such an object. They considered that a society known as the Dacca Anusilan Samiti was established; that persons who entered that society were bound by vows to observe the most stringent rules of discipline; that Pulin Behari Das, once a teacher in the Dacca Government College, actually started the society and was its leader; that Pulin and his assistants used to instruct youths in martial exercises with *lathis* and daggers. Certain documents containing the vows which we have described in our Chapter V were proved to have belonged to the society. These vows were thus described by Mr. Justice Mukharji:—

"The initial and the final vows were meant for all ordinary members, the initial to be taken at the time of admission into the samiti and the final after the novice has reached a certain stage of culture or attainment. The two special vows were intended only for the members of the inner circle; and amongst them also there was obviously a gradation. The initial vow is harmless. The member undertakes never to separate himself from the samiti, to be loyal to its interests, to keep his own character immaculate, to carry out the orders of the authorities without question, to be diligent in gymnastics and drill, to keep secret from all non-members the art of self-defence, and to work out the welfare of the country and gradually of the world. The final vow opens with a declaration that no internal matters whatever of the samiti were to be divulged to anyone; nor were they to be even discussed unnecessarily. The member who took his final vow undertook to carry out unquestioningly the orders of

the *parichalak* or the head of the samiti, to keep him informed of his own whereabouts wherever he might be, to inform the chief of the existence of conspiracies against the samiti and under his orders to remedy them, to return to duty whenever the President might command, to consider no kind of work as humiliating, to cultivate self-abnegation and self-sacrifice and to keep secret from all persons not equally bound by oath the instructions that he had received. The first special vow is couched in more solemn language, and the member undertakes to remain attached to the circle till its object has been fulfilled, to sever the tie of affection for parents and relations, for hearth and home, to render absolute obedience to the leader in the work of the circle, and to give up vicious habits of all descriptions. The second special vow is couched in still more solemn language, and the member undertakes to stake his life and all that he possesses to accomplish the work of the circle, called the circle for the enhancement of good sense, to keep the inner secrets inviolate, and never to discuss or mention them, to carry out commands without question, to preserve the secrecy of *mantras*, to conceal nothing from the leader, never to deceive the leader by untruth, to be engaged always in the practice of religion, and finally to mete out just punishment to those antagonistic to it."

Another document contained rules for the conduct of members of the society. These were thus described by the same Judge:—

"When we return to the rules for the conduct of members, we find the same remarkable provision for the preservation of an unnamed secret. With this end in view, all unnecessary discussion even amongst the members themselves was strictly prohibited. They were not even to write letters to their friends and relations without the permission of the leader, and all letters for and from the members were to be shown to him. Members were also to cut themselves off completely from their relations and friends and if they obtained any money from them, it was to be regarded as the common property of the samiti and the circle. Each member was also required to take both the sets of the vows of the samiti, i.e., the initial and the final as also the special vows of the circle. Every member was further expected to get by heart the vows, the duties of a manager, the *paridarshak*, the *lathi-play* book and the regulations. Finally, every member was bound to bring to the notice of the chief whatever drawbacks he might notice in any of the other members, and if the concealment of the fault of the member by another should be detected, both of them were to be punished. These rules plainly indicated that the members were to be subject to the absolute control of the head of the samiti and that all possible precautions were to be taken for the preservation of an undisclosed secret."

Another document was termed the *Paridarshak* (the inspector or visitor). A full account of this is given in our Appendix B 6 (vi).

Another document was the *Sampadaganer Kartabya*, or the duties of the Secretary. The following quotation from the judgment of Mr. Justice Mukharji will explain the nature of the document:—

"It described in minute detail the steps to be taken by the Secretary of every samiti for its maintenance and improvement. Promotion of physical exercise was a prominent object; but complete instruction was to be imparted only to those who had taken both sets of vows in full; steps were to be taken for the collection of handfuls of rice as alms and attempt was to be made to secure pecuniary help. But the accounts were to be rendered every week to the Chief Secretary of the central samiti and were to be open to inspection by visitors appointed by him. All changes in organisation or personnel were to be promptly reported to the Chief Secretary. A register was to be kept of members of the samiti with

