

**Terrorism, Law, and Sovereignty in India and  
the League of Nations, 1897-1945**

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Abstract

This research examines the emergence of terrorism as a legal and political category in late colonial India from 1897 to 1946. Chapter 1 traces debates surrounding laws of sedition from the 19th century and follows these laws into the early twentieth century, where they come to be viewed as increasingly inadequate in dealing with the unprecedented challenge presented to the colonial regime by secret societies using bomb assassinations against the government. Chapter 2 then examines how these discussions change in the context of the First World War, when a language of war and concerns regarding third party German involvement provide the opportunity for the imperial government to strengthen its emergency laws by legislating against 'conspiracy'. Chapter 3 demonstrates how, following the end of the war, conspiracy became itself viewed as an inadequate term and officials made a conscious decision to present revolutionaries under the label of 'terrorism' in subsequent speeches. This continued into the early 1930s, where laws in India began to target terrorism as a discrete category of crime, in legislation such as the Suppression of Terrorism Outrages Act of 1932. Chapter 4 situates this process within the context of the international system of the interwar period, first exploring India's under-studied relationship with the League of Nations and then indicating how this relationship became a point of critique for those labelled by the government as terrorists, particularly the Bengali revolutionary Rash Behari Bose. Chapter 5 shows how the discussions surrounding the Convention for the Prevention and Punishment of Terrorism in 1937, the world's first international law to target terrorism as a discrete category of crime, reflected many of the concerns that animated discussions in India. The chapter also examines India's role in the Convention, as the only member-state of the League to ultimately ratify the treaty.

## **Preface**

This dissertation is the result of my own work and includes nothing which is the outcome of work done in collaboration except as declared in the Preface and specified in the text. It is not substantially the same as any that I have submitted, or, is being concurrently submitted for a degree or diploma or other qualification at the University of Cambridge or any other University or similar institution except as declared in the Preface and specified in the text. I further state that no substantial part of my dissertation has already been submitted, or, is being concurrently submitted for any such degree, diploma or other qualification at the University of Cambridge or any other University or similar institution except as declared in the Preface and specified in the text.

It does not exceed the prescribed word limit for the relevant Degree Committee.

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Inaba from Waseda University Library helped me track down the full collection of *New Asia* volumes, justifying my trip to Tokyo. Thanks are also due to the many archivists and librarians who responded to countless inquiries at the British Library, National Archives, Kew, and the National Archives of India, as well as the Jawaharlal Nehru Memorial Museum and Library. I am grateful to Shachi Chotia for her patient attempts to teach me Hindi, and to her family for their hospitality and kindness.

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## **Abbreviations**

BL – British Library

CID – Criminal Investigation Department

CRT – Comité Répression Internationale du Terrorisme

CUL – Cambridge University Library

HC – House of Commons

HL – House of Lords

IOR – Indian Office Records, British Library

LNA – League of Nations Archives, Geneva

NAI – National Archives of India, New Delhi

NLI – National Library of India, Kolkata

PRO – Public Records Office, Kew

SAAA – Sri Aurobindo Ashram Archives

SAADA – South Asian American Digital Archive

## Glossary

*Ahimsa* – Principle of non-violence found in Hinduism, Buddhism, and Jainism.

*Bhadralok* – Bengali middle class.

*Dacoit* – Bandit.

*Jihad* – A spiritual or physical struggle in the Islamic tradition.

*Khilafat* – A transnational movement that protested the removal of the Ottoman caliph.

*Lathi* – Bamboo stave.

*Samiti* – Society or association.

*Satyagraha* – Literally truth-force, also refers to Gandhi's non-violence campaign.

*Sepoy* – Indian soldier.

*Swadeshi* – Self-sufficiency, also refers to economic boycott of British goods.

*Swaraj* – Self-rule, can carry either personal or political connotations.



## Introduction

*Authority is, it seems, at one all the world over, and we must recognize that there is now no longer the least illogical loophole of escape for a fleeing man on this earth or in its waters; it is merely a question of which uniform shall arrest him. In old days there was always some leakage, some chunk for escape between the machineries of different nationalities ... But the nets are drawn closer now ... daily the elaborate international system for maintaining the status quo becomes more perfect, and from it there is no appeal. The fugitive - 'assassin', or 'patriot', 'avatar' or that weird monster the 'anarchist' of the newspapers, whatever he may be ... can find no corner of the globe to shelter him, and the only doubt is under which precise code of regulations he shall be judged, punished, and put away.*

- Josiah Wedgwood, *Essays and Adventures of a Labour M.P.* (1924), p. 153

Josiah Wedgwood wrote the above quotation in response to the famous re-capture of the Indian revolutionary nationalist Vinayak Damodar Savarkar, following a daring escape attempt at the port of Marseilles in 1910. Savarkar was a college student at the time of the anti-colonial *swadeshi* agitation that followed Viceroy of India Lord Curzon's decision to partition the province of Bengal in 1905 along communal lines. Following this, he came under the influence of the extreme wing of Indian nationalism that emerged due to growing impatience with the slow progress made by the moderate Indian National Congress. Becoming affiliated with the secret Indian Home Rule Society set up by the radical nationalist Shyamji Krishnavarma in London, Savarkar was arrested on charges of treason and abetment of murder following the assassination of a British official by the young revolutionary Madan Lal Dhingra. Detained in England, Savarkar was on route to India as a prisoner aboard a P&O liner when he escaped through an open port hole while the ship was docked at Marseilles. Although Savarkar hoped that he would be detained by French authorities and protected from extradition due to the political nature of the charges against him, he was promptly arrested by British detectives who went ashore to capture him. French authorities protested this violation of French sovereignty and brought the case before The Hague Tribunal, which concluded that there was no obligation on the part of the British to restore Savarkar to the French government.<sup>1</sup>

Writing about the incident in his memoirs more than a decade later, Josiah Wedgwood, a Member of Parliament for the British Labour Party, described the incident as indicative of a 'natural evolution' through which the international law of Europe was

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<sup>1</sup> See Janaki Bakhle, 'Savarkar (1883-1966), Sedition and Surveillance: the rule of law in a colonial situation', *Social History* 35, No. 1 (2010), pp. 51-75.

inexorably ‘closing down the hatches on every rebel against the existing order.’ Wedgwood identified the central conflict of the twentieth century in Asia not as the tension between Britain and India or East and West, but rather between ‘Liberty and Authority.’<sup>2</sup> Wedgwood argued that while in previous centuries a political refugee could flee one sovereign by seeking refuge in the territory of another, there was now no such refuge possible from ‘the straight-waistcoat of modern civilization.’ The increasing bureaucratization of the international system was, according to Wedgwood, rapidly eliminating channels for political redress, and laying the groundwork for a potential ‘bureaucratic tyranny’, wherein individual liberty would give way entirely to the logic of national and international security.<sup>3</sup> A vocal critic of British colonialism in India and an advocate for the rights of refugees, Wedgwood exemplified many of the tensions that existed between metropolitan politics and high imperialism in early twentieth century Britain. While party leaderships – whether Liberal, Conservative, or Labour – were often complicit in maintaining the structures of Britain’s global empire, dissenting voices like that of Wedgwood represented an important site of critique against imperialism that consistently forced the language of empire to adapt to changing international moral norms.

The Savarkar incident reflects the deeply entangled relationship that existed between domestic political extremism and international law in the early twentieth century. With the rise of European anarchism over the course of the long nineteenth century, an international system previously defined by the relationships between sovereign states became increasingly concerned with the threat posed to state sovereignty itself by the existence of radical insurgents capable of subverting domestic authority. This occurred, however, at precisely the same time that state sovereignty was evolving to encompass the new political community defined by the territorially bounded nation-state. As a world of empires transformed into a world of nations following the global cataclysm of the First World War and the establishment of the new international society that achieved tangible expression through the League of Nations based out of Geneva,<sup>4</sup> the spectre of ‘the terrorist’ began to stalk the margins of the international.

This spectral figure – a conceptual as well as a legal category that defies international attempts at standardized definition to this day – came to take on a globally intelligible

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<sup>2</sup> Josiah Wedgwood, *Essays and Adventures of a Labour M.P.* (London: George Allen & Unwin Ltd, 1924), p. 144.

<sup>3</sup> *Ibid.*, pp. 152-53.

<sup>4</sup> See David Armitage, *Foundations of Modern International Thought* (Cambridge: Cambridge University Press, 2013), p. 191.

meaning during the first half of the twentieth century. Yet despite a growing recognition of the important role played by ‘terrorism’ in the history of Indian nationalism, and despite an increasingly rich historiography detailing the international, transnational, and global dimensions of Indian anti-colonial revolutionary networks, nothing has yet been written tracing a politico-legal genealogy of terrorism as a conceptual category in colonial India. This dissertation uses the history of emergency legislation in India throughout the early twentieth century to examine the origins of ‘terrorism’ as a politico-legal category within this colonial context. The dissertation further examines the neglected history of India’s relationship to the League of Nations in order to provide necessary context for understanding how the domestic concerns of the colonial government within the subcontinent reflected and were reflected by a larger international context wherein the category of ‘terrorism’ was beginning to achieve unprecedented prominence.

### **‘Terrorism’ in Colonial India: Historiographical and Conceptual Issues**

In 1917 James Campbell Ker, who previously served as personal assistant to the Director of Criminal Intelligence, published a summary of the first decade of revolutionary politics in India, with the title *Political Trouble in India, 1907-1917*. The government restricted the volume to official usage and circulated it among administrators and security services to provide a manual for understanding the history of revolutionary networks such as the Dacca Anushilan Society and Jugantar. H.W. Hale of the Indian Police composed the sequel to this volume, titled *Terrorism in India, 1917-1936*, following a temporary posting to the Intelligence Bureau. Aside from the useful primary material that these volumes provide for historians through their comprehensive documentation of various actions and crimes undertaken by revolutionaries throughout the early twentieth century, the titles of the books are themselves instructive of an evolving colonial discourse of counterinsurgency during this period. By the time that Hale composed his volume in 1937, the term ‘terrorism’ had definitively replaced older labels such as ‘sedition’, ‘conspiracy’, or ‘political crime’ as the primary lens through which acts of anti-colonial revolutionary violence were understood. This dissertation traces a politico-legal genealogy of the concept of terrorism in late colonial India to understand why and how this transformation occurred. In the first page of the volume, Hale defined terrorism as follows:

Terrorism, as distinct from other revolutionary methods such as

Communism or the Ghadar Movement, may be said to denote the commission of outrages of a comparatively 'individual' nature. That is to say, the terrorist holds the belief that Indian independence can best be brought about by a series of revolutionary outrages calculated to instil fear into the British official classes and to drive them out of India. He commits outrages for the purpose of collecting funds for the purchase of arms, for the making of bombs and for the maintenance of his party, hoping that the masses will be drawn to his support either by fear or admiration.<sup>5</sup>

This attempt to explicitly define terrorism in relation to other forms of revolutionary politics reflects a growing need in the late 1930s to clarify the meaning of a term that, by this point in time, became ubiquitous in its usage by government officials. The word 'terrorism', alongside its physical personification in the figure of 'the terrorist', appears so frequently in the colonial police records of 1930s India that a reader could easily be misled into assuming that this term was the natural definition through which revolutionary activities were always described. In fact, the growing field of scholarship surrounding the history of anti-colonial revolutionary violence in India has produced remarkably little critical engagement with the history of this term within the political and legal discourse of the colonial state. Most scholars of the Indian revolutionary movement have sought to clarify their own terminology to avoid replicating a colonial discourse of criminality or applying an unintended value judgment through an uncritical usage of the politically-charged label of terrorism. But none has yet traced a politico-legal genealogy of the term 'terrorism' within the context of colonial India in order to trace its emergence as a distinct category of criminality.

