



GOVERNMENT  
OF THE  
NORTH-WEST FRONTIER PROVINCE

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**REPORT**  
OF THE  
**UNNU ENQUIRY COMMITTEE**

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## **FOREWORD.**

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The Provincial Government propose in due course to obtain Major Laughton's account of the events dealt with in the report. Major Laughton is now on leave, and was not examined by the Committee of Enquiry.

**REPORT  
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BANNU ENQUIRY COMMITTEE**

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**PART—I**

To  
HIS EXCELLENCY THE GOVERNOR,  
NORTH-WEST FRONTIER PROVINCE,  
P E S H A W A R.

MAY IT PLEASE YOUR EXCELLENCY

SECTION I—INTRODUCTORY

1. This Committee was appointed with the following terms of reference.—

- ✓ (a) To enquire into the state of affairs in the Bannu District and neighbourhood with special reference to the raid on Bannu City on the 23rd of July 1938, and the adequacy of measures taken to meet it.
- ✓ (b) To recommend to the Provincial Government any measures the Committee consider necessary for the prevention of such raids, or for the improvement of conditions in Bannu District generally.

2. The Committee consisted of the following two members:—

- (i) Mr. O.K. Caroe, C.I.E., I.C.S.,—*President*.
- (ii) Mr. J. L. Kapur, Barrister-at-Law.

After his appointment Mr. Kapur fell ill and we could not start work till the 5th of November 1938. Our sittings commenced on the 5th of November and continued till the 18th November 1938, when we had to break up till the 27th November because Mr. Caroe had been summoned on official duty to Delhi. We restarted our sittings on

the 27th of November and continued the examination of witnesses upto the 20th December, 1938, except for three days when work was again interrupted by a necessary tour by Mr. Caroe in Waziristan. Thereafter both of us had to find time which could be spared from other duties, and were unable to complete our report until the end of February. We regret the long delay, which has been due to circumstances beyond our control.

3. In all we examined twenty-seven official witnesses who included the present Deputy Commissioner of Bannu, Major de la Fargue, Khan Bahadur Ibrahim Khalil Khan, who was the Assistant Commissioner at the time of the raid, the Public Prosecutor and seven other officials and seventeen Police witnesses who included the Superintendent of Police, Mr. A. C. Fryer, the Assistant Superintendent of Police, Mr. R. Bowen, and several other subordinate Police officials and members of the Police force. We also examined twenty-six non-official witnesses amongst whom were included members of the Bar, merchants, office-holders of political Bodies and other citizens, and ten tribal maliks and district notables all of whom assisted us with their knowledge of the problems into which we were to enquire. We further had the advantage of having placed before us the official documents consisting of Police Reports, Political Diaries and reports which were made by district officials to the Government and by Military authorities.

The local officials throughout showed unvarying courtesy and consideration and gave us every kind of assistance which we asked for or which was possible for them to give.

4. We regret that we had not the advantage of hearing the evidence of Major Laughton, who was Deputy Commissioner of Bannu at the time of the raid. He had left this country on furlough before we could commence our sittings. We were in this way precluded from hearing the version or the explanation of the then Deputy Commissioner. Another handicap under which we laboured was the absence of military evidence. We have had to rely on the reports and explanations which had been sent to the Provincial Government or were on the official files in the district. This is far from satisfactory but in the circumstances it was the only material available to us. We have given it our utmost consideration and in coming to findings.

on the various points that arise, we have throughout kept this fact in view. We must, however, add that any conclusion bearing on facts, actions or omissions, in respect of which we have been unable to hear the evidence of those responsible for them, must at the best be accepted subject to the definite qualification that it represents a view of the case open to rebuttal on the part of the persons concerned.

## SECTION II—THE RAID

5. On the 23rd of July 1938 there was a raid in Bannu City, as a result of which property moveable and immoveable claimed to be of the value of Rs.3,08,330-4-0 was destroyed, shops were burnt and some citizens killed. The claim by sufferers is attached to this report as Appendix I. This raid was organised by one Mehr Dil, a Khattak who had previously served in the Tochi Scouts. It is also said that he had with him, as members of the raiding party, a large number of outlaws and proclaimed offenders, the most important of whom were Khale, Abdul and Shakhar, and his lashkar is variously described to have consisted of from 150 to 500 people. From the information which has been placed before us it appears that Mehr Dil had come to the Ahmadzai Salient somewhere in the month of June and gradually collected a lashkar which, on the evening of the 22nd of July 1938, moved into Gumbatti Tangi and on the evening following descended upon Bannu and committed the raid. From the evidence it appears that the lashkar entered the district near Gumbatti old post on the evening of the 23rd and came to the Kurram bed where they were seen at about 7-30 p.m. After crossing the Kurram River below the bridge they took a route which passed through the fields and then near the village of Bazar Ahmad Khan, from where they came near the Railway Station and from there to a *masjid* opposite to the Saddar Police Station, and thence, taking a circuitous route through the fields, came to a field opposite to the Railway Gate on the east wall of Bannu City, which they are reported to have reached at about 9 p.m. The gate known as the Railway Gate was forced open by bending the rod and then by forcing it by sheer

weight of numbers. The raiders then went westwards along the Railway Gate road and, turning to the north, went straight to the main road-centre of the City known as the "Chauk Kalan". They had flags flying and were shouting slogans, and on their way to the Chauk they fired at the electric bulbs and thus put out the lights. The raiders remained at the Chauk till about 10-45 p.m. and while they were there they looted the cloth shops, tried to break open iron safes, and then set fire to them. As a result of firing directed at the Chauk by some persons who were residents of Bannu, the raiders seem to have sustained some casualties, the exact number of which, including those killed and wounded by the Police, was

5.....killed

9.....wounded.

The casualties sustained by the Police was one Constable wounded; by the Constabulary one sepoy wounded, and by the public 9 wounded and 6 killed. The main body of the raiders returned by the route they came by, went out of the City through the Railway Gate and managed to escape from there. It is not clear whether they were able to carry off their booty, or not. It might also be mentioned that the raiders left a picket on the other side of the Kurram Bridge and also opposite to Cavalry Lines and a picket in the *Masjid* opposite to the Saddar Police Station, and it is claimed that two pickets were left outside the Railway Gate. The Police under Mr. Bowen, the Assistant Superintendent of Police, are reported to have entered the City at or about the time when flames became visible from outside the City and reached the Chauk some time later, which is variously described as 10 p. m. and 10-45 p.m. and helped in the putting out of the fire. The Deputy Commissioner with some Frontier Constabulary arrived at the Chauk a little later and he was followed by a Military detachment who all assisted in the suppression of the fire. The raiders or their helpers also cut down some trees and laid them across the road on the other side of the Kurram Bridge, evidently, with the object of preventing their pursuit by the regular or irregular forces of the Crown.

6. Two scale plans of Bannu with its bazaars and lanes have been attached to this report as an Appendix. One represents the whole city, and the other the eastern portion into which the raiders entered.

### **The number of raiders.**

7. According to the report from Gumbatti Post, the number of raiders as seen by the men at Gumbatti was between 250 and 300. The estimate of Behari Lal, who saw these raiders in the Kurram bed, was about a 100. The report of the Waziristan District Headquarters, which was based on an estimate given by the lorry drivers, puts it to 200/250. The Railway Gate guard estimated the lashkar to have consisted of 300/400 men. Sub-Inspector Dost Muhammad Khan put the number at anything between 400/500. According to the evidence of the last two this crowd of 400 was made up of armed as well as of unarmed men. Inspector Sarwar Shah who saw the raiders from a little distance thought that the number was 50, but this estimate does not seem to be correct as he could only be referring to raiders who were visible from Pareti Gate after the fire was lit. Khan Sahib Malik Ghazi Marjan Khan put the strength of the lashkar at 300, out of whom the Wazirs were, according to him, only about 50/60. The lashkar had further divided itself into several parties. We consider that the estimate given by Khan Sahib Ghazi Marjan Khan is probably more correct. The other people who saw them could not have got a very correct idea of numbers because of the excitement of the moment. We conclude therefore that the number of people who actually entered the City after leaving pickets was probably not more than 200 and not all of them could have been armed.

8. The route taken by the lashkar is described in the Police Special report No. 15 dated the 26th of July 1938 (Appendix B) but the details of this are not very important and an outline of the route has already been given in a previous part of the report. The lashkar do not seem to have come to the City in a quiet manner; they had flags flying and according to the evidence of Sub-Inspector Dost Muhammad Khan, when they were passing below the *balakhana* of Kewal Ram, in the Railway Gate bazaar, they had flags flying and were shouting slogans.

9. Some witnesses have mentioned that the object of the lashkar was not to commit a raid or cause damage in the City but it was merely a reply to the taunt of the Ahmadzai jirga who went to visit Mehr Dil and asked him

to go away from the Ahmadzai Salient. One witness before us, who was counsel for the accused in the raid case, has stated that a witness had on oath deposed before the Sessions Court that a taunt of this nature was given by the maliks constituting the jirga. Khan Sahib Ghazi Marjan Khan who was the leader of the jirga denies that any such taunt was given. A decision on this point however, does not seem to be very important. In the first place we would prefer to believe the evidence of Khan Sahib Ghazi Marjan Khan on this point rather than that of a witness who was being cross-examined in the Court of the Sessions Judge and even if this taunt is established it cannot be a justification for the tribal people to come and raid a peaceful town. The contention that the object of the lashkar was not plunder, is contradicted by their own acts. It has been maintained by some witnesses that the lashkar got out of control because of the firing at them by some citizens and therefore the raiding and arson started. We repel this suggestion because before any firing took place and while the lashkar was still in the bazar of *Nanbaiyan* and *Nilgran Mandi*, a flour shop was set on fire and the owner of the shop killed. There is no suggestion that he had in any way attempted to fire at the raiders. The extent of the damage and the time spent by the raiders in the City clearly contradicts the theory of the lashkar's coming to Bannu City merely to hoist a flag in its centre.

### SECTION III—MEASURES TAKEN TO MEET THE RAID.

#### **Previous Information.**

10. In order to decide the question of the adequacy or otherwise of the measures adopted by the authorities to meet the raid one has to decide the time at which they came to know about the imminence of this raid. A perusal of the diaries recorded in the Deputy Commissioner's file and a document signed by the Stenographer to the Deputy Commissioner, Bannu, dated the 25th July 1938, and marked as M.K.1, and the evidence of witnesses, including the Political Tehsildar shows that Mehr Dil was reported on the 24th June 1938 to have come towards the hills of the Ahmadzai Salient in the tribal territory north of Bannu. This Mehr Dil according to the evidence before us, was an



emissary of the Faqir of Ipi and had become one of his lieutenants after having remained with him for about a year and after having proved his loyalty to the Faqir. The evidence of the Tahsildar also proves that Mehr Dil had been deputed to the Ahmadzai Salient to start propaganda in favour of the Faqir and to organise raids in British Territory. He remained in the Ahmadzai Salient for about a week during which some effort was made by the maliks of the Ahmadzai Tribe to turn him out, but the effort had no measure of success. The report on the 1st of July 1938 was that one Maulvi Qari was taking active part in preaching in favour of the Faqir of Ipi and that the lashkar which had gathered round Mehr Dil intended to demolish a bridge over "Kashu Nullah" near Bahadur Khel on the Bannu-Kohat road, and also that they were making preparations to attack either the Cantonment or the City of Bannu. The Political Tehsildar in his statement before us was asked about the correctness of this report, and admitted that he had sent it to the Deputy Commissioner. It follows that the note in the Stenographer's Summary of the Diaries is correct. During the course of their evidence practically all the official witnesses have tried to impress on the Committee that a raid on Bannu City was absolutely unexpected and was not within the range of possibility or reasonable expectation. The report of the 1st July, however, shows that such a possibility had been previously envisaged. We have had before us some non-official witnesses and Arbab Muhammad Abbas Khan, Treasury Officer, Bannu, whose evidence shows that strong rumours of the possibility of a raid on the Bannu City were afloat in the town for sometime before the raid. Arbab Muhammad Abbas Khan says "A raid was always expected to take place in the City. I say this because early in 1937, when I was going on four months' leave, my neighbour, a Hindu gentleman, taunted me that I was going on leave and was taking my family out of Bannu because I was afraid of a raid: since then there had been always a fear of the City or Cantonment being raided". It is true that he adds that as this story had become old the fear of the raid had worn off and people did not expect it at the time when it took place. In face of this evidence it is impossible to hold that the contingency of a raid on the City was absolutely excluded, however remote the possibility might have seemed. On

the other hand it had been well established to our satisfaction that the general outline of the Faqir's plans and what was known of the intentions of his lieutenants led to the conclusion that their objective was an attack on Government posts or property and not on towns or villages. Bannu City moreover had in the past escaped the attention of raiders, was protected by a picketed wall, and to some extent has always been the Metropolis of the neighbouring tribesmen, who have many interests in the town. We can only conclude that, while the possibility of a raid on the City could not be excluded the fact that it eventualized was contrary to official expectation.

11. From the 2nd to the 21st July various reports were received of the continued presence of the lashkar and its intention to raid Government property.

12. On the 22nd of July the Political Tahsildar, Bannu, reported that the lashkar was about 120 and it moved towards Tangi in Umarzai territory. A report (marked G.M. 1) came from Gumbatti Old Post (garrisoned by the Umarzai Section of the Ahmadzai Khassadars) written by Ghaus Muhammad Constable that the lashkar had gone towards Shakha Tabai and that it was very large, and that information had been sent to Zarha Garhi and Khalboi posts. The exact time of arrival of this information does not seem to be clear but it seems to have reached the Bannu authorities on the same day at about 5 p. m. It should be mentioned here that Ghaus Muhammad was a Police Muharrir who had been stationed as a wise precaution at the old Gumbatti Khassadar post.