full details as to antecedents and previous connection, if any, with affiliated samitis. Provision was also made for the punishment of delinquent members; but in no circumstance were they to be allowed to leave the samiti. Effective enquiries were to be made as to the existence of conspiracies against the samiti, and steps were to be taken for the remedy thereof. There was finally a noticeable rule that those who were under 12 years of age and were incapable of understanding the spirit of the vows to be designated as the external limbs of the samiti; such boys were only to have the vows read out to them and were to be made to observe them. They were to be taught only certain defined exercises, while those who have taken the initial vow were to have no other lessons imparted to them than specified courses in play with big and small sticks and also daggers. These rules emphasise the importance of the vows and also indicate the complete subordination of branch associations to the leader of the central samiti. The rules also indicate that, although members were to be punished for their delinquencies, every effort was to be made to retain them within the folds of the society: expulsion of persons already initiated into the secrets of the society was obviously inconsistent with the preservation of its aims and objects."

There were also the "village notes." The idea was that the society was to send out inspectors to every village throughout the length and breadth of the Province and information about the villages was to be collected. The document relating to village notes in this case was in a printed form. It contained in print 21 points as to which information was to be obtained. It had, besides, a table in print with spaces for the entry of information on various heads. Some copies filled in were produced in this case. The matters in which information was obtained relate to the inhabitants, fairs, produce, roads and water-courses, secrecy, enthusiasm or otherwise of the samiti members and other matters.

A map was "to be attached to each village note to indicate the roads and rivers, meadows and canals, houses and gardens, and the specimens on the record indicate fairly with what minuteness the information has been collected and depicted on the map" (Mukharji, J.). Statistical and other important information to be collected was remarkable.

Another document was the form of notice for the organisation of new samitis. This was issued publicly with the object of establishing and maintaining samitis all over the Province. The document makes it plain that Pulin's object was to divide the whole of Bengal into divisions and subdivisions and to have branch associations at every place of any note or importance.

Also there were rules for the conduct of members of the samiti. We find in this document remarkable provisions for the preservation of an "unnamed secret." With this end in view all unnecessary discussion even amongst the members themselves was strictly prohibited. They were not even to write letters to their friends and relatives without the permission of the leader, and all letters for and from members were to be shown to him. Members were to cut themselves off completely from their friends and relatives, and monies obtained from them were to be regarded as the common property of the samiti.

There was too a "notification." This document provided for the domestic discipline within the walls of the samiti. It provides for doing all the domestic work, for the care of the property, for issue of books in the library, for setting of a night watch and for matters of strict discipline within the walls (Harington, J.)

Moreover there was a "Unity" leaflet or "Independence" leaflet. This was printed and circulated publicly. Its central idea was that there was no possibility of unity unless subordination to one leader was accepted. The object of Pulin Behari Das was to be this leader, a leader into whose hands, as he put it, individual freedom was to be totally surrendered in order that national and social freedom might be achieved. The full significance of this may be appreciated when taken

in conjunction with the passage in the *Paridarshak* where reference is made to the career of Napoleon (Mukharji, J.)

Copies of *Mukti Kon Pathe* and the *Bartaman Rananiti* were found on the samiti premises, and besides these books was a quantity of seditious literature, essays and songs, many of them in the handwriting of one or other of the members of the society. These indicated plainly violent hatred and animosity towards the British Government and contained calls to arms for the subversion by force of British rule and for the destruction of the "oppressor." Many contain appreciation in high-flown language of anarchical outrages by notorious murderers.

The Sessions Court had convicted the accused of participation in various outrages, overt acts. But the High Court held that participation in only one of these overt acts had been brought home to those convicts whose convictions they upheld. The High Court held—

- (1) That the samiti had a jealously guarded secret, and every effort was made to preserve it inviolate. The secret was such that it was not even to be discussed amongst the members themselves.
- (2) The members were bound by solemn oaths of secrecy and willingly subjected themselves to semi-military discipline.
- (3) The Dacca Samiti was to be the central institution to which societies with the same object and scope were to be affiliated in all parts of the country.
- (4) The members themselves were to be admitted to the fraternity only after they had taken the most solemn vows in the presence of an image of the goddess Kali.
- (5) If any outsider without taking the oath, and refusing to take it, obtained entrance into the society, *his knowledge was to be destroyed*.
- (6) The organisation was ultimately to spread all over Bengal; the condition of every village and town to be minutely examined and recorded, geographical information to be embodied in a series of maps.
- (7) The object of Pulin Behari Das was plainly to create an *imperium in imperio* with himself as the leader.
- (8) The leader was entitled to complete and unquestioned supremacy and every effort was to be made to prevent the growth of rival institutions even for the promotion of physical culture.
- (9) Many of the members of this association entertained feelings of the bitterest hostility towards the British Government.
- (10) In addition to gymnastics, drill and other forms of physical exercise, there was a systematic discussion of the objects of the society as set forth in the *Paridarshak* already mentioned.
- (11) That the society was a revolutionary society.