The historiography of the anti-colonial revolutionary movement in India has undergone several distinct phases. The first main body of scholarship to focus on anti-colonial revolutionaries, rather than the more 'mainstream' non-violent nationalism of Mohandas Gandhi and the Indian National Congress, began in the 1970s with Sumit Sarkar's *The Swadeshi Movement in Bengal*, A.C. Bose's *Indian revolutionaries abroad*, and David M. Lausey's *Bengal Terrorism and the Marxist Left*.<sup>6</sup> These texts provided important context for understanding the previously ignored role of violence in the politics of Indian

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<sup>5</sup> H.W. Hale, *Terrorism in India, 1917-1936* (Simla: Government of India Press, 1937), IOR: L/P&J/12/403, p. 1.

<sup>6</sup> See Sumit Sarkar, *The Swadeshi Movement in Bengal, 1903-1908* (New Delhi: People's Publishing House, 1973), A.C. Bose, *Indian revolutionaries abroad 1905-1922, in the background of international developments* (Patna: Bharati Bawan, 1971) and David M. Lausey, *Bengal Terrorism and the Marxist Left: Aspects of Regional Nationalism in India, 1905-1942* (Calcutta: Firma K.L. Mukhopadhyay, 1975). A re-examination of Sarkar's work can be found in the special issue *Swadeshi in the Time of Nations*, in *Economic & Political Weekly* 47, 42 (2012). See also Lisa Trivedi, 'Visually Mapping the 'Nation': Swadeshi Politics in Nationalist India, 1920-1930', *The Journal of African Studies* 62, 1 (2003), pp. 11-41, Amit Bhattacharyya, *Swadeshi enterprise in Bengal, 1900-1920* (Calcutta: Mita Bhattacharyya: Distributed by Seagull Bookshop, 1986).

independence. Sarkar's magisterial work on the swadeshi movement has proved particularly influential, not only for the history of revolutionary 'terrorism' in India but for the political history of Bengal more broadly. In it, Sarkar explains his own use of the term 'terrorism' by clarifying that for him the term connotes elite action in contrast to the more popular militancy that typically defines revolutionary insurgency. For Sarkar, the key terminological dividing line is not violence versus non-violence, but rather elite action as opposed to mass action. Explaining this distinction, Sarkar points out that out of 186 persons convicted of revolutionary crimes or killed committing them from 1907 to 1917, 165 came from the upper three castes of Brahmin, Kayastha, and Baidya.<sup>7</sup>

In the 1990s, new work on the history of revolutionary violence in India included studies by Peter Heehs, Richard Popplewell, and Patrick French, among others. In *The Bomb in Bengal*, Heehs presented a comprehensive narrative history of the Jugantar revolutionary group based out of Manicktolla garden, which was responsible for the famous bomb attack that killed two English women in Muzaffarpur in 1908.<sup>8</sup> Heehs also published a collection of essays in 1998 that traced some of the international connections and inspirations of the Bengali revolutionary movement, with a particular focus on the writings of Aurobindo Ghose. Popplewell, on the other hand, produced the most detailed analysis to date of the expansion of British imperial intelligence services during the first two decades of the twentieth century.<sup>9</sup> His book, *Intelligence and Imperial Defence*, argued that the threat of Indian revolutionary networks stimulated the unprecedented expansion of imperial information networks, particularly during the First World War.<sup>10</sup> Although Popplewell contends that a distaste for 'Russian methods' of autocratic domestic surveillance ensured that security services limited their surveillance to revolutionaries, this was disproven by Patrick French's study of the Indian Political Intelligence files released shortly after the publication of Popplewell's book.<sup>11</sup>

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<sup>7</sup> Sarkar, *Swadeshi Movement*, 63-76.

<sup>8</sup> Peter Heehs, *The Bomb in Bengal: the rise of revolutionary terrorism in India, 1900-1910* (New Delhi; Oxford: Oxford University Press, 1993).

<sup>9</sup> Peter Heehs, *Nationalism, terrorism, communalism: essays in modern Indian history* (New Delhi; Oxford: Oxford University Press, 1998).

<sup>10</sup> Richard Popplewell, *Intelligence and imperial defence: British intelligence and the defence of the Indian Empire, 1904-1924* (London: Frank Cass, 1995).

<sup>11</sup> Patrick French, *Liberty or Death: India's journey to independence and division* (London: Penguin, 2011), 97-101.

Since the terrorist attacks of September 11<sup>th</sup>, 2001, the topic of ‘terrorism’ in colonial India – and elsewhere – has understandably attracted increased interest among scholars.<sup>12</sup> Much of this recent work has been concerned with connecting the history of revolutionary violence in India to the emerging subdiscipline of global history, in order to trace the transnational linkages through which anti-colonial radicals operated in the first half of the twentieth century. Examples of such work include the scholarship of Michael Silvestri, Maia Ramnath, Carolien Stolte, Durba Ghosh, Kris Manjapra, and Harald Fischer-Tiné.<sup>13</sup> A recent special issue of *South Asia: Journal of South Asian Studies* titled ‘Writing Revolution: Practice, History, Politics in Modern South Asia’ has further provided a range of diverse perspectives and methodologies for critically engaging with the revolutionary politics of late colonial India.<sup>14</sup>

One aspect missing from all of these different scholarly approaches is a critical engagement with the concept of terrorism itself, or a politico-legal genealogy of this term within the context of late colonial India. Although this dissertation does not dispute Sarkar’s claim regarding the primarily upper-caste demographics of the revolutionary movement, it will nonetheless continue to use ‘revolutionaries’, ‘anti-colonial revolutionaries’, and ‘anti-colonial radicals’ as the main labels designating those that Sarkar and others define as terrorists. For the purposes of this dissertation, these three terms will be used interchangeably, while the term ‘terrorist’ is used only insofar as it relates to how these figures were labelled either by their contemporaries, the colonial state, or future historians. There are three key reasons underlying this decision.

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<sup>12</sup> For some examples of the broader literature on terrorism, see Walter Lacqueur, *A History of Terrorism* (New Brunswick, NJ: Transaction Publishers, 2001), Bruce Hoffman, *Inside Terrorism* (New York: Columbia University Press, 2006), Lisa Stampnitzky, *Disciplining Terror: How experts invented ‘terrorism’* (Cambridge: Cambridge University Press, 2013), Reza Aslan, *Beyond Fundamentalism: Confronting religious extremism in the age of globalization* (New York: Random House Trade Paperbacks, 2010), Michael Burleigh, *Blood and rage: a cultural history of terrorism* (London: HarperPress, 2008), and Robert A. Pape, *Dying to win: the strategic logic of suicide terrorism* (London: Gibson Square, 2006).

<sup>13</sup> Michael Silvestri, ‘The Bomb, Bhadrakol, Bhagavad Gita, and Dan Breen: Terrorism in Bengal and its relation to the European experience’, *Terrorism and Political Violence* 21, No. 1 (2009), pp. 1-27, Maia Ramnath, *Haj to Utopia: how the Ghadar movement charted global radicalism and attempted to overthrow the British empire* (Berkeley, Calif.; London: University of California Press, 2011), Carolien Stolte and Fischer-Tiné, ‘Imagining Asia in India: Nationalism and Internationalism (ca. 1905-1940)’, *Comparative Studies in Society and History* 54, no. 1 (2012), pp. 65-92, Durba Ghosh, ‘Terrorism in Bengal: Political Violence in the Interwar Years’, in Durba Ghosh and Dane Kennedy (eds.), *Decentring Empire: Britain, India and the Transcolonial World* (New Delhi: Orient Longman Private Ltd., 2006), pp. 270-92, Kris Manjapra, *M.N. Roy: Marxism and Colonial Cosmopolitanism* (Delhi: Routledge, 2010), and Harald Fischer-Tiné, *Shyamji Krishnavarma: Sanskrit, Sociology and Anti-Imperialism* (London; New Delhi: Routledge India, 2014).

<sup>14</sup> Daniel Elam, Kama Maclean, Chris Moffat (eds.), ‘Writing Revolution: Practice, History, Politics’ in *South Asia: Journal of South Asian Studies* 39, No. 3 (2016).

First, Sarkar's description of 'terrorism' as elite action risks oversimplifying the political thought of 'terrorists' like Rash Behari Bose. Despite his own relatively elite background and reliance on individual acts of insurgency such as his bomb attack against Lord Hardinge, the Viceroy and Governor General of India, Bose articulated a political philosophy that was no less revolutionary than that proposed by Communists such as M.N. Roy. Here I follow Keith Baker's definition of 'revolution' as articulated in his work on the French Revolution, in which he argues that we should understand revolution not only as 'the rather mechanical change of political regime or as the necessary end result of a conflict between social classes', but rather as 'the ultimate moment of political choice, in which the givens of social existence seem suspended, the only power was the power of the imagination, and the world could be made anew.'<sup>15</sup> Such a description is absolutely applicable to the writings of Bose, who used the pages of his monthly journal *New Asia* to describe an emancipatory vision whereby the 'coloured people' of the world would reverse the global balance of power and remake the world along racial lines that would erase the disproportionate power of the Anglo-European imperial states.<sup>16</sup>

Second, as this dissertation will make clear, the distinction between the 'individual' action ascribed to terrorism by Hale and the more collective form of insurgency that Sarkar defines as appropriately revolutionary is often very difficult, if not impossible, to clearly demarcate. Again taking Rash Behari Bose as an example, it is difficult to imagine a more 'individual' act of 'terrorism' than personally attempting to assassinate the Viceroy of India through a spectacular bomb attack during the middle of a public procession. Taking Hale or Sarkar's definition then, this would certainly constitute an act of terrorism. But less than three years after this incident, Bose was instrumental in planning an abortive uprising that intended to cripple Britain's war effort against Germany by stimulating mutinies among the British Indian garrisons across northern India. Reflecting upon the failure of this plot, Bose later concluded that a future rising would require arms to be distributed throughout the general population in order to be successful.<sup>17</sup> Despite this, he continued to be involved in gun-running operations connected to Sachindranath Sanyal's self-described 'terrorist' activities in the mid-1920s. He also provided the animating force behind the formation of the Indian National Army, a military unit comprised of captured Indian prisoners of war during the

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<sup>15</sup> Keith Baker, *Inventing the French Revolution: essays on French political culture in the eighteenth century* (Cambridge: Cambridge University Press, 1990), p. 3.

<sup>16</sup> See Chapter 4 for a detailed examination of these writings, or *New Asia*, Nos. 17 and 18, 1934, p. 2.

<sup>17</sup> Asitabha Das (ed.), *Rashbehari Bose Collected Works: Autobiography, writing and speeches* (Kolkata: Kishaloy Prakashan, 2006), p. 29.

Second World War that was ultimately taken over by the better-known Subhas Chandra Bose. The career of Rash Behari Bose thus demonstrates the inherently problematic nature of any attempt to draw a neat line of demarcation between ‘elite terrorist’ and ‘popular revolutionary’ activities.