13. Coming now to the 23rd July, a first report came in in the morning at about 10 a.m. from the same Ghaus Muhammad Constable at the Old Gumbatti Post that the lashkar was going to Khuzi Khel Takka in the jurisdiction of the Mohammad Khel section of the Ahmadzai Wazirs. This Khuzi Khel Takka is to the north-west of the Gumbatti post and is at about a distance of a mile. The report was passed on to the Deputy Commissioner and is mentioned in his report as well as in the Summary of events given by Head Quarters, Bannu Brigade, dated the 27th July, 1938. The Deputy Commissioner says in his report "At about 10-30 a.m. I received the information that a lashkar of some 200 was seen in the neighbourhood

of Old Gumbatti Post". The Military report shows that the Khassadars' Post at Old Gumbatti had been fired at and this is confirmed by the report of Ghaus Muhammad marked G.M.2, which says that Mehr Dil with a lashkar is present in the Khuzi Khel Takka in the hills in front of the Old Gumbatti Post and that firing is going on. It also says "The lashkar is in the hills in front of old Gumbatti post and it depends on you whether you help us or not." A second report, again from Ghaus Muhammad at Old Gumbatti Post and marked G.M.3, was received at 5 p.m. on the 23rd July and passed on to the Deputy Commissioner to the effect that the lashkar was still in the same hills and it was feared that it intended to attack some place and arrangements should be made for the protection of the cantonment. The report re-emphasizes that the lashkar was sure to attack some place. The leaders of the lashkar were described as Khale, Abdul (who was sick), Ghazi Bizan Khel, Talib, Gangi Khel and the son of a Gangi Khel *lambardar*, and the number of the lashkar was put between 200/300. The Deputy Commissioner in his report admits that the Political Tahsildar had reported this to him at 6-30 p.m. but he says that the objective according to the report made to him was the Muhammad Khel Khassadar Post or the Bizan Khel post, a contingency which did not appear to him to be likely. A third report, again from Ghaus Mohammad Constable at Old Gumbatti and marked G.M.4 was received by the Political Tahsildar when it was getting dark. The report said that the lashkar had gone towards the Algad (presumably meaning the bed of the Kurram River) via Khuzi Khel Takka, that the lashkar was about 250 in number and was making its way towards Bannu and necessary arrangements should be made. This report was also passed on to the Deputy Commissioner on the telephone by the Political Tahsildar as deposed to by the latter before us. From the above it will be seen that throughout the day on the 23rd July reports of a lashkar threatening the District from a point less than five miles from Bannu City and Cantonment were coming in from Old Gumbatti Post.

14. Some Constabulary lorry-drivers, who had gone out for a walk on the Kurram Bridge reported to the Constabulary Lines at about 7-30 p.m. that they had seen the lashkar in the Kurram bed. This presence of

the lashkar in the Kurram bed at 7-30 p.m. or thereabouts receives confirmation from a report made by one Behari Lall to the Kohat Road Police Post at 7-45 p.m. which has been placed before us. It may therefore be taken as established on this record that the lashkar was near about the Constabulary Lines at about 7-30 p.m.

15. The Special Report of the Superintendent of Police No. 5707, dated the 26th July 1938 shows that on the morning of the 23rd July 1938 at 6 a.m. information had been received from the Khassadars of Gumbatti Post that Mehr Dil's lashkar had fired a few shots at the Khassadar Post. This information although mentioned in the report does not seem to be borne out by the evidence of the Political Tahsildar or by the Special Political Diaries that have been placed before the Committee. It appears therefore that this information was the one which had been received the previous day but was probably passed on to the Superintendent's office at a later time. At any rate it is quite clear from the evidence summarised above that the authorities at Bannu had warning of the imminence of the trouble whether in the form of damage to Government buildings in sufficient time before the raid actually took place. The information of the arrival of a hostile lashkar in Gumbatti had been received on the day previous to the raid and of its arrival in the Kurram bed not later than 7-45 p.m. on the day of the raid.

**The time of the arrival of the lashkar at the Railway Gate.**

16. The Special Report of the Superintendent of Police above-mentioned and the evidence of Mr. McCrea, District Officer Frontier Constabulary, show that the lashkar split into two parties, one of which took position on the eastern side of the Kurram bridge and the other went on across the Kurram River behind the Constabulary Lines to Bazar Ahmad Khan *en route* to Bannu City. It is also proved that the raiders took up position on the road near the Frontier Constabulary Lines and fired shots on the Lines from the fields surrounding them and one sepoy of platoon No. 14, who was holding the southern corner of the Lines, was wounded. The special Report of the District Officer Frontier Constabulary No. 21 dated the 24th of July 1938 shows that in order to locate the enemy platoon No. 20 with the District Officer Frontier Constabulary proceeded to the western bridge-head but when

an attempt was made to cross the bridge, the patrol was heavily fired at and two men were hit by ricochets, and had therefore to retire to the Bannu end of the bridge. The body of the lashkar eventually got into the city and it was reported to a witness residing in Bazar Ahmad Khan to have passed near that village at about 8-30 p.m. The evidence of Sub-Inspector Nizam Khan shows that the Saddar Police Station was fired at, at some time before 9 p.m., and he heard firing in the city at what he estimated to be between 8-45 and 8-50 p.m. Before going to the city the firing was directed, as shown by the report of the Headquarters, Bannu Brigade, on the east face of the perimeter in the direction of the Railway Station which gave the impression that the attack was developing on this locality. From the Saddar Police Station the raiders are proved to have gone to the Railway Gate which they seem to have reached at a little before 9 p.m.

17. The witnesses who have appeared before us have given different times for the arrival of the lashkar at the Railway Gate. The difference does not seem to be very large, and considering that the lashkar was at the Kurram bed at 7-30 p.m. and was in the vicinity of Bazar Ahmad Khan at about 8-30 p.m., it would be quite safe to conclude that they were at the Railway Gate somewhere near 9 p.m. The evidence given by three witnesses namely Sub-Inspector Dost Muhammad Khan, Lance-Head-Constable Shiv Dayal and Foot-Constable Jesa Ram No. 423 shows that the time that was taken by the raiders to break open the Railway Gate was about 15 minutes. Sub-Inspector Dost Muhammad Khan put the time at 10 minutes, Jesa Ram put it at 15 minutes and Shiv Dayal again put it at 10 minutes. After having seen the Gate itself and also having seen the marks of the instrument used to bend the rod, we think we can accept this time as between 10 and 15 minutes, the exact time being immaterial. It would therefore mean that by about 9-15 p.m. the raiders had entered the city.

#### **Reaction of authorities to information.**

18. The discussion of the evidence given above shows that the authorities had warning and, even if they had made no dispositions on receiving the reports from Gumbatti had at their disposal about one hour and a half in order to locate and oppose the raiders. We have not had the ad-

vantage of hearing the explanation of Major Laughton who was the Deputy Commissioner at the time, nor were we able to examine any Military witnesses. We feel, therefore, very reluctant to adjudicate on what was and was not done by Major Laughton, but from the report of the attack on Bannu City which was made by him and which had been placed before us and from the perusal of other evidence both oral and documentary, we must hold that Major Laughton was lacking in initiative and did not take proper and strong measures to protect the life and property of the citizens committed to his charge, and living in the city which was a garrison town and should not have been allowed to be raided by a lashkar consisting at most of 300/400 men, even though armed with fire-arms.

19. It has even been suggested by certain witnesses that the raid was connived at by Major Laughton, and in support of this allegation a large number of circumstances have been placed before us. The circumstances will be dealt with at a later stage, but having carefully considered them we hold that all these circumstances even cumulatively do not lead to the conclusion which we have been asked to draw that the Deputy Commissioner organised or connived at the raid. No servant of the Crown can be so diseased in mind as to permit a city which owes fealty to the Crown to be pillaged and plundered and burnt in the manner that Bannu suffered, howsoever grave may be the provocation alleged to have been given to such servant of the Crown, and howsoever dilatory his counter-measures may be held to have been. But when one has said this, it does not follow that there was no negligence or misunderstanding of his position to be attributed to Major Laughton.

20. The evidence of Major de la Fargue, the present Deputy Commissioner and the statements made before the Committee both by Mr. Fryer, Superintendent of Police and Mr. McCrea, District Officer Frontier Constabulary indicate that the Deputy Commissioner was under the impression that in the maintenance of internal order he was subordinate to the Military authorities. Both the report of Bannu Brigade Headquarters as well as the report of Major Laughton seem to confirm that this was the prevailing idea. We must affirm that this was a wholly erroneous idea and is neither supported by au-

thority nor by precedent nor by practice. The Code of Criminal Procedure makes it quite clear that the initiative in calling for military aid to the civil power must proceed from the Magistrate, and it is only the method of application of the necessary force that remains with the Military Commander. We have come to the conclusion that this idea of subordination of the Civil to the Military authorities was in no small measure responsible for lack of adequate measures taken to meet the raid. This verdict will become clearer when we come to discuss the action taken after the raiders had entered the City. Before their entry the tactics of the raiders were clever enough to divert attention from their objective, but even so it will be seen that a whole day was allowed to go by without an attempt, other than the organization of a *chigha* party, to reconnoitre or gain touch with the lashkar.

#### **Action taken by the Political authorities.**

21. The measures taken by the authorities may be divided into various heads, the first one of which is the heading "Political Measures." For this we have to turn to the evidence of the Political Tahsildar and to the Political Diaries which have been placed before us. It appears that before the date of raid, five jirgas of the Ahmadzai Wazirs had been held. The first jirga was held in the end of June and the tribesmen were asked to drive out Mehr Dil and the Deputy Commissioner reminded them of their responsibilities. The second Ahmadzai jirga was sent on the 5th of July 1938, this was accompanied by the Political Tahsildar as far as new Gumbatti, but this also proved a failure in effecting the expulsion of Mehr Dil. As a matter of fact this jirga could not reach Mehr Dil as he had moved from Ghar Khulla to Daryoba. According to the evidence of the Tahsildar the jirga was unsuccessful because Mehr Dil wanted to avoid meeting it and had changed his headquarters. The third jirga was called by the Deputy Commissioner on the 11th July 1938, in which he again reminded the maliks of their responsibilities and the maliks are said to have promised that they were going to organise a lashkar of their own to drive Mehr Dil out. The Deputy Commissioner, who evidently was not satisfied from his past

experience as to the conduct of the maliks, told them that their movement towards Ghar Khulla will be watched from an aeroplane. The fourth jirga was held on the 15th of July 1938; this is described by the Tahsildar as a representative jirga of the Ahmadzais who were seen by the Deputy Commissioner. The jirga undertook that no raiding parties will be allowed through their territory, no rations or subscriptions will be allowed to pass through their territory and none of their tribesmen, with the exception of outlaws, will join the lashkar and they will impose a tribal agreement that if any outlaws joined the lashkar they will point out their relatives to the Government and would even be prepared to give evidence against them. As security the Deputy Commissioner took 200 rifles and 200 men in *barampta*. It will be admitted that all this amounted to as strong a form of political pressure short of the use of armed force that could have been applied to any tribe. We think that up to this stage the Deputy Commissioner acted with sufficient vigour, and was justified in expecting that the political pressure applied would maintain the necessary equilibrium. As Mehr Dil still continued to carry on his nefarious activities, on the 20th July 1938, another jirga of the Ahmadzais was told by the Deputy Commissioner to go and turn him out. This jirga did go, according to the statement of the Tahsildar, and is supposed to have told Mehr Dil that he had given enough trouble and that he was giving a bad name to Islam, which did not allow raiding and kidnapping of children and asked him to leave their territory. Mehr Dil's reply was that he would not go and if they had any force they should turn him out. This jirga also returned unsuccessful. When the Deputy Commissioner heard that the Hathi Khels had not accompanied the jirga to Mehr Dil, he, on the 22nd of July, arrested 100 persons belonging to the tribe. Before this arrest about 100 men of Umarzai tribe had been taken in *barampta* because there were many Umarzais with Mehr Dil, the chief amongst whom were Khale, Abdul and Shakhar. These men were kept in *barampta* as a kind of security that the Ahmadzai Wazirs would not allow Mehr Dil and his lashkar to come through their passes to British Territory. According to the evidence of Khan Sahib Ghazi Marjan Khan who is the chief malik of the Bannu Ahmadzai Wazirs and belongs to the Spermakai branch, out of the first



four jirgas the first three had been wholly useless and it was only the fourth jirga that interviewed Mehr Dil.

22. On the day of the raid after the news was received at about 10 a.m. no action was taken by any armed forces, but the Deputy Commissioner decided to organise a *chigha* party of the Muhammad Khel Ahmadzais for the purpose of driving out Mehr Dil who had come to Gumbatti Tangi. After the five unsuccessful attempts made by the Ahmadzai maliks and the failure of the heavy political pressure already applied, we think that the Deputy Commissioner should have resorted to more vigorous steps to gain touch with the lashkar and to place vulnerable points, which might become the objective of its attack, in a state of preparation. He did, it is true, ask for air reconnaissance, but when owing to bad visibility this proved impossible there were other means of aid on which he could have called. The Bannu Brigade report shews that units were not ordered to stand to until 8-30 p.m., and the Police evidence that the City Police were so unprepared that the officers were attending a dinner party at the quarters of the City Inspector when the raid developed. As subsequent events have proved and previous results from jirgas had shown political action alone was unsuited to the occasion. Khan Sahib Ghazi Marjan Khan who went to Daryoba says that Mehr Dil had hoisted his flags there and had posted pickets on all the hills around just like an 'army' and would not allow any one to go armed. His attitude towards the jirga which saw him first was anything but encouraging and Mehr Dil tried to tamper with the loyalty of the maliks who went to visit him. He made absolutely clear his view that the maliks who had gone to see him were servants of *kafirs*, and that the Faqir of Ipi's orders to him were that all the country between Dre Ghundari and the River Indus was regarded as his lieutenancy. He also taunted the maliks as being the servants of the *Firangis* and he told them that he would hoist his flag in Gumbatti Tangi on Friday. A man with such mentality and in this frame of mind was not going to be moved from his intentions by the requests of unarmed maliks who in this case signally failed to honour their pledges and to discharge their responsibilities. To rely on political action alone was to say the least an error of judgment.

Stronger measures were needed when it was reported that the lashkar was descending on the District, and we think the Deputy Commissioner should have called for Military aid to oppose it.