*Concluding remarks.*—From the facts accepted in this case it is clear that a revolutionary movement of a very dangerous character was started by *bhadralok* youths of some education. The movement had great potentialities for evil. The Dacca Samiti being proscribed, its premises searched, its leading members prosecuted, the growth of the movement was temporarily arrested, but many of the associates escaped and continued their operations. The teaching and the example of the Dacca Anusilan Samiti were responsible for many murders, dacoities and other political crimes during the subsequent 10 years.

6. Forty-six accused were, on the 20th of July 1910, committed for trial by the High Court under Act XIV of 1908. The charges against them were under sections 121A, 122 and 123 of the Indian Penal Code. The principal charge was under section 121A (conspiracy to wage war against the King-Emperor). The case did not proceed against 7 of these 46 persons. The place of the conspiracy was said to be "Sibpur-

in the district of Howrah and other places in British India." The Counsel for the Crown in his address divided the accused into the following groups:— (1) Sibpur group, (2) Kurchi group, (3) Kidderpore group, (4) Chingripota group, (5) Mazilpur group, (6) Haludbari group, (7) Krishnagar group, (8) Nator group, (9) Jhaugacha group, (10) Jugantar group, (11) Chatra Bhandar group, and (12) Rajshahi (Rampur Boalia) group. The prosecution attempted to prove a conspiracy under section 121A and certain overt acts (e.g., dacoities, murders, seducing of troops, etc.) committed in pursuance of the conspiracy. Some of the overt acts had been the subject of judicial proceedings. Two approvers, Lalit Mohan Chakrabarti and Jatindra Nath Hazra, were put forward as important witnesses. The court, however, declined to accept the evidence of the approvers, mainly on the ground that their statements, if compared with other evidence and circumstances disclosed, were not reliable. The Court further pointed out another fatal defect in the case for the prosecution. The following quotation from the judgment will make the point clear:—

“There is but one further point to which I would desire to allude before I proceed to deal with the individual cases. It is the charge of conspiracy that has been argued before us, and no other, and that charge is single and complete. At the same time there are many accused before us and they are drawn from different parts of the country. These accused have been described by the prosecution, and conveniently described, as falling into groups. But it is not open to us to find more conspiracies than one, for there is the highest authority that it is a legal impossibility when several persons are charged with the same conspiracy that some should be found guilty of one conspiracy and some of another. This proposition was accepted by Counsel for the prosecution as one by which the Court must be governed. It is thus only open to us to find one conspiracy, and, for the prosecution to succeed against any one of the accused, they must establish by proper and sufficient proof that he is a member of that conspiracy.”

The Counsel for the prosecution accepted this proposition, and put forward only one conspiracy. The Court acquitted most of the accused, mainly on the ground that their connection with this particular conspiracy was not proved. The Court, however, found *inter alia* that—(a) a conspiracy to wage war was proved; (b) that some dacoities were committed and in some of these dacoities some of the accused took part; in others the connection of individual accused was not made out; (c) that seditious literature was in circulation; (d) that arms were seized; (e) that one of the accused, Tara Nath Ray Chaudhuri, who was convicted under the Arms Act (for illegal possession of arms) and sentenced to 3 years' rigorous imprisonment, was the manager of the seditious newspaper *Jugantar*. The Court convicted only six of the accused, holding they were guilty of taking part in the Haludbari dacoity.