Finally, given the emphasis of this dissertation on tracing a politico-legal genealogy of the term ‘terrorism’ in twentieth century India, it is impossible to disentangle the complicated history through which this term came into common usage without a strong methodological skepticism towards using the word itself in such an analysis. While most historians of revolutionary India clearly spell out their intention to avoid moral judgments in referring to anti-colonial revolutionaries as terrorists, this misses the point. The discussion surrounding whether or not radicals such as Rash Behari Bose were morally justified in using violent means in pursuit of their goal of independence entirely avoids the larger question of how the term ‘terrorism’ came to acquire a particular set of moral connotations in the first place. Asking whether a particular historical or contemporary figure or set of figures should or should not be considered a terrorist is often a political question, not a historical one. Furthermore, although the term ‘terrorism’ did indeed exist in the latter half of the nineteenth century, it did not come to be used as the primary category for describing revolutionary violence in India until the 1920s, making its uniform usage by historians referring to the 1900s or 1910s potentially anachronistic.

While this dissertation traces the genealogy of terrorism as a political and legal category in India – and to some extent within international law as well – it does not seek to provide a comprehensive intellectual history of terrorism in global terms. Although global and international processes are taken into account throughout the work, the focus is much more limited, identifying instead the specific history of laws of emergency in colonial India from roughly 1897 to 1939. Although the dissertation draws some inspiration from conceptual approaches derived from intellectual history or political theory, the primary methodology is a close reading of materials collected through extensive research within the colonial archive. The archive here is not to be understood simply as a repository of collected knowledge, but rather as a space of knowledge production, or what Ann Stoler has referred to as a site of state ethnography.<sup>18</sup> The goal is not so much to draw on colonial records in an attempt to uncover ‘what really happened’, but rather to reconstruct a set of colonial assumptions and priorities regarding the articulation – sometimes conscious, sometimes

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<sup>18</sup> Ann Stoler, ‘Colonial Archives and the Arts of Governance’, *Archival Science* 2 (2002), pp. 87-109.



unconscious – of a particular ‘prose of counterinsurgency’, or in this case, a prose of counterterrorism.<sup>19</sup>

To this end, the dissertation draws on materials collected in archives across four countries. Government records, private correspondence, newspaper articles, and legislative and parliamentary debates found within the U.K. are derived primarily from the India Office Records at the British Library and the National Archives in Kew, London, as well as the Cambridge University Library collections. For similar records in India, material has been drawn primarily from the National Archives of India and the Nehru Memorial Museum and Library in New Delhi, and the National Library of India in Kolkata. For records of the League of Nations, including the full proceedings of the Convention for the Prevention and Punishment of Terrorism, I relied mainly on the League of Nations Archives in Geneva. Finally, *New Asia*, the monthly journal of the Bengali revolutionary Rash Behari Bose, is available through the Waseda University Library in Tokyo, Japan. These archives provide a cross section of colonial, revolutionary, and international perspectives regarding the relationship between terrorism and law in early twentieth century India, and form the basis of the empirical evidence cited throughout the dissertation.

Despite this strong archival focus, the dissertation also draws heavily from insights produced from several theoretical approaches to questions of security, terrorism, and law in framing its larger question of understanding the politico-legal genealogy of terrorism as a concept in colonial India. The best recent example of a piece of scholarship that seeks to trace a genealogy of concepts connected to particular forms of violence is David Armitage’s *Civil War: A History in Ideas*. This book follows notions of civil war from Roman times to the present, in an effort to understand the various intellectual and legal genealogies that have produced the particular concept of civil war that informs contemporary debates on conflicts such as the crisis in Syria.<sup>20</sup> While providing path-breaking research in the field of global intellectual history, this approach has its limits, most notably the necessarily cursory treatment of some episodes – such as the Spanish Civil War – arising out of the book’s expansive chronology, as well as the lack of attention to the agency of non-European peoples in shaping and contesting the ideas of civil war discussed therein. Still, this text represents a strong addition to a larger body of intellectual history which, as Armitage acknowledges, found its earliest expression in the German philosopher Friedrich Nietzsche’s *On the*

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<sup>19</sup> Ranajit Guha, ‘The Prose of Counter-Insurgency’, in Ranajit Guha (ed.), *Subaltern Studies II* (New Delhi: Oxford University Press, 1983).

<sup>20</sup> David Armitage, *Civil Wars: A History in Ideas* (New York: Allen Lane, 2017).

*Genealogy of Morals*, which charted the emergence of a distinct Judeo-Christian morality in relation to the prevailing norms of the Romano-Hellenistic system that predated it.<sup>21</sup>

A similar approach was famously taken up by Michel Foucault in the 1970s with his influential genealogies of sexuality, psychiatry, and crime and punishment. Throughout the corpus of his writings and public lectures, Foucault sought to understand the architecture of the modern state through paradigms such as sovereignty, security, and power/knowledge. Current scholarship on the very notion of security and its disciplinary function in managing populations is heavily influenced by Foucault's 1977 to 1978 lectures on *Security, Territory, Population*, and by his analysis of surveillance in *Discipline and Punish*.<sup>22</sup> For Foucault, the function of security does not lie in preventing things, but rather in relying on the collection of details to obtain 'something that is considered to be pertinent in itself because situated at the level of the population.'<sup>23</sup> In Foucault's analysis, the apparatus of security is connected to the governmentalization of the state, by which he means the replacement of the sovereign/subject relationship with that of government/population. This shift marks a transition towards new statistics-based modes of knowledge production, by which governments seek to regulate populations through organizing, or allowing the development of, ever-wider circuits of political, economic, and social management.<sup>24</sup>

While Foucault has been central to contemporary understandings of security, the profusion of scholarship adopting critical or theoretical approaches to the topic of terrorism following the attacks of 9/11 has also drawn heavily on the work of the German jurist and political theorist Carl Schmitt. Writing in the mid-twentieth century, Schmitt's role within the Nazi party made him unpopular in Western academic circles until the early 2000s, when the 9/11 attacks and the Global War on Terror that followed led to increased scholarly interest in questions of global ordering and insurgency. For Schmitt, the problem with the universal humanitarian discourse that emerged out of the liberal internationalism of the interwar period was its potential for presupposing the category of the inhuman. Schmitt traced the history of the *jus publicum Europeum* – or the public law governing international relations between European states – arguing that under previous international legal frameworks, war was a

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<sup>21</sup> Friedrich Nietzsche, *On the Genealogy of Morals and Ecce Homo* (New York: Vintage Books, 1989).

<sup>22</sup> Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977-1978* (New York: Palgrave Macmillan, 2009) and Foucault, *Discipline and Punish: The birth of the prison* (New York: Vintage Books, 1995).

<sup>23</sup> Foucault, *Security, Territory, Population*, p. 45.

<sup>24</sup> *Ibid.*

contest between two just opponents, or *justus hostis*, who were entitled to the right of resistance and could be negotiated with or defeated in battle.<sup>25</sup>

For Schmitt, the central legal innovation of the early twentieth century was the attempt to outlaw war, rather than simply bracket it as previous international legal regimes sought to accomplish. This criminalization of war, accomplished through the League of Nations' desire to enforce a perpetual peace, led to the transformation from a *justum bellum* – a war between just states – to a *justa causa belli* – a just war. Within such a war, 'the asserted juridical right and moral legitimacy of one's own cause and the alleged injustice of the opponent's cause only sharpen and deepen the belligerents' hostility', according to Schmitt.<sup>26</sup> This in turn would lead to what Schmitt called, 'the modern transformation of penal law into social pest control',<sup>27</sup> particularly with regard to revolutionaries or partisans, who would be regarded by their very nature as unjust 'foes' unworthy of recognition under the law. Schmitt's work has proved highly influential, providing the foundation for much of the current scholarship on critical terrorism studies.<sup>28</sup>

One such example of this is Faisal Devji's book, *The Terrorist in Search of Humanity*. In this book, Devji argues that the contemporary terrorism of Al Qaeda is comparable to the humanitarian projects of environmentalism or pacifism due to its search for a global politics. Devji's central argument is that although a global society has been formed over the second half of the twentieth century, it does not possess any political institutions of similar scope. For Devji, new forms of transnational militancy seek to fill this institutional vacuum in pursuit of this global politics. Such a politics takes humanity as its object, due to the role of nuclear weapons and global warming in reframing humanity into global, rather than national or international terms. It also seeks to locate humanity as an agent, rather than a victim of history, or what Devji calls the 'Sleeping Beauty' of history.<sup>29</sup> While this analysis has been important for understanding the global politics of contemporary terrorist networks such as Al

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<sup>25</sup> Carl Schmitt, *The nomos of the earth in the international law of the Jus publicum Europeaum* (New York: Telos, 2003), p. 121.

<sup>26</sup> *Ibid*, p. 156.

<sup>27</sup> *Ibid*, p. 124.

<sup>28</sup> For some of the recent work on contemporary terrorism as understood through a reading of Schmitt, see Stephen Legg (ed.), *Spatiality, sovereignty and Carl Schmitt: geographies of the nomos* (London; New York: Routledge, 2011), Louiza Odysseos and Fabio Petito (eds.), *The international political thought of Carl Schmitt: terror, liberal war and the crisis of global order* (London: Routledge, 2007), Gabriella Slomp, *Carl Schmitt and the politics of hostility, violence and terror* (Basingstoke: Palgrave Macmillan, 2009), Tarik Kochi, 'The Partisan: Carl Schmitt and Terrorism', *Law and Critique* 17, 3 (2006), pp. 267-295, and Stuart Elden, *Terror and territory: the spatial extent of sovereignty* (Minneapolis; London: University of Minnesota Press, 2009).

<sup>29</sup> Faisal Devji, *The terrorist in search of humanity: militant Islam and global politics* (London: Hurst & Company, 2008), pp. 8-9.

Qaeda, it is less useful in understanding the historical context within which the notion of ‘the terrorist’ first emerged in colonial India. This is because the events covered within this dissertation occurred decades before the emergence of phenomena such as nuclear war, climate change, or space travel produced a global society cognizant of its own potential for planetary destruction. Terrorism in the 1920s and 1930s was indeed linked to questions of humanity, as Chapter 5 will demonstrate, but this was a different conception of humanity than that envisioned by Devji.

Some recent work connecting this critical reading of terrorism and law with the local history of colonial India includes the writings of Nasser Hussain, John Pincince, and Partha Chatterjee. In his book *The jurisprudence of emergency: colonialism and the rule of law*, Nasser Hussain looks at the concept of emergency law in India in relation to the theories of Foucault and Schmitt. Hussain examines the tensions between ‘political exigencies and legal rule’, as well as between the ‘operation of law as universal, formal, and rational and the absolute sovereignty of the state.’<sup>30</sup> Drawing on the work of E.P. Thompson in revealing ‘the historical construction of the normative itself’,<sup>31</sup> Hussain argues that while Foucault locates the normative force of power relations within the disciplinary functions of the social rather than the interdictory mechanisms of law, this analysis provides an inadequate account of the sovereignty of the state.<sup>32</sup> For Hussain, this is best expressed through the limits on the functioning of the normative through the mechanism of emergency. Here Hussain draws on Schmitt’s famous definition of the sovereign as ‘he who decides on the exception’, and asserts that while the concept of emergency has been studied, the ‘indicative function of emergency as a constitutive relation between modern law and sovereignty’, as formative in our understanding of modern power, has not.<sup>33</sup> Rather than understand the state of emergency as existing outside the rule of law, Hussain argues that the relationship between the rule of law and emergency is as intimate as it is anxious, and that within the context of colonial India emergency law is to be understood in relation to the expression of colonial sovereignty.

For Partha Chatterjee, the relationship between law and sovereignty is intimately connected to the emergence of state sovereignty as the normative unit of political organization over the course of the nineteenth and twentieth centuries. Chatterjee asserts that

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<sup>30</sup> Nasser Hussain, *The jurisprudence of emergency: colonialism and the rule of law* (Ann Arbor: University of Michigan Press, 2003), p. 7.