#### SECTION IV— MEASURES TAKEN TO MEET THE RAID—Continued

##### **Action taken by the Police.—**

23. In spite of the fact that in the month of July the District of Bannu owing to the presence of Mehr Dil in the Ahmadzai Salient was considerably disturbed the Superintendent of Police, an officer of about fourteen years experience, was allowed to leave the District on casual leave on about the 7th of July 1938 and the Police were placed in charge of Mr. Bowen, Assistant Superintendent of Police, who was a very junior officer and had at that time a total service of about 19 months, out of which he had spent some time in Phillaur Training Centre and a few months only in Peshawar. We are told that he had, to advise him, a senior Indian gazetted officer, a Deputy Superintendent of Police, Rana Farzand Ali Khan. We had this officer before us and we have no hesitation in saying that the presence of Rana Farzand Ali Khan could not fill the gap, which had been caused by the absence of Mr. Fryer. Moreover it has been proved on this record that Rana Farzand Ali Khan was not throughout in Bannu City, and even when he was he does not seem to have been consulted in any matter of importance nor does he seem to have had any special administrative qualifications to enable him to stand behind and guide police effort in a District like Bannu at a critical time.

24. As has been mentioned above the raiders were noticed in the Kurram bed at about 7-30 p.m. The information of the presence of this lashkar was received by Mr. Bowen at 7-40 p.m. In his evidence he also says that the information of the morning, meaning the information from Gumbatti Old Post that was received at 10. a.m. on the 23rd July was passed on by Major Laughton to him, but it does not appear that action was proposed or taken on the report. Nothing in the way

of special Police precautions seems to have been done during the day. A few minutes after 7-40 p.m. when the news of the arrival of the lashkar in the Kurram bed was confirmed by an orderly of the District Officer Frontier Constabulary, a hurried consultation was held in the Deputy Commissioner's office between the Deputy Commissioner, the Assistant Superintendent of Police and the District Officer Frontier Constabulary, who with the Assistant Superintendent of Police was staying with the Deputy Commissioner in his house. The result of this consultation was that, believing the objective of the lashkar to be Bazar Ahmad Khan, a plan was drawn up to meet the lashkar and protect this village, and it was decided that the Assistant Superintendent of Police with about fifty armed men should go on lorries to Bazar Ahmad Khan in order to meet the lashkar and stop its advance and the Constabulary was to follow the lashkar and thus the lashkar was to be caught between the Constabulary and the Police—an excellent plan no doubt. The Assistant Superintendent of Police got to the Lines according to his own evidence after 8-20 p.m. thus it took him 40 minutes to hold the consultation and to reach the Police Lines. As the Assistant Superintendent of Police thought privately, as he puts it, that an attack on the cantonment was likely, he sent the City Inspector to the Cantonment Police Station. Just when Mr. Bowen with the Police Force was ready to go to Bazar Ahmad Khan, he was informed by the Deputy Commissioner that the lashkar was not making for Bazar Ahmad Khan and soon after he received the information that the lashkar was attacking the Railway Station which was followed shortly after by the information of an attack on the Saddar Police Station. He was still uncertain as to what he should do when at about 9 p.m. he was told that the City had been entered into and looting was going on in the bazar. Mr. Bowen then had all the horses and families in the Police Lines, brought into the quadrangle and leaving a guard of 20 under Mr. Daniels, Deputy Superintendent of Police, got ready to go to the City.

**Action at Bannu Brigade Headquarters.—**

25. On this point the Bannu Brigade summary says that the Brigade-Major was with the Deputy Commissioner at about 8 o'clock when a message from the District

Officer Frontier Constabulary that a lashkar reported to be 200/250 had been seen in the Kurram bed was received. At 8-20 p.m. the Deputy Commissioner informed the Brigade Commander at the Flagstaff House that the probable objective of the lashkar was Bazar Ahmad Khan. At 8-40 p.m. the Deputy Commissioner himself arrived at the Brigade Headquarters in the Flagstaff House, and as the District Officer Frontier Constabulary had reported that the lashkar had split into two parties and as a part of the lashkar was cutting trees on the east bank of the Kurram Bridge, the Deputy Commissioner asked for armoured cars to be sent out to reinforce the Frontier Constabulary, and for troops to cut off the lashkar from Bazar Ahmad Khan. The armoured cars were sent but the troops held in reserve. The report goes on to show that between 9-30 and 10-15 p. m. conflicting reports were received including one that the City had been broken into. The Deputy Commissioner asked for Military assistance, but it was decided that 56 Police reserves should move from the Cantonment into the City under Mr. Bowen. The timings given in the report are approximate and were set down on the morning of the 24th of July 1938. The Bannu Brigade report and the evidence of Mr. Bowen and other competent witnesses show that the information had been received that the City was entered into and that Mr. Bowen made up his mind, as instructed, to go into the City, after the lashkar had reached its objective and had begun to damage the property of Bannu citizens. Thus it is clear that with the exception of a small gate-guard consisting of four constables under the command of a guard-commander, a Lance Head-Constable, there was nobody else who was at the Railway Gate or anywhere on the route from Gumbatti to the City, to stop the entrance of the lashkar into the City. The lashkar took about fifteen minutes as has already been found to break open the gate. Making all allowance for the confusion, and darkness, and the lashkar's clever tactics in diverting attention by posting pickets, we think that greater initiative would have resulted in making Government forces available to oppose the raiders before they had entered the city or at any rate very shortly afterwards. We think that the Deputy Commissioner himself, possibly accompanied by a military officer, should have gone to the City to ascertain the situation. As it was, he remained

at Brigade Headquarters for two hours (from 8-40 to 10-30 p.m.) and asked for military aid apparently at about 10 p.m. This aid was not given at once, the situation not being held to be sufficiently clear, and it was not till about half past ten that troops moved down with the Deputy Commissioner. The Deputy Commissioner himself in his report anticipates this criticism, by commending the Military Commander's restraint in holding back his reserves. But more vigour earlier in the day, and then again later between 7-30 and 10-30 p.m., might well have rendered such restraint unnecessary.

### **Police action in the City.**

26. It cannot be said that there was at this late stage no apprehension of an attack on the City, for, if that had been so, Sub-Inspector Dost Muhammad Khan would not have sent a man on a bicycle to inform all the guards on the City gates to take their positions in the pickets, as he puts it. He himself got on to a bicycle and went to the City Police Station from the Chappar Police Post and he reached there at 8-45 p.m. About a minute or two after his arrival, he says, he heard shots coming from the south-east. Some people told him that they were coming from the Railway Gate side and so he started from the Police Station with two armed Foot Constables, two unarmed Foot-Constables and one Head Constable. He was going towards the Railway Gate when he was informed by some four or five people that the gate was about to be opened by the lashkar. He proceeded towards the Railway Gate with the hope of reaching the *morcha* on the gate but he had not gone very far when he could see that the lashkar had opened the gate and were entering the City. He therefore got on to the top of the *balakhana* of one Kewal Ram in the Railway Gate bazar. The lashkar passed under the *balakhana* but was not fired at by the Sub-Inspector as he had only one musket at the time. The lashkar according to him proceeded towards the *Nilgaran Mandi* and went on to the Chauk where they must have reached very soon after 9 o'clock.

27. Similarly Assistant Sub-Inspector Haqdad Khan who was incharge of the Chappar Police Post heard shots in the eastern direction, but the exact place where they were coming from, he could not locate. After sending a Head Constable and four armed constables towards the

Haved Gate, he left to warn the gate-guards of the eastern side of the City and when he reached Chauk Dass Shah he saw people running from Chauk Kalan towards Chauk Dass Shah. They told him that the lashkar had reached the Chauk. This confirms our estimate of the time when the lashkar reached the main Chauk, to be 9-15 p.m.

28. To return to Mr. Bowen, he says that he did not leave the Lines till the fire had actually broken out and flames had become visible from the Police Lines. According to the *Roznamcha* kept in the City Police Station, cries of the fire having broken out on the side of the *Nilgaran* Bazar were heard at 10 p.m. Mr. Bowen puts his departure at the latest to be 9-30 p.m. Master Kewal Ram, who may have had a fair estimate of time because he was less alive to the danger of the situation at least at the time when this raid was going on and therefore less excited, puts the time at approximately 10 p.m. The other evidence also puts the starting of the fire at about 10 p.m. This is supported by the report of Bannu Brigade Headquarters. Inspector Sarwar Shah says that the Police party arrived at the Pareti Gate at 10 p.m. So it must be held that the Assistant Superintendent of Police could not have left the Police Lines or entered the City much before 10 p.m.

29. When the Police Party under the Assistant Superintendent of Police and the Deputy Superintendent of Police, Rana Farzand Ali Khan, entered the Pareti Gate, we are told by Mr. Bowen that they were fired at though it was desultory fire and presumably the firing was directed at them from the lashkar some of whom had taken up position in the *balakhana* of Damsaz Khan contractor, which is on the eastern side about 4 shops removed from the Chauk. The Assistant Superintendent of Police and his party instead of going straight to the place where the fire was burning and where the raiders were and which could easily have been ascertained from the gate-guards at the Pareti Gate, turned to the right and went along the City wall to the Chappar Police Post. It may be mentioned that S. Sarwar Shah, Prosecuting Inspector was present at the Pareti Gate *morcha* at the time. He had been told at Chauk Dass Shah by two Hindus that the raiders had reached the main Chauk and were busy in looting the shops. As he had been told

the Pareti Gate that going out would be dangerous he stayed on at the *morcha*. He as mentioned above puts the time of the arrival of the Assistant Superintendent of Police and Rana Farzand Ali Khan at 10 p.m.

30. These two Police Officers have given two versions of the reason for going to the Chappar Police Post. Mr. Bowen says that when he started from the Police Lines he had no particular intention of going to the Chappar Police Post, but as he went along in that direction, he saw crowds of citizens running towards the west and therefore he thought it worth while going to the Chappar Police Post and taking a force from there and then advancing up into the front of the lashkar. The Deputy Superintendent of Police, Rana Farzand Ali Khan, says that they started with the intention of going to Chappar Police Post as it was inhabited by a majority of the Hindus and implication of this statement was that the Police force turned to the right to go to the Chappar Police Post in order to give protection to the Hindus. This reason given by Rana Farzand Ali Khan, we are constrained to say, is incorrect. We have had Hindu citizens as witnesses and their evidence establishes that majority of the Hindus do not live on the Chappar Police Post side. As a matter of fact a large portion of the City on that side is a new extension and the majority of Hindus and particularly the richer class of Hindus live on the eastern and southern sides of the City and round about the Chauk Kalan.

31. From the Chappar Police Post from where the Assistant Superintendent of Police expected to get some reinforcement but did not get any, he and the force under him came to Chauk Dass Shah and from there turned to the City Police Station which is on the southern side of this Chauk and close to it. At this time Mr. Bowen says there were only some desultory shots, but the fire was blazing, and we think rightly he decided the first thing was to turn out the fire-engine. We have not sufficient evidence to show whether these shots were fired by the lashkar or by house-holders; and shooting by house-holders from roofs is a most confusing feature of city rioting. It is possible that the lashkar had left or was leaving when Mr. Bowen arrived. It may be that when the fire-engine began working, its sound which is like

that of a machine-gun frightened the lashkar who left but at any rate this much is clear that the main body of the Police under the Assistant Superintendent of Police never attained contact with the lashkar at all.

32. Another point to be noticed is that according to the evidence of Rana Farzand Ali Khan the Police party went at the double from the Pareti Gate to the scene of occurrence and must have taken about ten minutes. Mr. Bowen puts it about 20 minutes but the summary of the Police Station diaries of the Chappar Police Station a translation of which has been placed on the file, shows that the Assistant Superintendent of Police, the Deputy Superintendent of Police (2), and the District Armed Reserve Party arrived at the Chappar Police Post and left for the City Police Station at 10-45 p.m. The Deputy Superintendent of Police said that these timings were wrong. The Committee upon this got the Police Station Muharrirs and examined them with regard to the Police *roznamchas*. The statements of the Muharrirs are definite, that they were taking down the timings simultaneously with the events as they happened and that the times of the clocks in the Police Station were reasonably correct although they cannot say that they were standard time. It is true that the night was full of excitement and there was likelihood of the Muharrirs losing their heads in the face of danger, but there is nothing to suggest that Muharrirs in the Police Station realised the danger to the City or were in any way so terror-stricken that they were incapable of doing this simple duty of keeping a correct record of the timings of the events of the night. Moreover these timings fit in with the other evidence.

33. According to the estimate given by non-official witnesses which does not seem to be wrong, the raiders were in the City for about two hours, which will take us to 11 p.m. Thus we find that the lashkar in the City met with no organised opposition from the Civil forces. The official witnesses have maintained that it was not possible for the Police party under Mr. Bowen to go straight from the Pareti Gate to the Chauk Kalan as it would have resulted in unnecessarily large casualties. This fact was particularly emphasised by the Police witnesses, and Major Lang-Anderson and it was also said, as is indeed true, more particularly at night, that combing out of armed



bands in a city like Bannu is a very difficult operation. We have not had any evidence to the contrary and we cannot pronounce on tactics in cold blood and at this distance of time. It may well have been too risky a manoeuvre to undertake. But what we do feel is that there was undue delay in getting to grips with the situation in the City. Some evidence referred to house-holders having taken up positions on the roofs of houses and fired at the lashkar, so circumscribing its activities. The experience of the Official Member of our Committee leads him however to question the utility of such manoeuvres which add to the confusion and are under no form of direction. Nevertheless in the present case the failure of Government forces to appear on the scene and oppose the raiders left the citizens of Bannu with no alternative but to protect themselves.

34. Mr. Bowen and other official witnesses have suggested that the prompt despatch of armoured cars would have brought the situation quickly under control and he himself telephoned to the Deputy Commissioner for such a reinforcement. In this matter we are precluded from any definite finding in view of the fact that the Criminal Procedure Code leaves it entirely to the Military Commander to decide the manner and the means by which a Magistrate's requisition for military aid shall be met.