7. On the 12th of May 1913 sanction for the prosecution of 44 persons under section 121A, Indian Penal Code, was obtained from the Local Government. Thirty-seven of these were arrested. Two, Rajani Kanta Das and Girindra Mohan Das, became approvers. Seven were discharged by the Magistrate and 2 were discharged in the Sessions Court. Of the 9 so discharged the prosecution withdrew the case against 7. Of the rest, 12 pleaded guilty. The cases against the remainder were withdrawn by the prosecution. Evidence was adduced before the enquiring Magistrate, and some witnesses were heard by the Sessions Court. That Court accepted the plea of guilty. In order to determine appropriate sentences, the Court discussed the evidence shortly with regard to the nature of the offence and observed *inter alia*—

- (a) That the accused were all young men, their ages ranging from 19 to 29.
- (b) That they were for the most part instruments in the hands of persons whom the police failed to arrest and whose identity was not known.

- (c) That ever since the movement was started it was essentially a movement among young men and boys.
- (d) That the movement had been in existence for nearly a decade.
- (e) That the "District Organisation Scheme" found in this case provided for the spreading of the propaganda among schoolboys by the introduction of masters imbued with the "idea" into schools all over the country and by the institution of selected students in all schools.
- (f) That paragraph 15 of the "District Organisation Scheme" explains the importance of spreading the movement among school boys and says:—  
"It is unmarried youths who are depositaries of enthusiastic zeal, capability of doing work and self-sacrifice."
- (g) The dangerous nature of the movement is illustrated by the following quotation from the judgment:—

"As the 'District Organisation Scheme' shows, the present conspiracy was intended to be exceedingly widespread, having branches in all districts in Eastern Bengal. Of the persons who have pleaded guilty in the present case some are residents of the district of Bakarganj, some hail from Dacca, and three from Tippera. It is an anarchical movement whose followers bind themselves to obey implicitly the orders of the leaders. The younger generation are drawn away from their studies to follow a chimerical idea. Misery is introduced into homes that are otherwise happy and contented. Both the approvers in the present case are instances of young men who have been led against their natural inclinations to become accomplices to acts of violence. Secret murders and dacoities committed against helpless people in far-away villages are articles of the conspirators' creed; and from a passage in the 'Questions letters' exhibited in the case, and attributed to Sailesh Mukharji, one of the confessing accused, it would appear that a 'wholesale massacre,' presumably of Europeans, was part of the conspirators' programme. The young men who join such an association may be temporarily blinded by the glamour of the prospect of a fight for independence; but secret murders and dacoities committed on helpless village folk is the work of common felons and not of would-be patriots. The conspirators have allowed their mental perverseness to run riot. No one could quarrel with them for loving their country, and the question of the liberation of India is far beyond their comprehension. They are puffed up with their own importance and are a law to themselves. Their methods must alienate the sympathy of all right-thinking people.

The sentences imposed in recent cases of a similar nature have had no deterrent effect. In the interests of law and order, and in the interests of India herself, it is necessary that this movement should be stopped."

- (h) Ramesh Acharya, the leader at Barisal, was only 21 years of age at the time of his arrest.
- (i) That several of the accused took part in some of the dacoities.

The findings in the judgment and the documents proved in the case established that *Bhadralok* youths entered into a conspiracy with the object of spreading abroad a dangerous organisation throughout the country. The organisation was intended to overthrow the British Government. In furtherance of the objects of that organisation they committed several dacoities. They recruited schoolboys in insidious ways. These boys were gradually drawn into a life of crime by carefully contrived schemes and vows. Some of the accused had themselves been perverted in this manner. The conspiracy was really a branch of the Dacca conspiracy. There were other branches of the Dacca conspiracy.



8. In the Barisal case the local Government sanctioned the prosecution of 44 persons under section 121A of the Indian Penal Code (conspiracy to wage war against the King-Emperor). Of these, 37 persons were arrested. Of these 37, 9 were discharged and 23 were committed to the Sessions Court for trial. The case was withdrawn against 2 and proved against the remaining 26. After a considerable body of evidence had been recorded, 12 of the accused pleaded guilty and were convicted and sentenced. The case against the remaining 14 was withdrawn. Other accused who were absconding were arrested on various dates and put up for trial. The names of these accused were (1) Madan Mohan Bhaumik *alias* Madan Mohan Chandra Bhaumik *alias* Kulada Prasad Ray, (2) Trailakhya Nath Chakrabarti *alias* Kalidhar Chakrabarti *alias* Biraja Kanta Chakrabarti, (3) Khagendra Nath Chaudhuri *alias* Suresh Chandra Chaudhuri, (4) Pratul Chandra Ganguli and (5) Ramesh Chandra Datta Chaudhuri *alias* Ramesh Chandra Chaudhuri *alias* Paritosh.