<sup>31</sup> *Ibid*, p. 11. See also E.P. Thompson, *Whigs and hunters: the origin of the Black Act* (London: Allen Lane, 1975).

<sup>32</sup> Hussain, *Jurisprudence of Emergency*, pp. 13-15

<sup>33</sup> *Ibid*, p. 17.

this is intimately tied to the history of empire, and that in fact the very definition of the imperial prerogative lay in the ability to declare the colonial exception.<sup>34</sup> That is to say, the exception for Chatterjee marks the moment at which one sovereign state can deny the sovereignty of another in order to pursue its own aims. At the more local level of colonial law in practice, Chatterjee argues that anti-colonial violence served the same function as anti-colonial non-violence, in that both forced the state to deploy its own ‘legal’ violence through the assertion of emergency measures that violated the legal principles on which colonial rule ostensibly rested its authority.<sup>35</sup> Chatterjee further contends that convicting revolutionaries through normal legal means was made more difficult due to the fact that their crimes amounted to a political offence through challenging the sovereign powers of the state.<sup>36</sup> As John Pincince argues, the very notion of ‘political offences’ (while of central importance to British metropolitan and international law) was thus wholly excluded from the prosecution of anti-colonial revolutionary activities in India, which the imperial government instead criminalized. Pincince asserts that this amounts to the colonial state existing in a permanent state of exception, as challenges to colonial authority revealed the precarious order of the colonial state at precisely the same time that emergency measures and increased surveillance highlighted the further criminalization of the colonial subject.<sup>37</sup>

This dissertation seeks to break new ground by assessing the strategies of legitimization pursued by colonial authorities in articulating and justifying new emergency measures that targeted revolutionary politics in the early twentieth century. Tracing the evolving discursive strategies of the colonial state through its legal categorization first of sedition, then conspiracy, and finally terrorism, this project will demonstrate the role of a new prose of counterterrorism in the formulation of colonial laws of emergency. It will furthermore demonstrate the continued importance of British sovereignty, personified in the figure of the viceroy, in maintaining colonial interests throughout the first four decades of the twentieth century despite gestures towards greater political participation on the part of Indian subjects through a series of legal and political reforms. Finally, the dissertation will connect this history to India’s growing participation within an international society founded upon the

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<sup>34</sup> Partha Chatterjee, *The Black Hole of Empire: history of a global practice of power* (Princeton, N.J.: Princeton University Press, 2012), p. 194.

<sup>35</sup> *Ibid*, pp. 289-290.

<sup>36</sup> *Ibid*, p. 307.

<sup>37</sup> John Pincince, ‘De-centering Carl Schmitt: The Colonial State of Exception and the Criminalization of the Political in British India, 1905-1920’, *Politica Comun* 5 (2014).

mutual recognition of state sovereignty, indicating the importance of the international for understanding the emergence of a politico-legal discourse of terrorism in colonial India.

### **Structure of the Dissertation**

According to Michael Silvestri, the phenomenon of revolutionary violence in Bengal can be loosely grouped into four main phases, although it remained a consistent feature of political life until Indian independence in 1947. These phases include the periods from 1907 to 1912, 1914 to 1918, 1919 to 1925, and 1930 to 1934.<sup>38</sup> This dissertation is in broad agreement with Silvestri's periodization, although for the purposes of the chapter breakdown, the first chapter covers the period from 1897 to 1913, the second covers the period of the First World War from 1914 to 1918, and the third will address terrorism in the interwar period from 1919 to 1939. In this way, the first three chapters take a broadly chronological approach, tracing the genealogy of terrorism as a legal category in India from the assassination of W.C. Rand of the Pune Plague Commission in 1897 to the emergence of explicit counter-‘terrorism’ legislation in 1930s Bengal.

Chapter 1 examines the relationship between bombs and ideas during the period between 1897 and 1913. Beginning with the murder of Rand, this chapter explores both the politics underlying the actions of his assassins, the Chapekar brothers, as well as the way in which the prominent nationalist Bal Gangadhar Tilak wrote about political assassination. Charged with sedition on two separate occasions, Tilak provides important insight into how the rhetoric of anti-colonial revolutionary politics interpreted and articulated such acts of violence during this period. The assassination attempt against Douglas Kingsford in 1908 by Khudiram Bose and Prafulla Chaki, resulting in the accidental killing of two English women, marked an important milestone in both the development of emergency legislation in India and the development of a new politics that came to see the bomb as a tool of anti-colonial liberation. This form of revolutionary politics was articulated by figures such as Tilak and Bipin Chandra Pal, both of whom regarded the bomb as an inherently political tool of destruction that could only be understood with reference to an emancipatory struggle against colonial rule. From a legal standpoint, the murders also resulted in the famous Alipore trial, in which a number of important Calcutta-based revolutionaries including Aurobindo Ghose and his brother Barindra were put on trial for conspiracy. It also prompted the passage of new

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<sup>38</sup> Silvestri, ‘Bomb, *Bhadralok*, *Bhagavad Gita* and Dan Breen’, p. 4.

emergency laws including the Criminal Law Amendment Act, the Newspapers (Incitement to Offences) Act, and the Explosives Substances Act. Assessing the relationship between the politics of the bomb and the colonial government's legal strategies of repression, the chapter ends with an examination of the assassination attempt against Lord Hardinge in 1912 by the Bengali revolutionary Rash Behari Bose.

Following the outbreak of the First World War in 1914, the colonial government in India deployed a series of emergency laws that sought to further restrict revolutionary politics. Chapter 2 examines the discussions that surrounded the drafting of these laws, identifying the way in which colonial officials framed these measures as necessary responses to the global crisis triggered by the war. Although this was the official explanation, laws such as the Ingress into India Ordinance and the Defence of India Act were in fact designed to target pre-existing revolutionary movements, and used the language of war as a way of justifying exceptional measures for public consumption. Evidence for this can be found in private correspondence and internal memoranda circulated among top officials, reflecting a desire to publically associate counter-revolutionary legislation with the global war against Germany, despite an acknowledgement on the part of administrators that the measures being adopted were a response to a political crisis that preceded the war. This chapter traces the malleability of the concept of 'war measures' by identifying the ways in which officials consistently sought to stretch the meaning and applicability of the Defence of India Act to allow them to deal with a range of challenges not covered by the initial mandate of this law. Following the end of the war, colonial administrators sought to retain key elements of these war measures and appointed a committee chaired by Sydney Rowlatt in order to provide a public rationale for this decision. In attempting to extend these war measures into peacetime with the imposition of the so-called Rowlatt Act, the colonial government triggered a massive popular backlash which, following the massacre of 379 unarmed protestors at Amritsar, forced the government to abandon the desired law.

Chapter 3 examines the ways in which new developments in the interwar period shaped both the nature of revolutionary politics and the legal responses adopted by the colonial government to these politics through the emergence of the category of 'the terrorist' in Bengal. At the end of the First World War, two key developments changed the political landscape of colonial India. First, the Montagu-Chelmsford reforms provided a limited gesture towards greater political participation for Indians living under British colonial rule by creating a system of diarchy. Through this system, the central government devolved certain responsibilities to officials elected through a restricted franchise, while executive power

remained firmly in the hands of the British viceroy. At the same time, the emergence of Mohandas Gandhi as a spiritual and political leader with mass appeal fundamentally transformed the nature of nationalist politics in India. Gandhi's great innovations included his success at both bringing anti-colonial mobilization into the forefront of public discourse, as well as orienting the nature of this mobilization towards non-violent forms of anti-governmental protest through his campaign of non-cooperation. In seeking to legislate against revolutionaries in a way that would not alienate moderate opinion in India and Britain, colonial administrators increasingly relied upon a language of terrorism that delegitimized radical politics by labeling them as violent and criminal. This process was explicitly articulated in the redrafting of Viceroy and Governor General Lord Reading's speech regarding the Bengal Criminal Law Amendment Act of 1925, in which Reading deliberately replaced the term 'revolutionaries' with the word 'terrorists' at the suggestion of the Secretary of State. From this point on, 'terrorism' became the primary category used by colonial officials in describing revolutionary politics, eventually adopting explicit legal form in the Terrorist Outrages Act of 1932. Although acts of revolutionary violence declined after 1934, 'terrorism' remained a category of great concern to colonial police services up until the beginning of the 1940s, when the outbreak of a new world war and the emergence of widespread civil disobedience and communal tensions replaced it as a priority for officials.

The next two chapters trace India's relationship to the international system of the interwar period, and particularly the League of Nations, and investigate how this relationship impacted India's engagement with terrorism at the scale of the international. Chapter 4 begins with the Paris Peace Conference of 1919 and provides an overview of India's anomalous position within the League of Nations, as the only non-self-governing member state. The chapter then proceeds to highlight some of the key relationships and tensions between India and the international in this period, examining the role of publicity and petitions as alternate methods by which imperial and anti-imperial actors sought to make their voices heard within an emerging global public sphere. Situating itself within the growing field of international history, this chapter argues that the existing literature has neglected the international dimensions of India's interwar history, despite the fact that these dimensions provide important insights into the nature of empire at in this period. Finally, the chapter uses the life and thought of Rash Behari Bose, a Bengali revolutionary covered extensively throughout the preceding three chapters, to explore how the international itself became a site of critique for anti-colonial radicals, who came to see the League of Nations as nothing more than a tool for the furtherance of European imperialism. This chapter explores an almost altogether



overlooked aspect of interwar Indian history, and provides the context necessary for making sense of India's role in the Convention for the Prevention and Punishment of Terrorism, which is the subject of Chapter 5.

The final chapter focuses on the drafting of the Convention for the Prevention and Punishment of Terrorism, which became the first international law to explicitly target terrorism as a distinct category of crime in 1937. Situating this convention within the context of previous international legislation that targeted 'anarchism', terrorism's nineteenth century antecedent, this chapter examines the process by which the League of Nations sought to define and police terrorism as a new category of international crime in the 1930s. The chapter adopts a thematic approach, tracing the priorities of the Indian and British delegations and situating these within the context of larger international discourses regarding territory, politics, civilisation, and authority. In this way, the chapter seeks to analyse the ways in which terrorism became useful to international governments as a trope of criminality by which a diverse range of political challengers in different territories could be made intelligible through a standardised discourse of terrorism. As the only member-state to ultimately ratify the convention, India's role in the discussions, though understated at times, is fundamentally important to understanding governmental priorities within India itself. This chapter also highlights the mutually constitutive relationship between international and domestic politics during the interwar period, by indicating the ways in which India's relationship to the emerging category of terrorism influenced and was influenced by larger global processes of international organization and imperial authority.

Taken together, these chapters trace the emergence of terrorism as a distinct category of political and legal discourse in late colonial India, and connect it to the global history of terrorism as a universalisable trope within the international system of the League of Nations. Although focused specifically on the genealogy of discourses on terrorism within the context of colonial India, this research has important implications for the deeper history of a global prose of counterterrorism. While the existing scholarship on anti-colonial revolutionary violence in India does not adequately interrogate the politico-legal genealogy of terrorism as a discursive tool of governmental authority, critical scholarship on terrorism tends to limit its analysis only to more recent trends in global jihadism, at the expense of a deeper history of the normative acceptance of the category of 'terrorism' within its early twentieth century context. By situating revolutionary violence in India within its international context, this dissertation seeks to contribute to these two distinct fields of scholarship, offering a conceptually informed but archivally rich documentation of 'terrorism' in late colonial India.