35. The Superintendent of Police has taken up the position that it was not the duty of the Police to meet such a big organised attack by large armed bands; he says that "they (the Police) cannot be counted as part of a set plan for the defence of an area like Bannu City against an organised attack by armed forces but only as effective against depredations of normal criminals for which they are organised." But this position of the Superintendent of Police is not consistent with his own statement in the course of which he said "The District Armed Reserves are platoons of Police organised for the application of force and not for the investigation of crime, they are used for holding routes, to intercept raiders, catching absconders and proclaimed offenders..... We have in this District at the moment three platoons of the District Armed Reserves and had two at the time of the raid, one platoon is used in the defence of the City." At page 10 he says "I have only three sections with excessive

crime work and anti-raiding measures, the District Armed Reserves are more useful than the Frontier Constabulary within the District as they are under Police control." This answers the position taken up by the Superintendent of Police, but a perusal of the Police Act section 23 and Chapters IX and XIII of the Criminal Procedure Code show clearly that prevention of crime and dispersal of unlawful assemblies is a normal function of the Police. In a book by S. Roy on Police Officers published by the Eastern Law House, Calcutta, 1938 Edition, in Chapter XXI at page 460, dealing with the "Uses of Special Armed Forces," the learned author says that the armed Police is a kind of emergency force and is known as such. Rules with regard to its mobilization are also given. Chapter IX of the Code of Criminal Procedure is specially meant for the guidance of Police and other forces to maintain peace. Special procedure has also been laid down by various Police rules and in Police Manuals for the dispersal of unlawful assemblies both in cases where the danger to life or property is not apprehended as also in cases where the danger is great. In Sohoni's Code of Criminal Procedure at page 205 is given an extract from the Police Manual laying down the procedure to be adopted for the dispersal of unlawful assemblies.

36. It may on the other hand with good reason be contended that the dispersal of a lashkar of the magnitude which came to raid Bannu City was beyond the powers of Police force which was at the disposal of officers at the time. This is a different position and, as far as we can reconstruct the events of this night, we think the real failure lay in not preparing the City Police in good time for a possible attack, and having no plan ready for immediate military reinforcement when the attack materialized. From a perusal of the evidence and explanations given by the Police Officers and particularly by Mr. Bowen who gave his statement in a most straightforward manner we must conclude that he was set a task which should not have been laid on so young and inexperienced officer, that determination to get to grips with the raiders was halting throughout, and that the time-lag which took place between the information received and the arrival of Government forces, Civil and Military, was due partly to a failure of initiative already commented on and partly

to lack of any organised and pre-arranged plan for the defence of Bannu City against tribal irruption.

**Action by isolated Police parties in the City.**

37. In dealing with the Police, the next point to be considered is the conduct of the Railway Gate guard. As has been said above the Railway Gate guard consisted of four Police Constables under the command of a Lance Head-Constable. According to the evidence of Foot Constable Jesa Ram No. 423 and Lance Head-Constable Shiv Dayal, Foot Constable Bhagwan Dass came on a bicycle and asked them to put on their uniform. This was about 8-45 p.m. He said that there was danger but he did not tell them what the danger was. Jesa Ram says in reply to a question that Foot Constable Bhagwan Dass never told them that there was a danger of the lashkar. This may be true considering the slipshod manner in which the whole thing was being treated but it appears to be unlikely that source of danger was not communicated or at any rate enquired by the gate-guard from Bhagwan Dass. According to Shiv Dayal it was about five minutes before the change of sentries at 9 p.m. that Foot Constable Ahmad Khan who was on duty at the morcha blew a whistle and then all members of the guard took their muskets and went into the morcha from where they fired at the raiders, but the latter managed to reach the gate. Shiv Dayal further says that the raiders replied to the fire and that none of them was hurt or wounded as a result of firing by the guard. There were however many bullet marks on the roof of the morcha showing that heavy covering fire had been maintained on it by a picket from outside to enable the lashkar to reach the gate.

38. From the conduct of the guard it appears unlikely that they fired any shots from the morcha. The lashkar managed to reach the Railway Gate unscathed. At least it has not been shown that as a result of the firing by the guard any one of the raiders was wounded. They (the raiders) remained at the gate for about fifteen minutes as has already been found and during this time they fired in all directions including the morcha, but due to defect in the loop-holes from which fire could only be directed in a straight direction and not downwards, the guard in the morcha could not reply to the fire. We have also

been told that the morcha was otherwise badly constructed and was not a sufficient protection to the men in it. Taking everything into consideration, while we feel that four brave and determined men in this post might have rendered it impossible for the lashkar to break open the gate, we must note that there were marks of heavy covering fire having hit the post and that the faulty construction of the loop-holes made it a difficult post to defend. We think therefore it would not be fair to blame four ordinary policemen for failing to prevent an armed lashkar from entering the City. Had the post been properly constructed as it has now been, the position might have been different, but even so a true measure of the task set may be gauged from the statement that successful resistance at this point would certainly have been applauded as an heroic act.

39. We now come to the part played by Sub-Inspector Dost Muhammad Khan. He in his evidence says that at 8-30 p.m. he was in the Chappar Police Post when Inspector Qaim Shah was called away and he was left in-charge of the City Police. He sent a verbal warning through a foot constable to the gate-guards. He came to the City Police Station at 8-45 p.m. and then proceeded towards the Railway Gate and when he reached the *Nilgaran Mandi* he was told by 4/5 persons whose names he does not remember that the lashkar was about to open the gate. He proceeded to the Railway Gate in the hope of reaching the morcha on the gate but he had not gone very far and was yet 150 paces from the Railway Gate when he saw the gate opening and the lashkar entering the City. He got on to the *balakhana* of one Kewal Ram and from there he saw the lashkar, which he estimated to be 400/500 men, armed and unarmed, pass under him. As he had only two constables and one Head Constable with him, he did not open fire on the crowd passing below. After the lashkar had passed and gone into the *Mandi Nilgaran*, he went on to the Railway Gate and there collected the Railway Gate guard who were standing behind the mosque and he asked them why they had left the morcha and their reply was that the morcha was being fired at and the bullets were coming in and it was difficult to hold the morcha or to stop such a large lashkar and therefore they had left the morcha. He took them with him into the morcha, and he saw the enemy picket on the eastern side of the gate about 100 paces away in the grassy

plot opposite to the gate. He says that he fired at them and as a result of the fire they dispersed and hid themselves in a field of maize. It may or may not be so. It is not possible to come to a definite finding on this point. The night was dark at the time and no lights were burning. Another picket was seen on the northern side of the gate. They also were fired at and they also retired and hid themselves in a field of maize. The Sub-Inspector also says that he closed the Railway Gate in the sense that he put the bent bolt back into the socket. The Sub-Inspector and the Party then left the morcha as it was not considered to be safe from the inside and went along the Railway Gate Road to the house of one Khem Chand. The Sub-Inspector asked for the door of the house to be opened but according to his statement the door was not opened and therefore they (the Sub-Inspector and Police Party) went a little further on and got on to the roof of a *kacha* house opposite to Khem Chand's house and from there they again shouted to Khem Chand to open the door and this time he did and according to the statement a good half an hour was wasted in this manoeuvre and by the time the Sub-Inspector and his Party had entered the house and were yet in the courtyard the lashkar was heard returning. They (the lashkar) were firing at that time and were very jubilant. The Sub-Inspector further says that he and his party were led by Khem Chand to a morcha on the second storey and they were yet on the first floor when the lashkar reopened the Railway Gate and began going out of the City. From the second storey where there are three morchas, which we have seen, the Sub-Inspector claims to have fired at the lashkar but did not know with what result.

40. The Sub-Inspector was in the region of the Railway Gate all the time while the lashkar was in the City for at least one and a half hours. The Sub-Inspector's evidence shows that he must have taken about half an hour in the morcha in trying to disperse two pickets and then another half an hour in getting into Khem Chand's house. We have considered the evidence and do not think that the Sub-Inspector could justly have been expected with the small number of men at his disposal to put up an effective resistance either to the approach or to the retreat of the lashkar. But there remains the fact that he did not send any clear information to the Police

Headquarters or to the Deputy Commissioner with regard to the breaking in by the lashkar or their going towards *Nilgaran Mandi*.

**Action taken by the Police subsequent to the raid.—**

41. After the main body of raiders had left, the Police made a number of arrests in the *balakhana* of Damsaz Khan and Master Kewal Ram, Pleader, and also in a mosque in the *Sabzi Mandi*. As to the guilt or otherwise of the persons arrested, we refrain from comment as that matter is *sub-judice*, but we think that Police action in this matter was prompt and deserving of commendation. The Police witnesses have also deposed to their firing at and killing certain persons who were, after or during the raid, lurking about under suspicious circumstances. They were suspected of being accomplices and some of them were found to be armed with fire-arms, bandolier, haversacks or water-bottles. Persons so equipped could not have been there near the gates or the City walls for an innocent object but as their case may also be *sub-judice* we prefer to express no opinion.

**Military aid.—**

42. As has been remarked above, the Deputy Commissioner allowed himself to surrender initiative to the Military authorities and the report of Headquarters Bannu Brigade suggests that he was acting under their control. According to this report between 10 and 10-15 p.m. the Deputy Commissioner asked for troops but they were not sent. His earlier request for sending out armoured cars was acceded to. According to the same report orders for dispatch of troops to the City were issued between 10-15 and 10-30 p.m. Inspector Sarwar Shah in his evidence at page 150 puts the arrival of the Military at about 11 p.m. Mr. Bowen in answer to a question said that the military gave no help in the dispersal or pursuit of the raiders. In his evidence at page 121 he says "So far as I am aware the military gave no assistance in the dispersal of the lashkar or in their pursuit." Major Laughton himself wrote "The military and the civil forces are under military control and I feel that I am treading on ground which concerns the military. It may however be remembered that reductions have been made to the District garrison of last year despite protests. The fact must be admitted that the garrison was too small

to deal with what developed into a large scale attack against both the Cantonment and the City". At another place he praises the Commander on the ground that but for the restraint shown by him in maintaining his reserves intact the damage to the City might well have been incalculable. How that would have been so, it is not possible for us to say in the absence of fuller explanations from the Deputy Commissioner, but we cannot help saying that the report shows that the Deputy Commissioner was lacking in knowledge of the respective duties of the civil and military forces in time of disturbances of the type that faced Bannu authorities on the 23rd of July 1938. We are aware that the Criminal Procedure Code leaves it entirely to the Military Commander to decide the manner in which he will obey a requisition of a Magistrate for military assistance. Moreover in the absence of any evidence from the Military or explanation from the Deputy Commissioner, excepting the two reports mentioned above, it is not possible to arrive at a definite conclusion as to the reasons for the military not obeying the Deputy Commissioner's requisition more promptly. But the fact remains that it is proved on this record that in the dispersal or in the pursuit of the raiders or in the protection of the life and property of His Majesty's subjects the Military gave no assistance before about 11 p.m. when the raiders had left.

43. The final point we would emphasize is that in the matter of employment of the military in aid of the civil power the law lays on the Military Commander the duty of obedience, and confers on the Civil authority the right of requisition. The circumstances of the present case suggest that during the 12 hours between about 10 a.m. and 10 p.m. on the 23rd July 1938 the correct relationship between the two authorities was not properly appreciated in Bannu.

#### **Action taken by Frontier Constabulary.—**

44. The first people who came to know about the arrival of the lashkar near Bannu were the Frontier Constabulary and if they had been turned out at the proper time, they might have succeeded in stopping the raid. Mr. McCrea, District Officer, Frontier Constabulary was asked if he could have stopped the ingress of the lashkar

near Gumbatti but his reply was that he could not because the force at his disposal was not sufficient. It is true that the Frontier Constabulary were at low strength but we are not convinced that when the raiders were reported at Gumbatti, and later in the Kurram bed and were on the way to Bazar Ahmad Khan, they could not have been encountered and located by the Constabulary. It is true that the Constabulary Lines were fired at and they had to take position for the protection of the Lines and also that their attention was diverted by splitting up of the lashkar into two parties one of which stayed on the east bank of Kurram and fired at the party under Mr. McCrea which attempted to cross the Kurram Bridge in order to locate the enemy. But they were obviously unprepared for the raid despite the information earlier in the day from Gumbatti, were cleverly out-manoeuvred by the lashkar and therefore could do no useful work in the matter of pursuing the lashkar on their way to Bazar Ahmad Khan or in cutting off their retreat on their return. The aid they seem to have given was limited to one platoon No. 33 with recruits, which entered the City to put out the fire and later on to strengthen the guards on the City-wall. Beyond this they do not seem to have done much and therefore we may safely conclude that their contribution in the prevention of the raid or in the punishment of the raiders was practically nil.

### **Magistrates.**

45. The senior magistrate in the District after the Deputy Commissioner was Khan Bahadur Ibrahim Khalil Khan, who was Assistant Commissioner. He however was absent from his post and had left the District. It is regrettable that during those critical days when there was apprehension of trouble from Mehr Dil and his lashkar both the Assistant Commissioner and the Superintendent of Police were away from Bannu. We have had Khan Bahadur Ibrahim Khalil Khan as a witness before us and he has struck us as an able and efficient officer. We do not think that leave of absence should be so readily granted to key officers in times of disturbance. The presence of a capable Assistant Commissioner on the 23rd July might have made much difference and would have strengthened the Deputy Commissioner's hand. The same comment applies with equal force to the Superinten-



dent of Police.

46. Two other magistrates have appeared before us. They are Arbab Muhammad Abbas Khan, Treasury Officer and Bawa Jaggat Singh Bedi, Magistrate 1st Class. They do not seem to have been aware of any impending danger, nor were they assigned any particular task by the Deputy Commissioner. Both resided in the City, but when they came to know of the raid they seem to have done nothing. Arbab Muhammad Abbas Khan no doubt did go to the scene of occurrence when the Administrator went there, but that was at a very late stage. Bawa Jaggat Singh did not go there at all and the reason given by him was that when he wanted to cross the Chauk near his own house, he was not allowed to do so by the people who said that it was dangerous. Both of them have given us the impression that they considered themselves to have no public duties outside their respective courts and offices. Arbab Muhammad Abbas Khan was asked a question "As a magistrate did it occur to you to go to the Police Station to see whether you could render any assistance in organisation of defence or otherwise" and the answer was "No, because our general instructions in cases of riots and disorders are that we should proceed to the spot. In case of attacks by raiders it would be useless for a magistrate to go single-handed. I do not consider that it was my duty to go to the Police Station to get in touch with the Deputy Commissioner on such an occasion, because the matter was really a concern of the political authorities and the Police." These two gentlemen seem to have forgotten that the Code of Criminal Procedure contemplates the presence of magistrates at times of commotion and disorder in order to disperse unlawful assemblies. In a case reported as *R. V. Pinny*, 3 St. Tr. (U. S.) 11, it was laid down that "The general rules of law require all the magistrates that at the time of riots they should keep the peace, restrain the rioters pursue and take them; and to enable them to do this they may call on all King's subjects to assist them which they are bound to do upon reasonable warning, and in a point of law a magistrate would be justified in giving fire-arms to those who thus come to assist him." (Russell 431-439). The law in India does not seem to be any different. As a matter of fact in Maxwell's Duties of a Magistrate "

page 81 the same passage occurs in the Chapter dealing with duties of magistrates in India. Law and common-sense require that magistrates should not display helplessness at times of danger but should actively come to the assistance of the forces of Law and Order.