The main fact on which the prosecution relied was that the accused in both these cases and many other persons formed themselves into an elaborate organisation with the object of overthrowing the British Government. Recruiting of boys, collection of funds by dacoities and other criminal acts, collection of arms, and murder of spies and persons who were suspected to be unfaithful to the organization were some of its principal activities. This organization came within the provisions of section 121A of the Indian Penal Code and was a conspiracy to wage war against the King-Emperor.

The Sessions Judge of Barisal in a lengthy judgment found the existence of such a criminal conspiracy to have been proved. He also found that the conspiracy was guilty of various overt acts like dacoities, murders, etc. He convicted and sentenced each of the five accused to various terms of imprisonment. The assessors also agreed to the finding that a conspiracy known as the Barisal conspiracy existed. There was an appeal to the High Court. In the appeal no attempt was made by Counsel for the appellants to dispute the finding that the Barisal conspiracy did in fact exist. They apparently confined their arguments only to the question as to whether the accused individually took part in this conspiracy. Both Courts, however, found that the Barisal conspiracy did in fact exist, and the High Court further observed that the existence of the conspiracy was not challenged because the evidence was so strong that such an attempt had no chance of success. Amongst others the following facts were established by oral evidence and exhibits :—

- (1) That the Barisal Samiti was an offshoot of the Dacca Anusilan Samiti. There were also samitis and organisations in various other places. *e.g.*, Comilla, Chittagong, and Feni.
- (2) The organisations were systematic and complete. The "idea" (as it was called) was to be zealously preached amongst students and schoolboys. The members were gradually initiated into the inner circle by vows of gradually increasing solemnity. There were several departments like the Arms department, the Action department, the Violence department, the Organisation department, the General department, etc. The organisation and the vows, the methods of work, etc., were similar to those proved in the Dacca conspiracy case. We have described these.
- (3) Appointments as schoolmasters were secured with a view to recruitment of boys.
- (4) The Sonarang National School was one of the important centres of the organisation. The Secretary (who was also the proprietor) and several teachers and students of this school were active members of the criminal conspiracy, and dacoities and crimes were engineered and carried out from the Sonarang National School.

(5) That the following dacoities and crimes were the overt acts of the Barisal Samiti and *bhadralok* boys of some education took part in them :—

- (1) The Haldia Hat dacoity, 30th September 1910.
- (2) The Kalagaon dacoity, 7th November 1910.
- (3) The Dadpur dacoity, 30th November 1910.
- (4) The Panditchar dacoity, 30th February 1911.
- (5) The Goadia dacoity, 29th February 1911.
- (6) The Sukair dacoity, 31st March 1911.
- (7) Reconnoitring for a dacoity at Madariganj, 6th June 1911.
- (8) The Golakpur gun theft, 20th July 1911.
- (9) The Kawakuri dacoity, 29th April 1912.
- (10) The Birangal dacoity, 23rd May 1912.
- (11) The Panam dacoity, 10th July 1912.
- (12) The murder of Sarada Chakrabarti in July 1912.
- (13) The Comilla town dacoity, 1st November 1912.
- (14) The Nangalband dacoity, 14th November 1912.

The fact that so many crimes were committed by *bhadralok* youth over a comparatively wide area and for a period of two years is very significant. Crimes like these are absolutely foreign to the nature and ordinary inclinations of the educated Bengali youth. Their occurrence was entirely a new and abnormal experience. The fact that so many crimes could be committed with impunity for such an extended period by a fairly large number of people also shows that the organisation behind the crimes was elaborate.

(6) The Barisal Samiti had a District Organiser as its head. One Jatin Ghosh, a youth of the *bhadralok* class, was at first its head. He was succeeded by one of the accused, another *bhadralok* youth, named Ramesh Acharya. Ramesh was a young man of about 21 or 22 at the time of his arrest. He was the son of a Government Court reader. Ramesh joined the Dacca Samiti after passing his matriculation examination.