## Chapter 1:

### Sedition and Assassination in Bengal, 1905-1913

#### Introduction

On the 23rd of December 1912, a bomb exploded in the heart of British India. Lord Hardinge, the Viceroy and Governor General of India, entered Delhi on the back of an elephant in a procession meant to celebrate the transition of India's capital from Calcutta, while simultaneously showcasing the 'inevitableness of a British Raj.'<sup>1</sup> Hardinge was nearly killed when the bomb exploded just behind him, killing an attendant and embedding shrapnel in the Viceroy's back. Media outlets around the world condemned the assassination attempt, which even Pope Pius X criticized in his Christmas greeting.<sup>2</sup> Investigation into the attack became the top priority of British intelligence services in India who, in the absence of reliable information, were willing to consider increasingly farfetched tactics for uncovering information on Hardinge's attacker such as offering a free pardon to co-conspirators in the bomb plot and importing detectives from Scotland Yard to assist in the investigation.<sup>3</sup> Despite the offer of a reward of 100,000 rupees, the identity of Hardinge's attacker remained a mystery until information surfaced in connection with a separate conspiracy case, revealing that the man who threw the bomb was the Bengali revolutionary, Rash Behari Bose.<sup>4</sup>

The Delhi bomb plot was the culmination of a series of plots and so-called 'outrages' carried out by Indian revolutionaries against the apparatus of British colonial rule prior to the development of more organized transnational insurgent networks during the First World War. The murder of W.C. Rand, the Chairman of the Pune Plague Committee, and Lieutenant Charles Ayerst by the Chapekar brothers in 1897 is often regarded as the first political assassination carried out against the British Raj.<sup>5</sup> There are issues with such a periodization,

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<sup>1</sup> *The Bengalee*, 25 December 1912, p. 1.

<sup>2</sup> *The Bengalee*, 26 December 1912, p. 1.

<sup>3</sup> These suggestions were ultimately dismissed, as Sir Reginald Craddock worried that in the event of a free pardon, 'some of the worst and most cunning men might escape, while the actual thrower - some half crazy degenerate - was the only man hanged.' NAI, Home Political A, April 1913, 26-28, p. 4. Similarly, Sir Charles Cleveland, the Director of Criminal Intelligence, said that Scotland Yard detectives would be 'utterly useless ... hopelessly handicapped by ignorance of country, language and people.' NAI, Home Political. Deposit, November 1914, File No. 33, p. 2.

<sup>4</sup> Rash Behari Bose and his accomplice Basanta Biswas both ultimately claimed credit for having thrown the bomb, but because Biswas claimed responsibility a few days before being hanged in the Delhi conspiracy case, it is likely that his confession was an attempt to take heat off of Bose, who was on the run with a massive reward on his head at the time. See Tarapada Lahiri, *Rashbehari Bose: the indomitable revolutionary* (Calcutta: Anushilan Samiti, 1984), p. 27.

<sup>5</sup> See, for example, Silvestri, 'Bomb, Bhadrak, Bhagavad Gita', p. 3.

particularly given the tendency of such a narrative to reinforce the distinction between the political and the pre-political that Ranajit Guha sought to critique, by affording political agency only to the more ‘modern’ insurgents of the twentieth century.<sup>6</sup> There are in fact examples of murders throughout the latter half of the nineteenth century that could and perhaps should be deemed political, most notably the killing of the Chief Justice of Calcutta in 1871 by a Muslim who the *Saturday Review* reported did not ‘show any of the wild fury or unreasoning passion which might have given a clue to his motives in personal hatred or the fancies of a diseased brain.’<sup>7</sup> This murder, and others like it, fit into a deeper history of anti-colonial violence that extends back as far as colonial rule itself, and was particularly prevalent in frontier regions, such as those addressed by the recent work of Mark Condos and Elizabeth Kolsky.<sup>8</sup>

Nonetheless, given that the primary aim of this dissertation is to trace the genealogy of a colonial discourse of terrorism, such acts of nineteenth century political violence lie outside the scope of the current project. Instead, this chapter will begin, as previous studies have, with the Chapekars’ murder of Rand and Ayerst, the first such attack to be recognized by colonial officials as a deliberate political assassination. The chapter will then detail some of the plots that followed this double murder, focusing particularly on Khudiram Bose’s murder of the Kennedy women by bomb in Muzzaffarpur in 1908, and concluding with an analysis of the Delhi assassination plot against Hardinge, in order to assess the relationship between political violence and political communication in early twentieth century India. By tracing colonial responses to real and imagined relationships between political assassinations and newspaper articles deemed ‘seditious’, the chapter will argue for a new understanding of assassination, and specifically assassination by bomb, as a deliberate form of communication conducted by anti-colonial revolutionaries. In addition to theorizing the relationship between communication and violence, this chapter will also theorize the bomb as a vessel for the political, an analysis which will lay the groundwork for understanding the evolution of a new prose of counter-terrorism in subsequent chapters.

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<sup>6</sup> Ranajit Guha, *Elementary Aspects of Peasant Insurgency in colonial India* (Delhi: Oxford University Press, 1983), pp. 2-5.

<sup>7</sup> *The Saturday Review*, 28 October, 1871.

<sup>8</sup> See Mark Condos, ‘License to Kill: The Murderous Outrages Act and the rule of law in colonial India, 1867-1925’, *Modern Asian Studies* 50, 2 (2015), pp. 1-39 and ‘Fanaticism’ and the Politics of Resistance along the North-West Frontier of British India’, *Comparative Studies of Society and History* 58, 3 (2016), pp. 717-745. See also Elizabeth Kolsky, ‘The Colonial Rule of Law and the Legal Regime of Exception: Frontier ‘Fanaticism’ and State Violence in British India’, *The American Historical Review* 120, 4 (2015), pp. 1218-1246.

## Sedition and Assassination in India, 1897

According to the account of Damodar Hari Chapekar, one of the three brothers involved in the murders of Rand and Ayerst, Rand was not targeted for assassination because of any personal characteristics or actions. In fact, Damodar specifically wrote that despite Rand's reputation as a wicked man of great perversity, surveillance of Rand revealed that he 'was a proud man like ourselves ... not addicted to any vice. There was no meanness in his character.'<sup>9</sup> The murder of Rand should therefore be understood as an inherently political action that came in response to biopolitical measures adopted by the British colonial government following the outbreak of bubonic plague in Bombay and the surrounding area beginning in 1896. Following from a period of devastating famine, the plague killed thousands of Indian people, and prompted the imposition of harsh sanitation measures by colonial officials. These included forcible entry into the homes of locals, the destruction of personal possessions, quarantine measures and forced relocation of those believed to be infected to hospitals and special segregation camps. Although British officials viewed these measures as prudent responses to a dangerous epidemic, many Indians were harshly critical of the heavy-handedness of the British response, and accused the colonial government of tyranny. Commenting on the murders of Rand and Ayerst in an interview with *The Manchester Guardian*, Gopal Krishna Gokhale, an important figure within the early Indian National Congress, said that there could be 'no doubt that the deplorable outrages of June 22 are to be connected with the measures taken in Poona against the plague.'<sup>10</sup> In the interview, Gokhale accused the British soldiers tasked with carrying out the anti-plague measures of entering kitchens and places of worship, 'contaminating food and spitting upon idols or breaking them and throwing them into the street ... Women were dragged into the streets and stripped for inspection ...'<sup>11</sup> Such accusations were widespread and appeared in the autobiography of Damodar Chapekar, who wrote that Rand was marked for death as an enemy of Indian religion, due to the work of the Plague Committee.

The selection of Rand as the target for assassination fits into a broad intellectual transformation of political violence which Mikkel Thorup links to the French Revolution of 1789. According to Thorup, what was particularly significant about the killing of King Louis XVI was the fact that while previous acts of tyrannicide intended to uphold justice through

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<sup>9</sup> Damodar Hari Chapekar, *Autobiography of Damodar Hari Chapekar* (Bombay Police Abstracts, 1910), p. 1014.

<sup>10</sup> *The Manchester Guardian*, 2 July 1897, p. 5.

<sup>11</sup> *Ibid.*

the murder of an unjust ruler, Louis' execution occurred simply because of his identity as king, rather than as the result of any particular actions of injustice. For Thorup then, terrorism became a historically new form of violence due to the fact that 'even though actual persons are being targeted, and perhaps their killing is being legitimated by specific actions they have committed, the real target of the attack is not the person but the abstraction of the system.'<sup>12</sup>

This runs contrary to Peter Hees' reference to the assassinations as 'semi-political revolts actuated largely by personal resentment and religious enthusiasm.'<sup>13</sup> The targeting of Rand should rather be regarded as an inherently political act through which the Chapekars sought to deliberately target and challenge the authority of the colonial government.

Although in the context of late nineteenth century India the label of terrorism had not yet gained the popular purchase that it would exercise during the interwar period, it is nonetheless significant that the Chapekars targeted Rand, not for his own personal actions during the plague, but due to his position as a representative of the larger machinery of the colonial state. Rand's role as a stand-in for colonial sovereignty is further evidenced by the Chapekar brothers' tarring of a statue of Queen Victoria prior to the assassination, which Damodar described in the following terms:

There is a statue of the Queen of England situated at a certain crossing off our roads in the Fort in Bombay ... This woman, after the Mutiny of 1857, acquired the universal sovereignty of India by making fair but deceitful promises. She alone is the real enemy of our people. Other white men are our enemies only in so far as they are her subjects ... It is, however, to be deeply regretted that owing to our misfortune she is not here and it is not likely that she will ever come to this country. We, therefore, resolved to make an auspicious beginning by first dealing with her stone image ...<sup>14</sup>

Originally intending to break the statue into pieces with a hammer, the brothers instead decided to disfigure the statue by blackening its face with tar and stringing a necklace of shoes around its neck.<sup>15</sup> Resolving not to go after any of the minor officers of the Plague Committee, the brothers selected Rand as their target because, as Chairman of the Committee, he provided the closest symbolic stand-in for the sovereignty of the Queen. On the 22<sup>nd</sup> of June, following celebrations in Pune for the Diamond Jubilee of Queen Victoria's

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<sup>12</sup> Mikkel Thorup, *An Intellectual History of Terror: War, violence, and the state* (New York: Routledge, 2010), pp. 9-10.

<sup>13</sup> Hees, *Bomb in Bengal*, p. 11.

<sup>14</sup> Chapekar, *Autobiography*, p. 999.

<sup>15</sup> *Ibid*, p. 1000.

coronation, Damodar Hari Chapekar and his brother Balkrishna Hari set an ambush for Rand's carriage and shot the Chairman on his way back from the celebrations. Following the shooting of Rand, Damodar's brother Balkrishna shot Rand's military escort, Lieutenant Ayerst, in the head, killing him on the spot.

The assassination drew international media attention, especially given the global appetite for such stories driven by a recent rise in political violence across Europe.<sup>16</sup> Throughout the latter half of the nineteenth century and around the turn of the twentieth century, the rise of anarchist thought and particularly the doctrine of 'propaganda of the deed', which encouraged individual insurrectionary violence against the state, led to a spate of high profile assassinations. These included the murders of Czar Alexander II of Russia in 1881, France's President Sadi Carnot in 1894, Antonio Cánovas del Castillo, the prime minister of Spain, in 1897, and King Umberto I of Italy in 1900. In 1901, the phenomenon of political murders, or so-called 'assassinationism', spread to the United States as well, with the sensationalised murder of President William McKinley.