47. A careful consideration of the evidence and circumstances leads us to the conclusion that the Civil authorities present in Bannu on the night of the raid did not show the qualities of foresight, alertness and drive needed to meet a difficult and dangerous situation, which did not come upon them entirely unheralded.

**Efforts to meet the fire.—**

48. The *roznamcha* of the City Police Station shows that at 10-15 p.m. some Hindus came to the Police Station and informed them that fire had broken out in *Mandi Nilgaran* and as there were no men in the Police Station the City Inspector was informed who ordered that they should be told to bring policemen from outside and a hand-pump will be handed over to them. Chaudhari Bhagat Singh in his written statement has stated that when the Police force did not return from the City Police Station, he himself went there and asked why they were standing doing nothing when the fire was spreading. The reply given to him was that a water-pump with six constables and a Head Constable would be sent. At the same time the other people, meaning people other than the policemen, were ordered to go to the place where the fire was raging and help in extinguishing it. The Administrator says that on being asked he allowed the water-valves to be lifted and the water released into the lanes and thereafter he went to the Chauk Kalan, where he saw the Assistant Superintendent of Police with armed Police already there trying to fight the fire. Mr. Bowen says that he got the motor pump working and got as near the fire as it was possible. Thus it is clear that the Police and the people began to put out the fire but the efforts did not begin till the fire had assumed considerable proportions. Major Lang-Anderson has said that due to paucity of water the fire was not controlled as quickly as it would otherwise have been. The Deputy Commissioner seems to have arrived at the place somewhere after 10-45 p.m. as stated by Mr. Bowen with a guard of constabulary and he also helped in putting out the fire. The military arrived

soon after and as Major Lang-Anderson says all helped in extinguishing the fire. The fire was controlled at about 1 a.m. On this evidence we are satisfied that there was co-operation of the different sections of the people as well as of the Police and Military in fighting the fire.

**Damage done by the fire.—**

49. According to the claims put forward by the people whose shops and goods were destroyed by fire the extent of the damage was Rs. 3,08,330/4/-. The claim put forward by the people has been supplied to the Committee and it is being placed with this report as an Appendix. The Deputy Commissioner deputed Mr. A. S. Dhawan, the Municipal Administrator, to adjudicate upon the extent of the damage. He has assessed the damage at Rs. 1,32,464. We received no evidence which would suggest any criticism of the official estimate of the extent of the damage, and we arrived too late to undertake anything in the nature of a reassessment. We therefore accept the assessment made by Mr. Dhawan and hold that the damage was in the neighbourhood of that sum.

SECTION V.—SITUATION IN BANNU CITY BEFORE  
THE RAID

**Disputes.—**

50. The statement of Arbab Muhammad Abbas Khan, Treasury Officer, shows that there was a suspicion amongst the Hindus of Bannu City that the raid was engineered or connived at by Damsaz Khan contractor or by the Khans of Ghazni Khel, whose head is Khan Muhammad Akram Khan. There is no evidence on this record to substantiate this suspicion. As a matter of fact the Arbab himself has given reasons why this suspicion was baseless. The reason for blaming Damsaz Khan was that there was a dispute between him and some Hindus over the lease of some municipal shops in the Chauk Kalan. The other basis for this suspicion seems to have been the occupation of Damsaz Khan's *balakhana* by Mehr Dil's lashkar. Both these facts are insufficient to induce a person to connive at such heinous offences as dacoity, arson and murder. We hold therefore that Damsaz Khan has not been proved to have had any connection with the raiders or the raid.

51. Coming now to the Khans of Ghazni Khel, the suspicion is based on two things, one a dispute with regard to the rates of electric energy fixed by the Electric Supply Company of Bannu which is a concern controlled and owned by Muhammad Akram Khan and his relations, and the other some dispute with regard to ice manufactured by this Khan. It is true that the citizens have been complaining and have refused to buy electric energy with a view to force the Company to reduce its rates and even a communal turn was given to this dispute. Muhammad Akram Khan has appeared as a witness before the Committee and he had complained that this boycott is the result of machinations of certain persons and that it has no economic basis. We hold that there was a bona-fide dispute between certain sections of the public and the Electric Supply Company and that certain persons took advantage of this dispute and gave it a communal turn. The second matter, i.e. the manufacture of ice by Muhammad Akram Khan, is a purely personal dispute between manufacturers of ice and has no concern with the public. Both of these things put together cannot lead us to believe that Muhammad Akram Khan, whose evidence favourably impressed us, could have been at the back of this raid. We would also suggest that in the dispute relating to Electric Current where allegations are being made of monopoly on one side and mischief on the other, the Government should intervene and should put an end to an unfortunate state of affairs. If the public are being mulcted in excessive charges, some intervention is called for, and if on the other hand mischief-makers are using these occasions for purposes of blackmail, the Company should be protected from them.

52. A case which came to be known as the Islam Bibi or Ram Kauri case caused much disturbance in the Bannu District and commotion amongst the tribesmen. This case, which was one of abduction, was according to Police witnesses a very ordinary one, but still it aroused communal feelings. It is not so much the nature and the progress of the case which deserves attention, but it is the circumstances that attended it which make it so important. It was during the progress of this case that a mob managed to come in large numbers to the court to intimidate them. As many as 2,000 persons are alleged to have forced themselves into the Deputy Commissioner's

compound. So much disturbance was caused by these tactics that the authorities found it impossible to give protection to a lady with whom the abducted girl was, in the first instance, kept. Even Khan Bahadur Ghulam Haider Khan, who was subsequently given the custody of this young girl, seems to have had a great deal of trouble on that score. The attending circumstances have no doubt contributed to a very large extent in lowering the respect for law and order in this district and gave encouragement to unruly people to break the law.

53. On the occasion of the second visit of Pandit Jawahar Lal Nehru to Bannu City a tri-colour national flag was hoisted in the Chauk Kalan. This, it is alleged, was not liked by the permanent officials and therefore one evening the Police came into the City and surrounded the flag staff. They also, it is alleged, broke open the lock of the Congress office and went up the building, their real intention being to pull down the Congress flag from the building. The conclusion, which some of the witnesses, who appeared before the Committee, wanted us to draw was that this was an attempt to pull down the flag and thus bring the Congress Ministry into disrepute. When the Police surrounded the flag some of the Congress officials complained on the telephone to the Hon'ble Doctor Khan Sahib and they say that it was this threat of complaint to Doctor Khan Sahib which prevented the Police from pulling down the flag. This incident was put to the Superintendent of Police and he admitted its happening but explained it by saying that it was based on misunderstanding and that subsequently on the matter being explained that the Police was only trying a kind of rehearsal, the matter was amicably settled and left no bad ill-feeling between any section of the public and the Police.

54. Sometime before the raid there were a large number of bomb outrages in the City and round about the Cantonment. The Police arrested certain persons under the Explosives Substances Act and the Indian Penal Code. These arrests caused some commotion. A certain party in the City said that the cases were false and the people arrested were innocent. They also alleged that the Police had used third degree methods in the investigation of these cases and that for this purpose the accused were removed to Police Stations outside Bannu City, the object

being to extort confessions. The Superintendent of Police has admitted that these allegations were made and that complaints were also made to the Premier. Whether these allegations are true or false we are not prepared to adjudicate upon them as both the bomb cases as well as the question of torture are still *sub-judice*. Nor do we think that this occurrence had the remotest connection with the raid.

55. Another allegation made against the District Administration is that they have carried out indiscriminate searches of houses in order to strike terror in the minds of the citizens. Searches were in connection with the bomb outrages and it may be that some of the searches were unjustifiable. As sufficient material has not been placed before us, from which it can be concluded that the searches were either indiscriminate or unjustified, we do not feel able to give any finding on this point. If any of the alleged victims feel aggrieved at the conduct of the Police, the law gives them ample means of redress ; but so far as we are aware, no such action has been taken.

56. It has been suggested that a large number of meetings were held in Bannu City, condemning the alleged high-handedness of the District authorities in dealing with the matters above enumerated and that in these meetings some speakers used some intemperate language, verging on abuse, against the Deputy Commissioner and annoyed him so much that he sought vengeance against them by engineering or conniving at this raid.

57. In support of this theory of complicity on the part of the head of the District they say that the object was a two-fold one (i) to bring the Provincial Government into contempt and (ii) to teach a lesson to the erring public. We have given our careful consideration to these arguments and have considered the facts placed before us and have come to the clear conclusion that this charge is not made out. These facts do not necessarily lead to the conclusion to which we have been asked to come. We have already stated in another part of this report that we do not believe the theory of official connivance at this raid. Whatever may have been the nature of omissions in the matter of meeting the raid, they cannot be ascribed to deliberate desire on the part of the Deputy Commissioner or the Police to cause damage to the citizens.

### **Relations between Hindus & Muslims.**

58. With the exception of the Superintendent of Police, other witnesses have stated that there was nothing extraordinary in the relations between Hindus and Muslims in the District. It may be true that on the surface there was nothing extraordinary but there is no doubt that there was considerable friction between the two communities. It may have been due to many causes and may even have been due to the kind of propaganda which is carried on in these days at the time of elections and in the newspapers of the Punjab which have a large circulation in the Frontier Province. But the fact remains that the relations were anything but cordial.

59. There was in Bannu City an institution called the *Danda Party*, the object of which was anti-prostitution propaganda. This society evidently was allowed to function in a manner which left an impression on the mind of the people that organised parties can take the law into their own hand. On one occasion they were allowed to blacken the face of one alleged pimp who was marched through the bazars of Bannu City, evidently unhampered by the Police. This also lowered the respect for law and order.

60. We have given our careful attention to all the facts that have been brought to our notice including the relations between the communities, the dispute between the Police and certain sections of the people, the want of restraint in the use of language against the Deputy Commissioner and other incidents above-mentioned and have come to the conclusion that whatever indirect bearing they may have had in promoting an atmosphere of strain and lack of respect for law and order they were not directly responsible for bringing about the raid. No doubt strained relations lead to the making of wild allegations and even create a suspicion in the minds of credulous people that the raid was engineered or was not deliberately checked, but they still remain allegations and at the best suspicions, which reasonable people cannot accept as established.

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## PART II

### SECTION I.—INTRODUCTORY.

61. We are now in a position to turn to the second term of reference. We have heard a large number of official and non-official witnesses who have given us the benefit of their advice. The evidence has been fully and freely given and we have found it of great value in assisting us in reaching conclusions. We were impressed by the evident fact that many of the older and younger generation of witnesses, who appeared before us, had given the matters at issue deep thought and endeavoured to form constructive conclusions. There was at times a tendency to regard our Committee as a forum for the development of particular political views, but this tendency was not unnatural in view of the fact that the matters at issue before us touched at so many points the large question of control of the Tribal Areas. Our thanks are specially due to the members of the Bannu Bar Association, who as a body gave us full co-operation and of whom a number of witnesses showed a wide grasp of the subject. After considering this evidence and other material before us we will endeavour to set forth our recommendations in the paragraphs that follow. We have, however, in our report endeavoured to confine ourselves within the limits of practical suggestions within the existing frame-work.

### SECTION II.—DEFENCE OF TOWNS AND VILLAGES

62. In order to avoid undue prolixity we assume that the Government to which this report is submitted are fully seized of the existing organisation for combating transborder irruptions into the Settled Districts. The Bannu District is in many respects peculiarly situated. It is not only a border District surrounded by a semi-circle of tribal areas, but a number of the tribes resident across the border also possess settlements within the District itself. In fact on three sides of Bannu there is a ring of such tribesmen technically known as *dokora*. Within the district the people live under a regime based on a rule of law with a fairly developed system of Courts



and Procedure. The system of Government is now democratic and a measure of provincial autonomy has been introduced requiring all citizens to possess a degree of ability and public spirit. These people live under restrictions usually placed by all civilized Governments on their nationals including restrictions as to possession of fire-arms and other means of self-protection. Beyond the administrative border are tribesmen heavily armed and well-versed in the use of arms who do not hesitate to make full use of them. They live in a state verging on lawlessness scarcely controlled by tribal custom. The first conclusion therefore which emerges is that in certain respects the inhabitants of the administered districts are at a disadvantage as against the transborder people. A number of non-official witnesses have therefore recommended that the possession of fire-arms, including rifles and revolvers, should be allowed without any restrictions (even the grant of licenses) in order to combat raiding.

63. There are however very relevant considerations which make it impossible for us to reach such a facile conclusion. In the first place, as already stated, a number of tribesmen themselves reside within the district and are subject to the influence of their unrestricted brethren across the border. Secondly there is abundant evidence before us that raiding by the tribes into the districts has assumed a definite communal tendency, and therefore that the minority section of the population are in far greater danger than the majority, whether they reside in towns or villages. Thirdly we have been supplied with figures of crime which establish a serious situation within the Bannu District and show that violent crime has greatly increased above a level which was always high. Lastly we desire to emphasize that the possession of arms by persons who are untrained to use them is not seldom a danger and may in some cases be a provocation to lawlessness rather than a safeguard. The official Member of our Committee has special experience, based not only on material now before us, of the results of indiscriminate use of fire-arms by citizens in the course of urban disturbances. There has been more than one urban disturbance within the Province during the last fifteen years which may be said to have been intensified and even provoked by such indiscriminate use. In the rural tracts

also we have to guard against too lavish grant of fire-arms to a population who are notorious for violent crime. At the same time we recognise that every law-abiding tax-payer has the right to expect facilities from the Government in securing the defence of his person and property. On a review of the whole question we feel that the problem can best be solved by some such scheme as follows.