Soon after passing his intermediate examination Ramesh was ordered to join the "National School" at Sonarang as a teacher. He obeyed. While at Sonarang, he committed various crimes. The Sonarang school was closed soon after the Sukair dacoity. Then he was prosecuted for bad livelihood under section 110, Criminal Procedure Code, and ultimately succeeded Jatin Ghosh as the leader of the Samiti at Barisal. He was convicted in the Barisal conspiracy case. The case of Ramesh Acharya is one of many typical cases that we have come across in which a student and a son of a respectable man was gradually drawn into a revolutionary organisation and ultimately became a hardened criminal at a comparatively early age. He joined the Samiti first as an organisation for physical improvement and gradually became enmeshed in the toils of a revolutionary organisation at the age of 21 or 22. But for this organisation he would perhaps have become a useful member of society instead of a hardened criminal.

(7) One of the overt acts proved, namely, the murder of Sarada Chakrabarti, was an act of cold-blooded murder for supposed faithlessness to the objects of the Samiti. The victim was shot, his head was cut off, and then the head and the body were thrown into a tank. The district police at the time did not even know whose body it was, and had no notion whatever that the crime was the act of a political organisation. A considerable time afterwards as a result of the confession of one

Priya Nath Acharya in the Trichinopoly Jail the Criminal Investigation Department succeeded in learning the true facts relating to the crime. Following up the facts stated by Priya Nath they succeeded in obtaining unimpeachable corroboration of the statements of Priya Nath, and his version of the facts was accepted both by the Sessions Judge and the High Court.

- (8) The members of the Samiti had two farms (Belonia and Adairpur) in Hill Tippera. The farms were ostensibly agricultural ventures, but really places for the furtherance of the revolutionary organisation. The members of the Samiti used to practise shooting in these farms.
- (9) Priya Nath Acharya, Ramesh Acharya, and others used to join schools as teachers for the purpose of recruiting boys for the revolutionary movement and often succeeded in their attempts.
- (10) Letters used to be addressed to ordinary persons, who had consented to act as post-boxes, so as to evade police vigilance.
- (11) Seditious pamphlets used to be distributed for the furtherance of the organisation.
- (12) Cipher lists were found setting out names of boys of various educational institutions. These boys were apparently members of the conspiracy organisation.

From the judgment and the documents found in the case it can be legitimately concluded that *bhadralok* youths (mostly students) entered into a conspiracy to overthrow the British Government. The conspiracy was responsible for at least 11 dacoities during a period of about two years, one murder, one attempt at a dacoity, and one theft of a gun. The fact that even after the convictions in the Dacca conspiracy case the Barisal conspiracy could continue to flourish shows how ineffective the results of the Dacca trial had been from a preventive point of view. It must be remembered that the Dacca Samiti was the parent society. The records of the Barisal supplementary case show also how dangerous to the educated youth of Bengal these samitis are.

9. A search warrant was issued by the Deputy Commissioner of Sylhet in connection with a bomb outrage committed at Maulvi Bazar in Sylhet. In execution of this warrant in December 1913 a room occupied by Sasanka Sekhar Hazra, *alias* Amrita Lal Hazra, was searched at No. 296-1, Upper Circular Road (local name Raja Bazar). Three persons, Sasanka Sekhar (*alias* Amrita Lal) Hazra, Dinesh Chandra Sen Gupta, Chandra Sekhar De and Sarada Charan Guha, were found asleep inside this room and were arrested. The police found in this room, amongst other things, some tobacco tins, clamps and discs. It was alleged that these were materials for the preparation of bombs. Later on two men, namely, Kalipada Ghosh, *alias* Upendra Lal Ray Chaudhuri and Khagendra Nath Chaudhuri *alias* Suresh Chandra Chaudhuri, were arrested at different places. Sanction of the local Government was obtained to prosecute these men under section 120 B of the Indian Penal Code and under the Explosive Substances Act, 1908. The men (except Khagendra) were convicted and sentenced to various terms of imprisonment by the Sessions Judge of Alipore. The convicted men appealed to the High Court and the Government also appealed against the acquittal of Khagendra and obtained rules for enhancement of the sentences passed upon the five accused convicted by the Sessions Judge. The appeal was heard by Mukharji and Richardson, J.J. Below are noted the more important findings in the judgment of the High Court dated the 25th of February 1915:—

- (a) That Exhibits Nos. I, V, VI and VII constituted materials for the preparation of bombs as alleged by the prosecution and were not collected for experiments towards construction of a cheap acetylene generator, as contended by the defence.