As evidenced by their labelling as 'propaganda by deed', these assassinations functioned as a form of communication by which their perpetrators sought to convey a clear political message. This is why Alex Schmid and Jany de Graaf argue that the origins of terrorism – more frequently referred to as 'anarchism' or 'assassinationism' in the nineteenth century – can only be understood with reference to the origins of mass media. According to Schmid and de Graaf, the community of readers fostered by the press created an expanded audience for certain types of communication, while simultaneously privileging certain voices above others in terms of what type of message could be communicated. Because the news dedicated itself to the actions of the powerful, 'by affecting the lives of the powerful the powerless could also enter the pages of the press and thereby shape public opinion.'<sup>17</sup>

This meant that for those like Damodar Chapekar, who lacked access to a platform through which to disseminate their political message, the sensational killing of a high ranking public official became an important alternative means by which to communicate with a broad

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<sup>16</sup> See especially Richard Bach Jensen, *The Battle against Anarchist Terrorism: An International History, 1878-1934* (Cambridge: Cambridge University Press, 2014). See also Barbara Melchiori, *Terrorism in the Late Victorian Novel* (London: Croom Helm, 1985), Michael Hughes, 'British Opinion and Russian Terrorism in the 1880s', *European History Quarterly*, 41, 2 (2011), p. 257, Alex Houen, *Terrorism and Modern Literature: From Joseph Conrad to Ciaran Carson* (Oxford: Oxford University Press, 2002), Shane Kenna, *War in the Shadows: The Irish-American Fenians who bombed Victorian Britain* (Merrion Press, 2013), and Benedict Anderson, *Under Three Flags: Anarchism and the anti-colonial imagination* (London: Verso, 2005).

<sup>17</sup> Alex Schmid and Jany de Graaf, *Violence as Communication: insurgent terrorism and the Western news media* (London: Sage, 1982), p. 12.

popular audience. In his autobiography, composed after the assassination of Rand, Damodar wrote that such a memoir would be a ‘needless waste of time’ if written by one whose ‘righteous conduct is barren in its effect in inculcating a wholesome moral or in gratifying the public taste.’ For Damodar, a man could acquire fame only by either ‘committing a reprehensible deed or by performing a very laudable act.’ For a life to be worth writing about, it should succeed in accomplishing ‘such righteous deeds as would engage the pens of several authors in describing them.’<sup>18</sup> This indicates that there was a clear and deliberate function behind the assassination of Rand beyond the act of killing itself, or the ‘personal resentment and religious enthusiasm’ attributed to it by Hees. Killing Rand was on the one hand a symbolic rejection of the sovereignty of Queen Victoria, as evidenced by the tarring of her statue which preceded it. But it was also a strategy of political communication through which Damodar ensured a readership for a memoir that would otherwise, by his own admission, not be worth reading.

Colonial officials were aware of the communicative potential of such actions, and took seriously the threat posed by the dissemination of political ideas to a popular audience. Prior to Rand’s murder, the nationalist Bal Gangadhar Tilak printed an article in his highly influential Marathi paper the *Kesari*, describing Rand’s actions as tyrannical and accusing the colonial government of the deliberate oppression of the Indian people. On the 15<sup>th</sup> of June, a week before the assassination of Rand, the *Kesari* published a series of paragraphs titled ‘Sivaji’s utterances’, including the fictional lament of the historic Marathi warrior Sivaji upon waking from the sleep of death to find his country rife with oppression. In printing out the proceedings from a popular festival, Tilak also published a discussion from the Ganpati festival which justified Sivaji’s murder of the Muslim general Afzal Khan on the basis that it was committed for the good of others and thus should not be regarded as a sin.<sup>19</sup>

These articles led to Tilak’s arrest and trial on charges of sedition.<sup>20</sup> At issue was the question of whether the articles excited or attempted to excite disaffection against the government, as defined by Section 124 A of the Indian Penal Code. This law defined

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<sup>18</sup> Chapekar, *Autobiography*, pp. 955-57.

<sup>19</sup> *Sedition Committee Report 1918* (Calcutta: Superintendent Government Printing, India, 1918), p. 3. As Christopher Pinney has argued, Indian subjects often deployed religious and historical symbols and metaphors as camouflage to obscure political messages that the colonial state prohibited. Pinney, ‘Iatrogenic Religion and Politics’, in Raminder Kaur and William Mazzarella (eds.), *Censorship in South Asia: Cultural regulation from sedition to seduction* (Bloomington, IN: Indiana University Press, 2009), pp. 29-62.

<sup>20</sup> As Sukeshi Kamra notes, this trial elucidates the manner in which writing, as well as the body, came to be framed as the site of sedition. Kamra, ‘Law and Radical Rhetoric in British India: The 1897 Trial of Bal Gangadhar Tilak’, *South Asia: Journal of South Asian Studies* 39, 3 (2016), pp. 546-59.

disaffection as the absence of affection, meaning enmity or disloyalty towards the Government. Judge Strachey, the presiding magistrate, clarified that the offence related only to bad feelings and not to mutiny or rebellion or any particular overt act. In Strachey's words, 'Whether any disturbance or outbreak was caused by these articles is absolutely immaterial,' because even if Tilak did not excite or attempt to excite any act of forcible resistance to the Government, 'still if he tried to excite feelings of enmity to the Government, that is sufficient to make him guilty under the section.'<sup>21</sup> Although Strachey acknowledged that it was legal to criticize any measure of the government and even to hold it up to unfair abuse, if the same person were to hold the government itself 'to the hatred or contempt of his readers ... then he is guilty under the section, and the explanation will not save him.'<sup>22</sup> Strachey made an important distinction between criticism of particular actions of a government - protected under British law by notions of political liberty in contrast to perceptions of European and Oriental despotism - and criticism of the government itself, to which the loyalty of the subject served as a prerequisite for the exercise of individual rights and privileges.

Strachey did not accuse Tilak's articles of instigating the assassination of Rand and Ayerst, although he did make reference to these murders during the trial. Strachey argued that in determining whether or not a piece of writing reflected seditious intent, it was necessary to understand the context in which it was written, and the intended audience. Strachey stated that discussing the topic of political assassination with a group of philosophers or students was one thing, whereas 'to discuss it in a mixed crowd of people or to put it in a public newspaper is another thing altogether.' Strachey pointed out that the murders occurred only one week after the articles in question appeared in the *Kesari*, although he quickly clarified that he did not wish to suggest 'in the slightest degree that there is a relation of cause and effect between either of these articles and that abominable murder, or that the prisoner Tilak had any conception that anything published by him would lead to a result of that sort.' Admitting that the Advocate-General was unable to prove any link between the articles and the 'dastardly outrage',<sup>23</sup> Strachey asked the jury to put the matter out of their minds, other than as evidence that the articles emerged within a particularly turbulent context.<sup>24</sup>

Although later British commentators would draw a much closer causal relationship between political assassination and articles deemed seditious, what is most significant in the

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<sup>21</sup> *Charge to the Jury in the Case of Queen-Empress v. Bal Gangadhar Tilak and Keshav Mahadev Bal in the High Court of Bombay* (Bombay: Thacker & Co., 1898), p. 11.

<sup>22</sup> *Ibid*, p. 14.

<sup>23</sup> *The Times of India*, 6 July 1897, p. 5.

<sup>24</sup> *Queen-Empress v. Bal Gangadhar Tilak*, pp. 30-32.



judgement against Tilak is Strachey's concern with the dissemination of such ideas to a broad popular audience. Although Strachey acknowledged that the question of morality addressed by the discussion of Professor Bhanu regarding Shivaji's killing of Afzul Khan could rightly be of historical and philosophical interest, this was an 'extremely dangerous' topic to present to a popular audience. While philosophers or educated men could discuss the finer points of whether certain persons could be singled out as exceptions to ordinary moral norms, Strachey argued that when an 'ignorant mob is told that a certain murder by Shivaji was justifiable, they are likely to conclude that murder may not be at all a bad thing.'<sup>25</sup> The jury echoed Strachey's concerns, and found Tilak guilty by a vote of six to three, sentencing him to eighteen months rigorous imprisonment.<sup>26</sup>

Tilak was charged under Section 124A of the Indian Penal Code, which drew inspiration from an older British law called the Treason-Felony Act, Section 3 of 1848. This law stated that anyone who tried to deprive the monarch of their 'Imperial Crown' or to wage war against the monarch, 'or to move or stir any foreigner or stranger with force to invade the United Kingdom, or any other of Her Majesty's dominions or countries' should be found guilty of sedition. At the time of this law, Sir James Stephen, who would subsequently be referenced in many of the legal debates that followed, responded to criticism that this law violated the liberty of the press by arguing that 'liberty extended to the point at which law stopped ... The question was not whether the Press ought or ought not to be free, but whether it ought to be free to excite rebellion.'<sup>27</sup>

This law was particularly important in responding to agitation in Ireland during the second half of the nineteenth century. In 1868, Alexander Sullivan and Richard Pigott were put on trial in Dublin for 'seditious libels on the government.' The definition of sedition provided in this trial was any word or deed designed to 'disturb the tranquillity of the state, and lead ignorant persons to endeavour to subvert the Government and the laws of empire.' This included bringing 'into hatred or contempt the sovereign or the Government, the laws or constitution of the realm, and generally all endeavours to promote public disorder.'<sup>28</sup> During the trial, Judge Fitzgerald referred to sedition as 'a crime against society nearly allied to treason', as well as 'disloyalty in action.' Fitzgerald held up the press as the most dangerous means by which seditious doctrines could be disseminated, stating that through it, 'the

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<sup>25</sup> Ibid, p. 56.

<sup>26</sup> Ibid, p. 91.

<sup>27</sup> Walter Russell Donogh, *The History and Law of sedition and cognate offences in British India, penal and preventative* (Calcutta: Thacker, Spink & Co., 1914), pp. 4-6.

<sup>28</sup> Ibid, p. 13.

preachers of sedition can sow widecast that poisonous seed which, if unchecked, ultimately must culminate in insurrection and revolution.’<sup>29</sup> This marks a significant shift of emphasis from direct incitements to rebellion towards a looser definition encompassing seditious ideas that may one day culminate in rebellion.

In India, the law of sedition came about because of changes to the Penal Code in 1870. The first major trial to invoke this law was the case of *Queen-Empress v. Jogendra Chunder Bose*, known as the *Bangavasi* case, which was concerned with articles published in the *Bangavasi* newspaper following the Age of Consent Bill. The bill passed on the 19<sup>th</sup> of March, 1891, and the *Bangavasi*, a weekly vernacular paper published in Calcutta, printed the first of several articles critical of this law on the 28<sup>th</sup> of March. These articles accused the British of threatening Indian religion, and of interfering with local customs and traditions, as well as ruling through brute force. At issue was the question of whether or not the paper’s criticism of the bill constituted ‘legitimate’ criticism, and the jury was ultimately unable to reach a verdict, leading to the accused issuing an apology and the proceedings being dropped.<sup>30</sup>

The trial of Tilak was the first major trial in India in which the courts secured a conviction for charges of sedition, and following this case the law was amended in 1898. In particular, legislators believed that a more clearly worded definition was required, in order to encompass any words or writings that would make or attempt to make others disaffected ‘or adversely opposed towards the sovereign or his government; or, in other words, turning the people against their rulers.’<sup>31</sup> Central to this definition was also a clearer definition of the term ‘government’ itself. A key distinction in determining the difference between legitimate criticism of policy and seditious criticism of the sovereignty of the state was, according to Judge Batty, whether such criticism targeted particular government officials and policies, or the government itself as an abstract whole. Batty stated that ‘one particular set of persons may be open to objection, and to assail them and to attack them and excite hatred against them is not necessarily exciting hatred against the Government.’ While the individual was ‘transitory’ and could be held up to critique,

... that which is essentially and inseparably connected with the idea of the Government established by law cannot be attacked without coming within this section ... In other words, Government is the abstract

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<sup>29</sup> *Report on the trials of Alexander M. Sullivan and Richard Pigott, for seditious libels on the government* (Dublin: printed by Alexander Thom, 1868), p. 4.