64. Different conditions prevail in towns and villages and we propose to deal with them separately. In Bannu city we have reason to believe that the number of arms licenses is already in the neighbourhood of two thousand. The problem is to organise these license holders to prevent indiscriminate use of fire-arms by untrained persons. Sections 17-19 of the Police Act provide legal authority for the enrolment of special constables in times of apprehension of disturbance of the peace. The law allows for compulsory enlistment under the penalty of a fine and we think that in such times the district authorities should make use of these provisions by enrolling as special constables members of the public who have been granted the privilege of arms licenses. If such a provision is utilized, it would be of great importance to see to it that such organisations were not on a communal or party basis, and that special constables were a body of public-spirited men enrolled to assist the forces of law and order.

65. In the villages there already exists the *chigha* system and an organisation for distributing the Village Defence Rifles. We cannot recommend a wider distribution of arms beyond the limits which the Provincial Government have already authorised. Nor can we safely suggest the grant of favour to minorities in this respect. But we must point out that the *chigha* system appears to have become disorganised. This may be partly due to the fact that the old relationship between *naiks* and *hamsayas* is no longer honoured as it used to be, and the *hamsayas* in these days are not receiving the protection to which under the traditional system they were entitled. The reasons for this are many: one of them undoubtedly is the modern spirit of liberty and equality, making *hamsayas* no longer prepared to place themselves in a position of inferiority to the land-owners of the village. A further reason may be the 13 years of peace from 1923 to 1936 which led to the *hamsayas* forgetting their helpless position.

Propaganda against money-lending must also have had an effect in leading to deterioration in the relations between the Muslim villagers and their Hindu *hamsayas*. It seems to be forgotten that such propaganda must lead to a drying-up of credit and is useless unless an alternative form of credit can be provided. It must also lead to an increase in the feeling of insecurity and ultimately place a heavier strain on the administration. We think that direct propaganda should be discouraged and that a more proper remedy is the supply of an alternative form of cheaper credit in the form of Co-operative Credit Societies. This however is a digression and the problem of organisation of village defence remains. We think that this should be based on the *chigha* (a kind of village militia) and Village Defence Rifles system in a more organised form. This can only be achieved if inducements are held out for good service and punishment follows for neglect of public duty. We will deal with the penal side of the question in a later paragraph and for the present need only mention that such favours as frontier revenue remissions should be withdrawn for failure to render service in watch and ward of the border. With regard to inducements we are aware that financial provision already exists for rewarding good work by village defence parties and we recommend that such rewards should be promptly distributed on a generous scale. We also think that a further inducement for joining a village militia might be found in offering recruitment in the lower ranks of the services to individuals who had discharged their duties in a meritorious manner in the matter of village defence. Subject to educational qualifications such persons might be given preference in recruitment to the Police and Revenue Departments and meritorious service could be considered a passport to the grant of an arms license.

66. We would further recommend that, when armed tribal bands threaten or enter British territory, news should be broadcasted to the villages within possible ambit of their depredations. This course will have a two-fold advantage. It will define village responsibility, and villagers forewarned will be in a stronger position to fight the raiders or, if a raid is successfully committed, to cut off their retreat.

67. A difficulty is likely to arise with regard to per-

sons with tribal affinities on both sides of the border, since there is a danger that arms granted under such a system might be smuggled into the tribal territory. But proper supervision could be instituted on the existing lines on distribution of Village Defence Rifles and the introduction of a measure of discipline in the manner contemplated should make a beginning with the conversion of these tribesmen into public-spirited citizens.

### SECTION III.—OUTLAWS.

68. It is abundantly clear from the evidence before us that the intensity of raiding is largely bound up with the outlaw problem. Technically an "outlaw" is a person residing in British India who commits a crime, absconds to tribal territory, is located at a definite place in T. T., and is proclaimed as an offender. A tribesman resident across the border who enters British India, there commits a crime, and subsequently returns to the tribal territory, is technically known as a "tribal offender". It will be apparent from these definitions that in the Bannu District, where the same tribes frequently reside on both sides of the border and many persons move between British India and the tribal territory, the same criminals can often be designated as both "outlaws" and "tribal offenders." In this report we refer in broad terms to outlaws but it should be noted that in the sense in which we use the term it refers both to transborder tribes such as Wazirs, Mahsuds and Bhitannis and to tribes inhabiting the district such as the Bannuchis, Khattaks, Marwats etc. We have seen that in the case of the Bannu Raid the lashkar comprised a large number of outlaws, who were among the first people to gather round Mehr Dil. The difficulty of effecting the arrest of outlaws sheltered in tribal territory is notorious. When the Frontier Crimes Regulation was in use arrangements were sometimes made to obtain the voluntary surrender of outlaws on the condition that their cases would be submitted to a *jirga* and not to the regular Courts. The other course is by increasing political pressure on a tribe to compel the expulsion of outlaws from their limits. This, however, seems to have been seldom successful in the past partly owing to the Pathan

Code of honour which does not favour the surrender of members of one's own tribe to justice and does not allow of the surrender of persons of other tribes who seek harbourage in any area. There is also the difficulty that outlaws receive much assistance from their friends and relatives within the districts. The case of Lila Sheikh, a notorious outlaw and a resident of Lakki Marwat, has been brought to our notice. This man was in the habit of spending sometime every year living in his own village, and by means of a compound of local influence and terrorisation succeeded for many years in escaping the vigilance of the authorities, until a few months ago he was located and killed in a fight with the forces of the Crown. The problem is thus of great difficulty and complexity and requires the fullest co-operation between the District and Agency authorities.

69. We are not convinced that the method of tribal pressure across the border has been applied with sufficient rigour. These tribes are all in receipt of allowances and many of them are under agreement not to harbour offenders. We recommend that payment of allowances should in all cases be conditional on a tribe's honouring its agreement not to shelter outlaws. In a case such as that of the Bannu Ahmadzai Wazirs when a nest of outlaws is responsible for serious crime within the district we consider that measures of blockade should always be applied until the outlaws are either surrendered or adequate tribal guarantees are given for their behaviour. We suggest further that where damage to person or property is brought home to any tribe, or to outlaws harbouring with any tribe, the loss should be made good within the capacity of that tribe to pay out of its allowances. We understand that a portion of the Ahmadzai allowances have already been expended on the improvement of the Bannu City fortifications, and we think that the Central Government should be asked to consider a reappropriation of allowances which are not at present being paid to the tribe to meet damage done by the raid.

70. A remedy which has been suggested by many witnesses is the grant of an assurance to outlaws that they will be exempted from capital sentences if they surrender. The dangers of this concession have been pointed out by another witness who observed that such

assistance must put a premium on outlawry and will encourage murder by hired assassins who will be able to find sanctuary across the border and claim freedom from capital punishment. We do not think that any such concession can be given at the time of surrender if an outlaw is to appear before the ordinary courts, for no executive authority is competent in advance of trial to give a guarantee of this nature. There may be certain cases in which the provisions of Section 401 of the Code of Criminal Procedure may be invoked by the Government after trial has taken place, but with jirga trial not in vogue we think it difficult for the Government to give a guarantee to invoke such powers in order to obtain surrender.

71. Another suggestion made was that evidence in the cases of all outlaws should be reviewed by a competent judicial authority and those against whom the evidence is weak should be so informed and allowed to return to their homes, while those against whom guilt was likely to be brought home should be compelled to return by pressure on the tribe and in any case removed to a distance of ten miles beyond the administrative border, security being demanded from the tribes if their surrender cannot be obtained. We think that some such system is workable and that some adjustment on these lines is necessary when an unadministered area abuts on a Settled District. In the former case of weak evidence we think that the old provisions of the Frontier Crimes Regulation can properly be made use of, since a simple pardon by Government without settlement with the complainant will not close a blood-feud or a dispute. The very fact that a person has absconded across the border in a murder-case shows that a "*por*" has been incurred. A free pardon will settle the case with the Crown, but the "*por*" will remain, resulting in yet another murder.

72. The extent to which the law is out of accord with the sentiments of a section of the people is demonstrated by the proposition of some witnesses, who could not be accused of lack of intelligence, that murder should actually be made a compoundable offence, so bringing the law into accord with Pathan custom. Another suggestion was that the law of private defence of the person should be extended to a law of private offence in cases where Pathan custom required vengeance in retribution.

73. Neither of these suggestions can be entertained by any civilised Government, but they serve to demonstrate the difficulty under which the law is worked in a border district. The furthest we could go would be to allow settlement by payment of blood-money in cases where the evidence after review by competent judicial authority was held not to supply a *prima-facie* case in the courts against the outlaw. In other cases we can only adhere to the principle that murder is an offence not only against the individual but against the State, which cannot abdicate its functions in favour of private individuals.

74. There remains the problem of dealing with the assistance rendered to outlaws within the district and generally of maintaining pressure against an outlaw within the district. Some witnesses have expressed the view that the use of Section 88 of the Code of Criminal Procedure is unjust in that the innocent dependants of such persons are so deprived of their means of subsistence. But we feel that the law should not be allowed to be cheated by any sentimentality of this nature and we do not think that on sentimental grounds the free use of the provisions of the Criminal Procedure Code can be restricted. A second objection has been put up that the fear of outlaws is so great that other persons will not purchase the land attached. We are not convinced that no persons can be found to risk such dangers and, if it is true that large areas in the Bannu District remain undisposed of, we suggest that they might be utilised for the colonization of deserving tribesmen. In other cases if outlaw's land is valuable it might be taken over by Government for use as Demonstration Farms.

75. We had no doubt from the evidence that outlaws frequently harbour with their relatives in the District. We shall have certain suggestions to make for strengthening the law in this respect, but here observe only that greater vigilance by the Police, who may require to be strengthened for this and other purposes, should result in bringing such persons to justice under the Indian Penal Code. The Superintendent of Police put out certain suggestions which appear to us to be useful for dealing with this problem. These were that Police Reserves and the Frontier Constabulary should be used for intensive patrolling within the District in villages known to harbour outlaws. He

also recommended the use of Constabulary assisted if necessary by military for counter-raiding of tribal villages close to the border, mentioning particularly the three villages of Kui, Sein and Chappari which are known to be harbouring large nests of outlaws. We think that pressure on these lines both within and beyond the border should receive the fullest support of the Central and the Provincial Governments and would form a useful adjunct to all other measures undertaken on both sides of the border.

#### SECTION IV.—RAIDING AND THE FORCES TO MEET IT.

76. In the previous two sections we have dealt with certain symptoms of raiding and made suggestions for the better organisation of the public to meet it. We will now consider the Government organisation for meeting raids. Ever since the annexation of the Punjab raids have been more or less of a menace to the administered districts. Whenever there has been disturbance in the tribal territory raids on the settled districts have increased, and conversely disturbed conditions and rise in crime in the districts encourages raiding from across the border. There is constant action and reaction between the conditions which subsist on either side of the border. In the past an epidemic of raiding has been met by the employment of military force against the tribes which has been followed by a comparative period of peace. From 1919-23 large scale operations were carried out in Waziristan resulting in thirteen years of peace. That peace was again disturbed in 1936, followed by tribal disorders across the border and a wave of crime inside the districts. Some witnesses have suggested that this unrest is due to what is called the "Forward Policy" and that the campaign conducted by the tribal leaders is with the object of combating this Forward Policy. They therefore suggest a return to the administrative border. Other witnesses, including many non-officials, believe that withdrawal from Waziristan would bring increased disorder and that the positions already occupied should continue in occupation. This problem we consider to be beyond the scope of our enquiry, which we have endeavoured to confine to the



protection of the border. We do not think that the mere use of military force against the tribes can produce a lasting state of peace within British India. A large number of operations have been undertaken since the time of the annexation of the Punjab with varying results, but the problem remains. Under our terms of reference we have only to view it as it affects the Bannu District. From this angle we have the following suggestions to make.

### **Frontier Constabulary—**

77. We consider that the Frontier Constabulary has been reduced beyond the safety point if it is to be a secure shield against incursions over the administrative border, and we recommend that it should be increased and made more mobile to enable it to keep all main routes into the districts under observation and control. The District Officer, Frontier Constabulary emphasized the difficulties resulting from an undue reduction in the strength of Mounted Infantry and we consider that the increase of mounted men, and the provision of mechanical transport, would make the force more useful and efficient. We also think that with the object of increasing mobility the old Frontier Road along the administrative border should be reconditioned. In order to assist irregulars, and if necessary troops, to reach and reinforce any place threatened by raids one suggestion was made by an official witness for the construction of a sort of Chinese Wall along the border which he estimated as costing about Rs. 1 lakh per mile. We are unable to support any such proposal not only because of its prohibitive cost but because of its doubtful utility in our view and the inexpediency of shutting off tribesmen from inter-course with the districts.

78. With regard to the class composition of the Constabulary it has been suggested that minority communities should also be recruited and Gurkhas and Sikhs have been particularly mentioned. We are doubtful whether recruitment on a communal basis would achieve any end, but we suggest that no person should be excluded on the ground of his community, if he is otherwise fit. It would have to be considered whether classes recruited from other parts of India would be able to work in with the Pathan population on the border. Another suggestion has been made that the Frontier

Constabulary should be commanded by military and not Police officers on the grounds that the duties of the force are quasi-military and require tactical knowledge of a high order. Against this the District Officer contends that Police officers are in a better position to co-operate with the District Administration, approximating the duties of the force to those of the Armed Police. To this contention in the district field we agree but we put forward a suggestion that the command of the force at headquarters might be entrusted to a military officer with experience of work with irregulars on the North-West Frontier. Such an officer might be able to co-operate more closely with the military when the aid of the latter had been invoked, and would be more used to commanding large bodies of men concentrated to deal with special emergencies.

79. There remains the anomaly that the Frontier Constabulary although responsible for the protection of the district border is paid for by the Central Government and under their control. We think that in this matter a change ought to be considered. The duties of the force generally approximate more nearly to those of Armed Police than to those of troops and they are responsible for the watch and ward of the district border. The proposal to transfer them to Provincial control was, we believe, considered and rejected by the Haig Committee, but we feel that the time has come for review. If the Provincial Government thought its officers are not in a position to control the first line of defence of the district, it is obvious that its responsibility for law and order within the districts is difficult to discharge. At present the only force at the disposal of the Provincial Government is the District Armed Police which experience shows to be insufficient to meet raiding even on a small scale. It is true that the financial resources of the Provincial Government are not sufficient to meet the cost of the Frontier Constabulary. This however is a matter for adjustment between the Central and Provincial Governments, and it will be remembered that this Province already enjoys a large subvention. At the same time partly because of the incidence of charges and partly because the Frontier Constabulary is designed to meet threats from across the border we think it should not be difficult to devise some scheme whereby control of this force vested in the Governor

(not in his capacity as Agent to the Governor-General) as part of his special responsibility within the frame-work of the Government of India Act. Thus the Constabulary would work under the Provincial Government through the Inspector-General of Police, who, if our recommendations were accepted, would operate through a military officer at Headquarters and Police Officers in the districts.