- (b) That the bombs which were being manufactured at No. 290-1, Upper Circular Road, were of the same type as the Dalhousie Square bomb (dated the 2nd March 1911), the Midnapore bomb (thrown into the house of an approver, dated the 13th December 1912), the Delhi bomb (thrown at the Viceroy on the 23rd December 1912), the Maulvi Bazar bomb (dated the 27th March 1913), the Lahore bomb (dated the 17th May 1913), the Mymensingh bomb (dated the 30th September 1913), and the Bhadreswar bomb (dated the 31st December 1913).
- (c) The system adopted was to use, for the shell of the bomb, a tin of the kind in which tobacco, cigarettes or condensed milk is sold and with it to use iron discs and iron clamps.
- (d) The experts testified that the various bombs were the work of one controlling mind and all belonged to the same family. Major Turner, one of the experts, said that he had never come across this type of bombs.
- (e) That Sasanka was a member of a revolutionary conspiracy, firstly because the fact that bombs of this particular type were found to have been used in various places in British India as widely separated from each other as Calcutta, Lahore, Delhi, Sylhet, Mymensingh and Midnapore, showed that more than one person was engaged in these transactions, and secondly because of the revolutionary documents found in his room "advocating realisation of the independence of India with the aid of heroic patriots by bloodshed and assassination."
- (f) The connection of the other accused with the conspiracy was not established.

These are the main findings so far as the same are necessary for our purposes. There is, however an interesting portion of the judgment dealing with the meaning of the words "*Mayer Lila*" (the inscrutable ways of Mother). Two meanings are suggested—one innocent and the other sinister. The following quotation from the judgment illustrates what this sinister meaning is:—'At the same time there can be no question that by a grievous and perverse misapplication of language, —an act of sacrilege which merits the strongest condemnation of all right-minded people—revolutionaries have applied the expression ("*Mayer Lila*") to describe anarchical outrages as if they were deeds sanctioned by the great mother of the universe.'

From the judgment in this case as also from the accepted exhibits, the existence of a criminal conspiracy of a dangerous character is established. The fact that bombs were manufactured and used in different parts of India, as also the use of bombs of one common type in places so distant from each other as Delhi, Maulvi Bazar, Lahore and Calcutta, is very significant.

## ANNEXURE (2).

*Statistics as to age, caste, occupation or profession of persons convicted in Bengal of revolutionary crimes or killed in commission of such crimes during the years 1907—17.*

### AGE.

| 10—15. | 16—20. | 21—25. | 26—30. | 31—35. | 36—45. | Over 45. | Not recorded. |
|--------|--------|--------|--------|--------|--------|----------|---------------|
| 2      | 48     | 76     | 29     | 10     | 9      | 1        | 11            |

### CASTE.

| Brahmin. | Kayastha. | Baidya. | Rajput. | Tanti. | Mahishya. | Subarnabanik. | Vaishya. | Karmakar. | Kaibarta. | Barui. | Saha. | Mudi. | Sudra. | Uriya. | Europeans and Eurasians (arms traffic). |
|----------|-----------|---------|---------|--------|-----------|---------------|----------|-----------|-----------|--------|-------|-------|--------|--------|---|
| 65       | 87        | 13      | 1       | 1      | 3         | 1             | 1        | 1         | 3         | 1      | 2     | 1     | 1      | 1      | 4                                       |

### PROFESSION OR OCCUPATION.

| Students. | Teachers. | Landowners. | Persons of no occupation. | Trade and commerce. | Doctors or compounders. | Clerks and persons in Government service. | Newspapers and presses. | Cultivators. | Opium smugglers | Not recorded. |
|-----------|-----------|-------------|---------------------------|---------------------|-------------------------|---|-------------------------|--------------|-----------------|---------------|
| 68        | 16        | 19          | 24                        | 23                  | 7                       | 20  | 5                       | 1            | 1               | 2             |

**NOTE**—The figures in these tables relate to persons convicted in respect of specific outrages, persons convicted of conspiracy to wage war against the King-Emperor, and persons convicted of illegal possession of arms and explosives, where the circumstances show connection with the revolutionary movement, and persons killed in the commission of revolutionary crime. They do not include persons bound over to be of good behaviour or keep the peace.