<sup>30</sup> Donogh, *The History and Law of sedition*, pp. 33-41.

<sup>31</sup> *Ibid*, p. 73.

conception of British rule in India ... To attack any individual member of that body in his private capacity might amount to a common libel ... but to attack the Government itself through its official representatives, with seditious intent, would be an offence within the meaning of section 124 A.<sup>32</sup>

This distinction marks an important shift in the way that colonial legislators in India understood sovereignty. Restricted to the figure of the British monarch since the end of the Indian uprising in 1858, sovereignty at the turn of the twentieth century was devolving into a bureaucratized model in which the central sovereignty of the monarch via the Governor General was also distributed amongst a wider range of officials and governmental representatives. This meant that an attack on any such representative could constitute an assault on the sovereignty of the colonial state. This became an important site of political contestation, as revolutionaries sought to undermine the authority of the state in the eyes of the public through the assassination of its various representatives.

As Janaki Bakhle observes, it is precisely at a time when the label of sedition was becoming obsolete in Britain that it took on such important meaning within the Indian context.<sup>33</sup> In Britain the spread of liberal ideals regarding freedom of expression and the right to criticize one's government rendered the charge of sedition unpalatable to most British juries, with the exception of cases in which Irish revolutionaries sought to disturb the public peace. Despite popular hysteria surrounding the German 'spy scares' that preceded the beginning of the First World War and the resulting development of Britain's domestic security service, later known as MI5, actual prosecutions for sedition were extremely rare in Britain in the early twentieth century.

This ironically transformed the metropole itself into a hub of anti-colonial literature, as nationalist thinkers took advantage of looser sedition laws to publish propaganda that would be impossible to print under Indian press laws. One of the most important of these thinkers was Shyamji Krishnavarma, a journalist, intellectual, and anti-imperialist who began publication of a monthly journal called the *Indian Sociologist* in 1905.<sup>34</sup> Krishnavarma's writings were highly critical of British colonial rule, referring to it as a foreign despotism and advocating an alliance among victims of imperialism in India, Egypt, Ireland, and South Africa.<sup>35</sup> To this end, Krishnavarma also founded a hostel for Indian students at Highgate in

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<sup>32</sup> Ibid, pp. 82-83.

<sup>33</sup> Janaki Bakhle, 'Savarkar (1883-1966), Sedition and Surveillance: the rule of law in a colonial situation', *Social History* 35, 1 (2010), p. 52.

<sup>34</sup> For the most recent critical biography of Krishnavarma, see Fischer-Tiné, *Shyamji Krishnavarma*.

<sup>35</sup> *The Indian Sociologist*, Vol. 3, No. 9, September 1907, p. 35 and Vol. 3, No. 11, November 1907, p. 42.

London. Called India House, this hostel became an important hub for Indian nationalists as diverse as V.D. Savarkar and M.K. Gandhi, but was best known for producing Madan Lal Dhingra, the young revolutionary who shot and killed Sir William Hutt Curzon Wylie, the political aide-de-camp of the Secretary of State for India in 1909 at the Imperial Institute in London. This assassination in the heart of the imperial metropole attracted the panicked condemnation of the British press and would provide a source of inspiration to subsequent revolutionaries around the world. Although as a result, this assassination attracts more scholarly attention than many others, it and other transnational acts of violence are largely excluded from this chapter, which instead concerns itself with establishing a historical and theoretical context for acts of anti-colonial assassination carried out within the territory of Bengal itself.<sup>36</sup> The rationale for this approach is that by foregrounding Bengal, the centre of revolutionary politics during this period, it becomes possible to better understand the local context from which global networks and trans-imperial connections would emerge during the First World War, which is the subject of the following chapter. The transnational connections of figures such as Savarkar, whose activities predate the war, will be revisited in Chapter 5, during a consideration of India's relationship to international law.

### **The Politics of the Bomb in Bengal, 1905-1908**

Following the execution of the Chapekars and the trial of Tilak, the next major milestone in the evolution of political assassination within India was the decision of Lord Curzon, the Viceroy and Governor General of India, to partition the province of Bengal in 1905. Since 1765, Bengal, Bihar, and Orissa were grouped into a single province, with an estimated combined population of around seventy-eight million people at the time of partition. The proposed partition would divide the province into two new administrative units which would be divided primarily along religious lines, with a Muslim majority in East Bengal and a primarily Hindu population in West Bengal. British officials justified the decision on the grounds of administrative efficiency, but privately Curzon admitted that he hoped that it would undermine the power of the incipient Indian nationalist movement. In a

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<sup>36</sup> For more on the transnational dimensions of these plots, see Nicholas Owen, 'The Soft Heart of the British Empire: Indian Radicals in Edwardian London', *Past & Present* 220 (2013), pp. 143-184, and Harald Fischer-Tiné, 'Indian Nationalism and the 'World Forces': Transnational and Diasporic Dimensions of the Indian Freedom Movement on the Eve of the First World War' *Journal of Global History* 3 (2007), pp. 325-344.

letter to John Brodrick, India's Secretary of State, Curzon wrote that Calcutta was the centre of the Indian National Congress' political power and that;

... its best wire-pullers and its most frothy orators all reside there. The perfection of their machinery, and the tyranny which it enables them to exercise are truly remarkable. They dominate public opinion in Calcutta ... the whole of their activity is directed to creating an agency so powerful that they may one day be able to force a weak Government to give them what they desire.<sup>37</sup>

For this reason, the partition attracted vehement opposition from the middle class Bengali *bhadralok*, who campaigned vigorously against it by calling for mass boycotts of British goods. Invoking a language of Bengal as a dismembered motherland, politicians and intellectuals promoted *swadeshi*, the manufacture of locally produced goods that would replace British imports.<sup>38</sup> The *swadeshi* campaign drew on cultural symbols and religious idioms, often with a Hindu component, leading some to accuse the movement of sectarianism.<sup>39</sup> Although it is true that *swadeshi* tended to attract greater support from Hindus than from Muslims, Ruma Chatterjee argues that this fact should be understood in economic, rather than explicitly communal, terms. The western half of Bengal was predominantly Hindu and dominated by the urban centre of Calcutta, while the majority Muslim population of eastern Bengal was largely rural, with less access to capital. Chatterjee notes that although nationalists argued that purchasing homespun goods rather than foreign products was a matter of loyalty, for the indebted peasantry of eastern Bengal, the choice was 'not between local and foreign fabrics as such, but between higher and lower prices.'<sup>40</sup> Despite this issue, the *swadeshi* movement was nonetheless able to mobilize an unprecedented level of support throughout Bengal, creating a mass base of anti-colonial agitation for the first time in India. It also produced unprecedented intellectual engagement with the wider world, as Kris Manjappa demonstrates. Disentangling the intellectual dimensions of the *swadeshi* movement from its cultural and social dimensions, Manjappa asserts that *swadeshi* ideology simultaneously drew

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<sup>37</sup> B.L. Grover, *A Documentary Study of British Policy Towards Indian Nationalism: 1885-1909* (Delhi: National Publications, 1967), pp. 224-5.

<sup>38</sup> For the classic in-depth examination of the *swadeshi* movement, see Sarkar, *Swadeshi Movement in Bengal*.

<sup>39</sup> Leonard A. Gordon. *Bengal: The Nationalist Movement 1876-1940* (New York: Columbia University Press, 1974), p. 114.

<sup>40</sup> Ruma Chatterjee, 'Cotton Handloom Manufactures of Bengal, 1870-1921' *Economic and Political Weekly* 22, 25 (1987), p. 992.

heavily on international reference points and sought to transmit itself to a wider global audience.<sup>41</sup>

Although the majority of this agitation was based around boycott and other methods of peaceful protest, it also laid the groundwork for the development of radical networks in Bengal that sought to undermine British authority through the use of targeted assassinations and revolutionary propaganda. Although numerous revolutionary organisations developed throughout this period, the two most significant in Bengal were the Jugantar group based out of Calcutta and the Dacca Anushilan Society. Both of these organisations sought to seize on popular discontent with the partition of Bengal in order to recruit revolutionaries, particularly drawn from young, discontented men of the bhadralok class. Educated under the colonial regime but unable to access any benefits from it, many of these revolutionaries were embittered by the harsh reality of oppression that undergirded colonialism's universalising promises.<sup>42</sup>

In its earliest phase, revolutionary crime in Bengal often took the form of so-called 'political dacoities', or armed robberies carried out with the intention of acquiring funds to support the growth and operation of radical networks. In a summary of the administration of the Government of India printed in 1916, the term political dacoity is defined as 'implying dacoities committed by men not ordinarily of the professional criminal classes, as a part of the seditious campaign.'<sup>43</sup> Despite its widespread usage, some officials such as Lord Hardinge viewed the term with suspicion. At a meeting of the Imperial Legislative Council at Simla, Hardinge announced that he failed 'to see any difference between an ordinary dacoity and a political dacoity. They are both crimes of a heinous description, while the perpetrators, be they bhadralok (sic) or others, are all criminals of equal degree.'<sup>44</sup> Revolutionaries justified such robberies as necessary steps in the pursuit of freedom, with one article proclaiming, 'A nation yearning for freedom does not shrink even, if it's necessary, to collect money by committing theft and dacoity ... the power of discriminating between right and wrong is gone. Every thing (sic) is sacrificed at the feet of the goddess of liberty.'<sup>45</sup>

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<sup>41</sup> Kris Manjappa, 'Knowledgeable Internationalism and the Swadeshi Movement, 1903-1921', *Economic & Political Weekly* 47, 42 (2012), pp. 53-62.

<sup>42</sup> Shukla Sanyal, *Revolutionary Pamphlets, Propaganda and Political Culture in Colonial Bengal* (Cambridge: Cambridge University Press, 2014), pp. 9-10.

<sup>43</sup> *Summary of the Administration of the Government of India 1910-16* (Delhi: Superintendent Government Printing, 1916), p. 14.

<sup>44</sup> Meeting of Imperial Legislative Council at Simla, 17 September 1913, CUL, *Hardinge Papers*, p. 8.

<sup>45</sup> H.L. Salkeld, Anushilan Samiti, Dacca, Part I, 1908, in A.K. Samanta (ed.), *Terrorism in Bengal: a collection of documents on terrorist activities from 1905 to 1939, Vol. 1* (Calcutta: Government of West Bengal, 1995), p. 106.