80. We think, too, that one failing of the Frontier Constabulary is shortage of gazetted officers and we suggest that every district should dispose of the services of a District Officer and an Assistant at all times. If the Frontier Constabulary became in this manner an addition to the Police Reserves the relations of the District Officers with the Superintendents of Police will require careful consideration.

81. We are unaware how far telephone communications have been provided in all Posts occupied or to be occupied by Frontier Constabulary or Khassadars, and we think that if these do not exist they should be established without delay. It is true that telephone wires can be cut by raiders, but we imagine that the cost of provision of wireless would be prohibitive even if it were possible to train Frontier Constabulary to use it.

#### **Police—**

82. The dependence of raiders on accomplices in the Districts has already been stressed, but we must again emphasize the reactions of crime on raiding and the great importance of Police work as a counter-measure to raiding. We have been supplied with statistics of violent crime which are attached to this report as an appendix. This crime is not necessarily due to laxity on the part of the authorities but is a general sign of the unrest prevailing. We do not think that the incidence of crime can be ascribed to the suspension of the Frontier Crimes Regulation, if only because there were many periods during which that Regulation was in force when crime was at a very high level. The incidence of crime and—a disquieting feature—the large number of undisposed cases left over from previous years at the present juncture are very serious. The Superintendent of Police has given us his view that the strength of the Bannu Police is inadequate to keep level with the present volume of violent crime. Insufficient officers of the rank of Sub-Inspector are avail-

able for investigation and the number of reports is so unending that the attention cannot be given to the investigation of individual cases. He told us that the result of the present deficiencies is overstrain of duty, desertions and unpopularity of Bannu as a District for Police service. We think therefore that the Provincial Government must seriously consider whether it is not necessary to increase the strength of the Bannu Police. Possibly if the Frontier Constabulary and the Police are brought under a unified control, some reduction of the existing District Armed Reserves could be made to off-set an increase in the staff for investigation and prevention of crime.

83. We put forward a further suggestion that the control of crime might be improved by the strengthening of the Inspector-General's Office at the centre through the establishment of a trained crime branch in the Criminal Investigation Department. Such officers, could, assist the District Police in the investigation of important cases, and would be in a position to lighten the load of a District staff overcome by a wave of crime. This Bureau could co-ordinate its activities with the Intelligence Branch across the border.

#### **Magistrates—**

84. It is possible, too, though we have no figures to support this conclusion, that the magistrates are insufficient in number to dispose of the volume of cases coming before them and require some special aid to clear up their pending files. We cannot support a suggestion made by one witness that the frontier judiciary should be amalgamated with that of the Punjab on the ground that undue influence is brought on a judiciary locally recruited.

#### **Khasadars—**

85. The remaining force which should be available, for countering raids is that of the tribal *khassadars*. Many witnesses have attacked the *khassadari* system on the main ground that the *khassadars* will not work against the interests of the tribe which *ex-hypothesi* are in support of raiders. It is true that *khassadars* did not in the case now under enquiry, and as far as we are aware do not ordinarily, offer armed resistance to raiding gangs. The utility or otherwise of the *khassadari* system is beyond the scope of our enquiry except in so far as it is worked

within the districts or at the administrative border. It has however been the practice to retain the majority of the Ahmadzai *khassadars* in border Posts and to this extent it is proper for us to give our opinion. The *maliks* who appeared before us attributed the failure of *khassadars* to their inadequate number. This however can be dismissed as special pleading and it must be remembered that *khassadari* is paid to a tribe to enable the maliks to discharge the responsibility of the whole tribe. Even in the present case it is clear that the *khassadars* at Gumbatti old and new posts sent information of the movements of Mehr Dil's lashkar, which if sufficiently prompt measures had been taken, should have enabled the local authorities to meet the threat. Their use as intelligence agents is therefore proved in the present case and we are averse to their abolition if only because they enable Government to maintain a lever for the good behaviour of the tribe. When the tribe as a whole turns hostile, or when the *khassadars* of any section cease to perform the service for which they are paid, the *khassadars* should be dismissed. But if they are retained in Border Posts and not within the tribal territory, we consider that they should work under the control of the Frontier Constabulary to whom their reports should be submitted. The Constabulary would then pass them on to the District authorities. In all cases the principle of payment by results should be strictly observed, and tribal benefits should never be open to the criticism that they are a form of blackmail or bribe.

#### SECTION V—KIDNAPPING.

86. Kidnapping is of course a part of raiding and in many cases at present the chief incentive for raiding. It has recently shown a markedly communal trend, the majority of the victims being Hindus, though Muslims have sometimes been kidnapped. It is a fruitful source of income to the tribesmen in that in most cases ransoms are paid. One witness who was kidnapped in 1912, thus showing that this feature is no new one, stated he was required to pay a ransom of Rs. 23,000 before he secured release. If no ransom were paid it is clear that kidnapping

would come to an end and many witnesses have urged that efforts should be made to stop the paying of ransom by relatives of kidnapped persons. In theory this solution would be admirable ; in practice it is difficult to see how an absolute assurance can be given to relatives that the release of kidnappees can be secured by authority. Relatives are therefore loath to sacrifice those who have been kidnapped. It follows that paying of ransom can not be stopped but without the stopping of such payment kidnapping will not come to an end. We thus have a vicious circle. The best solution that commends itself to us is this.

87. As soon as the location of a person kidnapped has been ascertained every kind of pressure, political in the first instance, should be brought to bear on the tribe concerned for his release. In any case whether or not ransom is paid a fine should be imposed on the tribe responsible. This fine should not be less than any ransom likely to be demanded but should not be based on the ransom and should not ordinarily on realisation be paid to the relatives of the person kidnapped for to do so will merely encourage payment of ransom. Exceptions to this rule could be allowed where it could be shown that the executive measures taken had been inadequate to secure release within a reasonable time. The realisation of the fine will make the tribe feel that the business of kidnapping is not remunerative. At the same time the Police should carefully investigate the channels of payment of ransom which, we are informed, is conducted through regular agents. It is possible that a special Police branch will have to be established in any district where kidnapping is rife to trace out connections within the district. Pressure on the guilty tribe can often be increased by the arrest in *barampta* of members of the section to which the kidnapppers belong and this form of reprisal is not only in accord with tribal sentiment but is obviously just. We shall later have a suggestion to make for the amendment of the law to deal with kidnapppers or those who help them.

#### SECTION VI—SUGGESTED CHANGES IN THE LAW.

88. Many official witnesses have asked for the revival of the Frontier Crimes Regulation to arm the authorities

with greater power to control the activities of outlaws and tribal offenders. We do not propose to traverse the ground covered by the Niamatullah Committee, nor has sufficient material been placed before us to enable us to review the findings of that Committee. Moreover we are impressed by two considerations. The first is that, when Sections 8 and 11 Frontier Crimes Regulation were in use, they did not succeed in giving to the Districts a regime of freedom from violent crime or of immunity from raids and their presence must have lowered the standard of investigation. The second is that under the party system the regular use of jirga proceedings under Sections 8 and 11 Frontier Crimes Regulation might be a weapon which would be abused by politicians and turned against their political opponents. We have already said that a measure of adjustment is needed in certain cases where it is proposed to settle outlaws against whom no *prima-facie* case can be made out in the Courts. Beyond that we are not prepared to go.

89. We are however impressed by statements made by both official and non-official witnesses to the extent that crime of transborder origin cannot be controlled without rigorous measures against those who connive at it within the Districts. The harbouring of outlaws, and assistance to raiders and kidnappers generally, are offences widely attributed to accomplices in administered territory; and we have been urged to strengthen the law to meet these special problems and to give protection to law-abiding citizens in a border tract. Clauses (c) (d) and (e) of Section 110 of the Code of Criminal Procedure allow of the institution of security proceedings against habitual harbourers, habitual kidnappers and their accomplices, and persons who habitually abet the commission of offences involving a breach of the peace. But all these provisions of law require proof that the person who is required to show cause indulges "habitually" in these practices. It appears to us that in the special situation arising on the border an amendment of Section 110 is required to bring persons, against whom proof of habit cannot always be had, within the clutches of the law. Reasonable information of a single indulgence in such activities should in our opinion suffice to justify the institution of proceedings for security.

90. There is further the arrangement of frontier remissions of revenue, which are given to villages for the protection of the border, and are granted on a collective basis. A number of witnesses, including non-officials, have emphasized their view that raiding and kidnapping cannot be stopped unless collective responsibility is enforced in villages, which for instance connive at a raid, fail to render all assistance in their power to effect the arrest of raiders or kidnappers, or connive at the harbouring of outlaws. We think that a provision of law is needed for collective fines or forfeitures on proof of failure to discharge village responsibilities of this nature. Such action would require the Provincial Government's previous sanction. Further, if the village militia system, which we have recommended, is to be a reality, there should be some legal basis for village watch and ward.

91. Again we would emphasize that bad characters, both in urban and in rural areas, are a potential danger to the peace. Their expulsion in case of necessity, as experience in other Provinces has shown, helps in the preservation and re-establishment of peaceful conditions. We are therefore of the opinion that the executive should be armed with sufficient powers to intern or extern such elements, and for this purpose we recommend enactment of a provision on the lines of the "Bengal Gundas Act."

92. Lastly in dealing with punishment for erring tribes a system of blockade seems to us to be a very effective weapon and to serve a two-fold purpose. It applies pressure on the tribes to expel outlaws, and punishment to them for their bad behaviour; and it is the weapon likely to be the least provocative. Some legal basis for its application is necessary.

93. It is not for us to advise the Legislature as to the exact form which any enactment embodying these suggestions ought to take, but the requisite provisions may perhaps be broadly grouped under the head of Border Defence. And should the Legislature desire to circumscribe the powers of the executive, it is open to them to provide suitable checks; but these should be imposed solely for the protection of the subject and not with the object of thwarting or retarding the effectiveness of any action proposed.



## SECTION VII—POLITICAL DYARCHY.

94. A number of non-official witnesses have referred to the present system of division of administrative functions in the Districts and the Agencies by this term. Some of them say that for the safety of the districts it is necessary that the political control of the Agencies should be transferred to the Provincial Government. Others advocate the amalgamation of the whole of tribal territory with British India as part of the North-West Frontier Province. Others suggest that those parts of the tribal territory under the political control of the Deputy Commissioners should become either part of the Frontier Province or be placed under the Political control of the Provincial Government. Others again advise the extreme course of complete withdrawal of the Government of India's control and forces from the tribal territory. Even if this large question were within the scope of our enquiry, there is so much divergence of opinion in the evidence which has been given that it would be impossible for us to come to even a provisional conclusion. The frame-work within which this report must be written is the existing Government of India Act which has separated the functions of Government in British India and in the Tribal Areas. No doubt a set plan in Waziristan based on proper appreciation of past experience and present conditions, and not excluding international considerations, might go far to solve the difficulties with which the Provincial Government are faced, and enlightened handling of tribes may assist in the solution of the problem. But the problem is one of great intricacy and can only be investigated under the orders of the Central Government. We have however already proposed one modification of the existing division under the head of Frontier Constabulary and we have one more suggestion to make.

95. At the time of the Bannu Raid there was no senior Civil Officer in the neighbourhood in a position to give advice to the Deputy Commissioner and it is clear that even in regard to his own powers the Deputy Commissioner had certain erroneous notions. To remedy this and to associate the functions of Government in the Districts and in the Agencies we suggest that the Resident in Waziristan might become a Commissioner *cum* Resident. It is not for us to make suggestions as to whether a similar

system might be considered in the northern area of the Province, but as regards the southern area it appears that our suggestion would not entail any extra expenditure in that the Resident *cum* Commissioner would presumably remain an official of the same status as the present Resident in Waziristan. The result would be that the assistance and advice of a senior official would be made available for the Settled Districts. We are aware that there exists a demand in most Provinces for the abolition of Commissionerships, but the conditions on the North-West Frontier require different treatment. In any case if the responsibility of the Resident is extended in the capacity of Commissioner to the Districts, his experience should be of use in the preservation of peace and the prevention of trans-border raiding and assist in associating the functions of Government on the two sides of the border. Moreover in the Provincial sphere it may be possible to establish a convention whereby in matters in which tribal affairs impinge on law and order in British India the Provincial Government should be in a position to tender advice through the Governor to the Department of the Central Government entrusted with the control of the Tribal Areas. Such advice could not be binding under the provisions of the Government of India Act, but the convention might be helpful in promoting the re-establishment of peace and in driving out lawlessness in the Frontier Province.

### SECTION VIII—PUBLICITY

96. Both official and non-official witnesses have mentioned propaganda as playing a considerable part in promoting harmony or deterioration in the relations between different sections of His Majesty's subjects. Publicity is notoriously a two-edged weapon and it is difficult to fix on the agency responsible for carrying it out. Political parties no doubt have their agents and political exigencies will more and more lead to the use of this weapon, but the propaganda of one party is not what we have in view, nor do we think that Government is in a position to employ a body of publicists in the ordinary sense for this purpose. We do, however, think that frontier affairs are too apt to be shrouded in mystery and that

more efforts should be made to give publicity to the truth both in the Press and otherwise.

For instance tours by legislators in the tribal areas were previously in vogue, and might well be resumed. And one of the best form of publicity is well-considered touring by members of the Government and by competent officials. On the other side it has been brought to our notice that violent propaganda often carried out by some Political parties leads to a deterioration in communal relations, and we strongly recommend that propaganda with a communal tinge of any kind should be dealt with with the utmost rigour of law.

#### SECTION IX—MISCELLANEOUS.

97. There remain a few points of a miscellaneous nature. One witness recommended the undertaking of an economic survey of the Province and of Waziristan and others pointed out that large tracts of land in Districts remain unirrigated and that much could be done to increase the area under irrigation both in Bannu and Dera Ismail Khan. We do not think that the conditions in Waziristan are at present suitable for an economic or geological survey, and we believe that such survey as has already been undertaken has proved infructuous. Nor do we believe that the cause of frontier unrest is primarily economic, at any rate among the Wazirs.

98. With regard to the districts further irrigation from the Indus beyond that already provided by the Paharpur Canal is unfortunately impossible owing to lack of command, but there is reason to believe that more attention and continuity in District appointments would be able largely to extend the flood torrent irrigation in both districts. The lack of continuity in appointments may be regarded as at least one cause for failure to bring improvement in this respect.

We understand too that the possibilities of constructing a major irrigation work at the debouchment of the Takki Zam above Tank were closely examined in recent years, the project being to harness the flood-waters of that stream for the better irrigation of the thirsty Derajat lands below Tank. Without

possessing any technical knowledge we venture to recommend that these possibilities be further explored, and that the survey be extended to the debouchments of other streams such as the Khaisora, Shaktu, and Gomal Rivers.

99. There is moreover a further venture which in our opinion holds out some prospects of success. Some tribal sections in Waziristan among the Mahsuds suffer from land-hunger which must be one cause of raiding. If the poorest sections from the tribal belt could be colonised in any part of the frontier districts, in the Punjab, Sind, or in Indian States, preferably the first, this land-hunger would become alleviated, and with a properly regulated scheme control over the tribal sections themselves should be increased. It is possible that preference could be given at the tail of the Paharpur Canal to lessees from Waziristan and in other cases land-owners may be prepared to offer land on lease to tribesmen with a Government guarantee, secured on tribal allowances, for payment of rent. The close co-operation of the Central and Provincial Governments would be necessary to make any such scheme a success, but we think that if the end is admitted by both Governments as desirable there should not be great difficulty in working out details almost on a no-cost basis.

100. Some witnesses made a grievance of the fact that a larger number of non-Muslims were not employed in the subordinate Political and Police and indeed in other services. We are not prepared to recommend any fixed proportions, but we think that there should be no exclusion on the score of religion. Even in the Frontier Constabulary, we understand, Tirah Sikhs were formerly enlisted, and we are not aware of the reasons for discontinuance of such enlistment. In view of the insistence by these witnesses that a larger number of non-Muslim employees would give a greater sense of security to the minority population of this Province we have thought fit to draw the attention of the Government to this matter.

O. K. Caroe, *President.*

J. L. Kapur, *Member.*

## APPENDIX I

List of persons who suffered loss in the dacoity dated the  
23rd July 1938.

iSeral No.	Name and address of the sufferer	Detail of business	Loss claimed by claimants	Amount of loss as appears to me as correct
			Rs.	Rs.
1	Jetha Nand, son of Jiwan Das Giroti.	Maniari seller ..	4,000	500
2	Shiv Ram, son of Sobha Ram Juneja.	Cloth merchant ..	7,000	2,000
3	Sant Ram, son of Ishar Das Kumar.	Ditto ..	22,000	6,000
4	Bhoja Ram, son of Lal Chand Juneja.	Ditto ..	16,000	13,000
5	Tikaya Ram, son of Rup Chand Taneja.	Ditto ..	60,000	35,000
6	Sant Ram, son of Khem Chand Huja.	Ditto ..	8,000	2,500
7	Lakhmi Chand, son of Mani Ram Gambhir.	Ditto ..	20,000	6,000 to 8,000
8	Harnam Das Charanjit Lal, Gogaliani.	Ditto ..	25,000	6,000
9	Bhoja Ram, son of Lekh Nath Chandna.	General cloth merchant.	55,000	25,000 to 30,000
10	Attar Singh, proprietor firm Messrs. Sewa Ram Harnam Das.	Ditto ..	15,000	3,000
11	Arjan Das Nakra ..	Soda Water Factory.	2,000	500
12	Lachhman Das, son of Hukam Chand Virmani.	Perfumer ..	2,500	500
13	Lakha Singh Hakim ..	Pansari ..	2,500	500
14	Rajan Singh ..	Cotton-seller ..	500	200
15	Pdt. Hukam Chand, Hakim.	Pansari ..	5,000	500
16	Sant Ram, son of Naina Ram Virmani.	Attar and seller. oil	200	50

## APPENDIX I—continued

List of persons who suffered loss in the dacoity dated the  
23rd July 1938—continued

Serial No.	Name and address of the sufferer	Detail of business	Loss claimed by claimants	Amount of loss as appears to me as correct
			Rs.	Rs.
17	Roshan Lal No. I ..	Flour seller ..	50	Nil.
18	Roshan Lal No. II ..	Flour seller ..	200	Nil.
19	Jodha Ram ..	Ghee and sugar seller.	4,500	1,500
20	Parma Nand, son of Talu Ram Wadhawa.	Ghee seller ..	200	100
21	Dittu Ram Chhokra ..	Pan and cigarettes seller.	300	50
22	Rup Chand Gurwara ..	Tobacco seller ..	350	100
23	Hukam Chand Deva Ram Matta.	Cloth merchants ..	10,000	4,000
24	Kishan Lal, son of Hira Nand Kumar.	Saraf and cloth merchant.	4,000	200
25	Khilani Ram Khurana..	" Ditto ..	1,700	200
26	Dasu Ram Chhokra.. ..	Trunk merchant..	200	Nil
27	Bhawani Das ..	Maniari seller ..	200	Nil
28	Kuljas Rai, son of Khan Chand Juneja.	Cloth merchant ..	2,000	200
29	Chaudhri Ram Dehra Ram.	Halwai ..	500	50
30	Gela Ram, son of Indar Bhan, Shop No. I.	Do.	250	100
31	Ditto ..	Do.		
32	Parma Nand Kanai ..	Coal merchant ..	300	Nil
33	Kirpa Ram, alias Babu (he has been killed).	Flour merchant ..	1,000	1,000

## APPENDIX I—continued

List of persons who suffered loss in the dacoity dated the  
23rd July 1938—continued

Serial No.	Name and address of the sufferer	Detail of business	Loss claimed by claimants	Amount of loss as appears to me as correct
			Rs.	Rs.
34	Tara Chand, son of Bhagat Tej Bhan.	Perfumer ..	200	200
35	Thakar Das, son of Bhagat Tej Bhan.	Do ..	200	100
36	Hira Nand, son of Nanak Chand Virmani.	Atta and Ghee shop.	100	50
37	Devi Dial ..	Soda Water Factory.	50	50
38	Hira Nand, son of Parma Nand Mandhan.	Halwai ..	24	24
39	Jetha Nand, son of Gobind Ram Minocha.	Soda Water Factory.	40	20
40	Balak Ram, contractor (he has been killed).	Opium, Bhang and Charas contractor.	1,000	500 to 1,000
41	Bhakhshi Ram ..	Halwai ..	80	Nil
42	Mohan Lal ..	Do. ..	20	20
43	Mehr Chand Kanal ..	Soda Water shop	200	Nil
44	Narain Das ..	Milk seller ..	70	Nil
45	Sobha Singh, son of Mehr Chand.	Cost of two sewing machines with clothes of customers.	150	Nil
46	Ram Chand, son of Lal Chand	Cost of one sewing machine and clothes of customers.	50	Nil
47	Bogha Ram ..	Ditto ..	200	Nil
48	Indar Singh, son of Butta Singh.	Ditto ..	100	Nil

## APPENDIX I—concluded

List of persons who suffered loss in the dacoity dated the  
23rd July 1938—concluded

Serial No.	Name and address of the sufferer	Detail of business	Loss claimed by claimants	Amount of loss as appears to me as correct
			Rs.	Rs.
49	Hira Nand Chandna ..	Cost of one sewing machine and clothes of customers.	500	Nil
50	Lal Chand Chandna ..	Ditto ..	400	Nil
51	Sewa Ram ..	Ditto ..	200	Nil
52	Mehr Chand ..	Ditto ..	100	Nil
53	Kanshi Ram ..	Ditto ..	130	Nil
54	Mukand Lal ..	Ditto ..	200	Nil
55	Parma Nand ..	Ditto ..	100	Nil
56	Bawa Singh ..	Ditto ..	200	Nil
57	Bur Singh ..	Ditto ..	200	Nil
58	Kishan Chand ..	Ditto ..	200	Nil
59	Sobha Ram ..	Ditto ..	100	Nil
60	Roshan Lal ..	Ditto ..	25	Nil
61	Dardial Singh Bhaikhel..	Ditto ..	130	Nil
62	Main Lall ..	Ditto ..	50	Nil
63	Mohan Lal Huja ..	Gramophone dealer	800	Nil
64	Gulab Singh Amir Singh	Bankers ..	550	Nil
65	Tara Singh Sobha Singh..	Saraf ..	170	Nil
66	Kishan Gopal Virmani ..	Do. ..	70	Nil
67	Mengh Raj, son of Gopal Das.	Do. ..	125	Nil
68	Attar Singh Harcharan Singh.	Arti ..	176	Nil
69	Khan Chand Chawla	Munim ..	Rs. a. p. 40 4 0	Nil
		Total ..		1,17,214



## APPENDIX II

List showing the names of the owners of the shops which have been burnt.

Serial No.	Name and address of the owner	Amount of loss claimed by owners	Amount which appears to be correct
		Rs.	Rs.
1	Mool Chand Mangat Ram, Kanal, Bannu	One shop 1,000 Single storey.	500
2	Sunder Lal Chawla and Jagan Nath Gandhi, Chawla, Bank, Bannu.	" 1,000	500
3	Tharia Ram Marchandi, of Dera Ismail Khan.	" 1,000	500
4	Bogha Ram Babla, of Himalayas Talkies Dharamsala, Kangra.	" 1,000	500
5	Sant Ram Huja etc. of Bannu ..	" 1,000	500
6	Narsingh Das Narula of Dera Ismail Khan.	" 1,000	500
7	Charanjit Lal Khana of Bannu City ..	" 1,000	500
8	Ponu Ram Mukand Lal Jawa, Bannu City.	" 1,000	500
9	Bodh Raj Gulati of Isa Khel ..	" 1,000	500
10	" " ..	" 1,000	500
11	Hira Nand Jawa of Bannu City ..	" 1,000	500
12	Punu Ram Mukand Lal Jawa, Bannu City.	One plat- 500 form.	500
13	Bodh Raj Gulati, Isa Khel ..	Do ub le 2,000 storied shop.	1,000
14	Pumu Ram Mukand Lal Jawa ..	" 2,000	1,000
15	" " ..	" 2,000	1,000
16	Daulat Ram Kumar, son of Hira Nand, Bannu.	" 2,000	1,000
17	Guli Chand Wadhwa, Bannu City ..	" 2,000	1,000
18	Punu Ram Mukand Lal Jawa, Guli Chand and Gurdawara Chothu Ram, etc.	Single 1,000 storied shop.	500
19	" " ..	Ono plat- 500 form.	100
20	" " ..	" 500	100

## APPENDIX II—concluded.

List showing the names of the owners of the shops which has been burnt—concluded.

Serial No.	Name and address of the owner	Amount of loss claimed by owners	Amount appears to be correct
		Rs.	Rs.
21	Punu Ram Mukaud Lal Jawa, Guli Chand and Gurdawara Chothe Ram, etc.	Single storey shop 1,000	1 500
22	" " ..	" 1,000	500
23	" " ..	Double storied shop. 2,000	1,000
24	Mussammat Mukandi Bai of Bannu City widow of Harbha Mal.	Single storied shop. 1,000	500
25	" " ..	" 1,000	500
26	Chetan Das Adhlakha, of Lakki	" 1,000	500
27	" " ..	One platform. 100	50
		Total ..	15,250
		Loss as per list No. I ..	1,17,214
		Grand Total ..	1,32,464

### APPENDIX III

Years	Total crimes dealt with	Total admitted crimes	Cases tried	Cases convicted	Percentage of column 3 to 5	Percentage of column 4 to 5	Percentage of column 3 to 4	Percentage of cases cancelled to cases reported	Cancelled	Pending	Remarks
I	2	3	4	5	6	7	8	9	10	11	12
1928 ..	898	762	586	403	52.88	68.77	76.90	15.14	136	..	
1929 ..	908	813	640	445	54.73	69.53	78.72	10.46	95	..	
1930 ..	1,985	1,771	1,144	732	41.89	64	64.6	10.78	214	..	
1931 ..	2,015	1,767	1,161	786	44.42	67.7	65.7	12.35	249	..	
1932 ..	2,273	1,970	1,205	834	49.33	69.21	61.16	13.33	303	..	
1933 ..	1,368	1,178	763	551	46.77	72.21	64.77	13.88	150	..	
1934 ..	1,757	1,518	1,038	852	56.12	82.08	68.37	13.60	239	..	
1935 ..	1,745	1,501	1,154	1,006	67.02	87.17	76.88	14	244	..	
1936 ..	1,807	1,580	1,035	850	53.79	82.12	65.50	12.56	227	7	
1937 ..	2,568	2,276	821	664	26.17	80.87	36.07	8.25	292	767	
25-11-38 ..	1,988	..	..	..	..	..	..	..	..	..	

## DACOITY.

Years	Total crimes dealt with	Total admitted crimes	Cases tried	Cases committed	Percentage of column 5 to 3	Percentage of column 4 to 5	Percentage of column 3 to 4	Percentage of cases cancelled to cases reported	Cancelled	Pending	Remarks
I	2	3	4	5	6	7	8	9	10	11	12
1928 ..	6	6	3	1	16.66	33.33	50	..	..	..	
1929 ..	6	6	3	2	33.33	66.66	5	..	..	..	
1930 ..	12	9	7	4	44.44	57.14	77.77	25	3	..	
1931 ..	14	12	6	3	25	50	50	14.3	2	..	
1932 ..	30	27	10	5	18.52	50	37.3	10	3	..	
1933 ..	10	8	6	3	37.5	50	75	20	2	..	
1934 ..	4	4	3	1	25	33.33	75	..	..	..	
1935 ..	2	1	1	1	100	100	100	50	1	..	
1936 ..	7	7	5	4	57.14	80	71.42	..	..	..	
1937 ..	48	46	3	2	4.34	66.6	6.52	4.16	2	24	
1938 ..	33	..	..	..	..	..	..	..	..	..	