Although these so-called political dacoities presented a challenge to colonial authority by undermining its claim to uphold law and order, it was the bomb attacks carried out by these same groups of political radicals that motivated the evolution of a new prose of counter-insurgency. The first bomb attack occurred on the 6<sup>th</sup> of December, 1907, when revolutionaries connected to the Jugantar group derailed the train of Sir Andrew Fraser, the Lieutenant-Governor of Bengal near Midnapore by planting a bomb on the tracks. On the 11<sup>th</sup> of April, 1908, revolutionaries threw a bomb at the mayor of Chandernagore, a sliver of French territory just outside Calcutta that was a popular route for smuggled arms and propaganda, but failed to kill him. Weeks later, on the 30<sup>th</sup> of April, a young revolutionary named Khudiram Bose, along with his accomplice Prafulla Chaki, threw a bomb into a carriage with the intention of assassinating Douglas Kingsford, a former Chief Presidency Magistrate of Calcutta. The bomb instead killed two English women named Mrs. and Miss Kennedy by mistake.<sup>46</sup>

This deed transformed Khudiram Bose into the first revolutionary to enter the pantheon of freedom fighters that would continue to expand over the course of the four decades that followed. In ‘The Partition of Bengal’, a poem confiscated by the colonial intelligence service, Khudiram is celebrated as a martyr who ‘went to the celestial region with a fearless heart for his own country.’ The poem implores its reader to remember Khudiram’s ‘smiling, lotus-like face’,<sup>47</sup> a reference to reports that on the day of his execution, Khudiram climbed the scaffold with a cheerful smile on his face.<sup>48</sup> In the same raid, police discovered pictures of Khudiram and Prafulla hanging at the front entrance of a *samiti* headquarters, alongside images of Swami Vivekananda, the goddess Kali, and a stylized image of India as mother goddess.<sup>49</sup> Khudiram’s venerated status even gave him the power to strike against the British from beyond the grave, according to some revolutionaries. In a letter composed in August of 1908, Saraju Bala Sen Gupta wrote, ‘Brother Khudiram in his life time has not finished doing his duty to his country. Even from the other world he will exterminate them to the root for his hanging on the gallows.’<sup>50</sup>

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<sup>46</sup> *Sedition Committee*, pp. 31-2.

<sup>47</sup> ‘The Partition of Bengal’ excerpt in H.L. Salkeld, Anushilan Samiti, Dacca, Part I, 1908 in Samanta, *Terrorism in Bengal, Vol. 1*, p. 139.

<sup>48</sup> Hitendra Patel, *Khudiram Bose: Revolutionary Extraordinaire* (Delhi: Publications Division Ministry of Information and Broadcasting Government of India, 2008), pp. 55-6.

<sup>49</sup> H.L. Salkeld, Anushilan Samiti, Dacca, Part I, 1908 in Samanta, *Terrorism in Bengal, Vol. 1*, p. 146.

<sup>50</sup> Saraju Bala Sen Gupta to Dinesh Chandra Sen Gupta, 26 August 1908, H.L. Salkeld, Anushilan Samiti, Dacca, Part III in Samanta, *Terrorism in Bengal, Vol. 1*, p. 170.

As the first ‘successful’ assassination by bomb in India, the murder of the Kennedy women attracted widespread media attention. The London-based *Times* described the deed as a case of ‘deliberate murder, cruelly planned’, while the *Illustrated London News* used the label of ‘anarchy’ to describe the incident.<sup>51</sup> An article from *Empire* reprinted in the Calcutta newspaper *Bande Mataram* remarked on the ‘horror which the foul deed has awakened among the responsible members of the Indian community’ and lamented the fact that the ‘sanctity which formerly surrounded the life of the European in this country has been considerably invaded of recent years, and this terrible deed is not likely to enhance it.’<sup>52</sup> Many commentators were particularly troubled by the fact that it was a bomb that killed the Kennedy women. An article in the *Bengalee* emphasized the shocking and spectacular aspects of the killing by describing how ‘a tremendous explosion startled the town.’ The article pointed out with concern that the deadly results of the explosion indicated that the ‘indigenous manufacturers of these infernal machines are becoming increasingly expert.’<sup>53</sup> Valentine Chirol, a contributor to *The Times* and a close friend of Hardinge, referred to the killings at Muzaffarpur as the first time that ‘any Indian had used this product of modern science with murderous effect.’<sup>54</sup>

In the report later drawn up by the Sedition Committee in 1918, which will be examined at greater length in the following chapter, assassination by bomb is singled out by colonial authorities as an inherently political crime. In a section detailing the definition of political assassination, the report states, ‘there are of course certain classes of outrage which by their very nature proclaim themselves as revolutionary. Murder by bomb is practically certain to be of this character.’<sup>55</sup> Despite this Lord Minto, the Viceroy and Governor General of India at the time of Khudiram’s arrest, actively sought to deny any political motivation behind the attack, stating in a speech that ‘the public at home will make a fatal mistake if they ascribe outrages such as that at Muzaffarpur to the efforts of a people struggling to liberate themselves from an oppressor.’<sup>56</sup> Although Minto referred to assassination by bomb as a foreign import, developed in Russia and subsequently ‘sown amongst a strangely

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<sup>51</sup> *The Times*, 14 July, 1908 and *Illustrated London News*, 27 June, 1908.

<sup>52</sup> *Bande Mataram*, 5 May 1908, p. 1.

<sup>53</sup> *The Bengalee*, 2 May 1908, p. 5.

<sup>54</sup> Valentine Chirol, *Indian Unrest* (London: Macmillan, 1910), p. 55.

<sup>55</sup> *Sedition Committee*, p. 26.

<sup>56</sup> Peter Hees (1994), ‘Foreign Influences on Bengali Revolutionary Terrorism, 1902-1908’, *Modern Asian Studies* 28 (3), p. 555.



impressionable and imitative people' in India, he refused to draw any parallels between the subjugation of the Russian and Indian people.<sup>57</sup>

By contrast, radicals saw the use of the bomb at Muzaffarpur as a symbolic victory of great importance. In a *Yugantar* leaflet written two months after the death of the Kennedy women, the author wrote: 'Bombs are not the only invincible weapons for the liberation of the country ... A few days ago you could not dream of Bengali youths using bombs.' The leaflet further proclaimed that the 'entire mechanism of British administration can be ground down simply with the help of bombs' and that preparations for a great war would be made irrelevant 'when we see the English struck with terror at the bursting of a bomb or two.'<sup>58</sup> An article published in *Yugantar* in July instructed its readers not to despair at the incident at Muzaffarpur, as 'The time for wielding the pen is gone. Take now shelter in Manliness. There are in the country plenty of places still where bombs are manufactured.' Perhaps most significantly, the article further encouraged would-be revolutionaries to take their own initiative in taking up the politics of the bomb, proclaiming that 'the implements and materials for making bombs can be obtained plentifully in the market. Do not remain silent and inactive.'<sup>59</sup>

Having returned to his place at the forefront of Indian politics following the end of his earlier prison sentence, Bal Gangadhar Tilak was again put on trial for sedition as a result of articles that he published in *Kesari* following the Muzaffarpur incident. The first of these articles, titled 'Country's misfortune' detailed the harm done to India by British colonial rule while the second, titled 'These remedies are not lasting' provided an extended analysis of the politics of the bomb. Tilak was charged under the Indian Penal Code under Section 124A, which prohibited exciting or attempting to excite feelings of disaffection towards the Government, as well as under Section 153A, which made it unlawful to promote or attempt to promote feelings of hatred between different classes, and sentenced to six years in prison.<sup>60</sup>

In 'These remedies are not lasting', published on the 9<sup>th</sup> of June, 1908, Tilak sought to explain the motivation behind bomb assassinations in India and to differentiate them from the anarchist bombings that had become so prevalent in Europe. Tilak wrote that contrary to the official report, the bombs of Bengal were not subversive of society in the same way as the anarchist bombs of Europe. Referring to European anarchism as stemming from a hatred for

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<sup>57</sup> *The Times*, 9 June, 1909.

<sup>58</sup> *Yugantar* leaflet excerpt in H.L. Salkeld, Anushilan Samiti, Dacca, Part I, 1908 in Samanta, *Terrorism in Bengal*, Vol.1, p. 115.

<sup>59</sup> *Yugantar*, 6 July 1908, IOR: L/P&J/6/887, File 3037, p. 1.

<sup>60</sup> Annex 2 to the Secretary of State for India. IOR: L/P&J/6/877, File 2436, p. 2.

‘selfish millionaires’, Tilak argued it was instead an ‘excess of patriotism that motivated the bombs of Bengal. According to Tilak, the revolutionaries of Bengal were not anarchists, but simply adopted the weapon of the anarchist because of its effectiveness in forcing change. Pointing to examples from places like Portugal and Russia where governments were forced to modify their behaviour as a result of political assassinations – or, in his words, to ‘bow down to the bomb’ – Tilak wrote that assassination by bomb could be patriotic if it was carried out for the purpose of producing political reform.<sup>61</sup>

The article went on to criticize the Arms Act, as having slain the ‘manhood of the nation’ by ensuring that the administration could conduct any action they wanted without having to give any consideration to how it would be received by the disarmed population.<sup>62</sup> Tilak wrote that the advent of the bomb removed this imbalance and reduced the importance of military strength, by providing the people with a means of registering their displeasure with governmental tyranny using the very tools of Western science that formerly oppressed them. According to Tilak, the bomb was an entirely new weapon and, completely unlike firearms, could not be taken away from the people through the Arms Act. Simple and easy to make, the bomb had ‘more the form of knowledge, it is a (kind of) witchcraft, it is a charm, an amulet.’ Although the knowledge of how to make bombs was still in India a ‘secret knowledge’, Tilak wrote that it would not be long before the ‘magical lore of Bengal’ spread throughout the rest of the country. Any attempt to prohibit the scientific knowledge that made bombs possible was in vain, as the knowledge was intimately connected to the edifice of Western science and knowledge on which colonialism supported itself, and the ingredients required for the production of bombs were relatively common materials used in a variety of industries, and thus could not be proscribed.<sup>63</sup>

Two more articles published in the *Kesari* further elaborated upon Tilak’s theory of the bomb. In ‘The real meaning of the bomb’, published on the 26<sup>th</sup> of May, Tilak highlighted the significance of the advent of the bomb in India, writing that even the news of war in Afghanistan paled to insignificance before the news of the bomb, which became the ‘sole subject of talk and writing in England.’ According to Tilak, English public opinion maintained that ‘if any extraordinary event has occurred in India since the year 1857, it is the birth of the bomb.’<sup>64</sup> Continuing along the same vein in ‘The secret of the bomb’, published

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<sup>61</sup> *Kesari* (translation), 9 June 1908, IOR: L/P&J/6/877, p. 1.

<sup>62</sup> *Ibid*, p. 2.

<sup>63</sup> *Ibid*, pp. 3-4.

<sup>64</sup> *Kesari* (translation), 26 May 1908, IOR: L/P&J/6/877, pp. 1-4.

on the 2<sup>nd</sup> of June, Tilak wrote that there was a considerable difference between the 1897 assassinations and the Muzaffarpur killings, entirely due to the use of the bomb in the latter. While pistols and muskets were old weapons, the bomb represented the latest discovery of Western science, which strengthened the power of rulers around the world but now provided the means of their undoing. While bombs alone could not destroy the military might of the government, they nonetheless carried the potential to undermine its authority:

When the official class begins to overawe the people without any reason ... then the sound of the bomb is spontaneously produced to impart to the authorities the true knowledge that the people have reached a higher stage than the vapid one in which they pay regard to such an illiberal (policy of) repression.<sup>65</sup>

For Tilak, the bomb was above all else a tool of communication, through which the oppressed could speak out against tyranny through the propaganda of the deed.

Tilak was not the first nationalist sentenced for a sedition-related offence following the partition of Bengal and would not be the last. In May of 1907, the prominent nationalist Lala Lajpat Rai was arrested and deported to Burma without trial under the provisions of Regulation III of 1818. This sparked controversy within the British parliament, with Rai's deportation providing an opportunity for Irish politicians to criticize British policy in India.<sup>66</sup> In August, 1909, another nationalist, Bipin Chandra Pal, was also arrested for sedition and sentenced to one month's simple imprisonment for an article that he wrote in the London based *Swaraj*, titled 'The Aetiology of the Bomb'. Although the term aetiology can refer to broader processes of causation, it also carries medical connotations, often referring to the causes of a disease. Pal was not alone in trying to 'diagnose' the origins of the bomb in India, as the writings of both colonial sympathizers and revolutionaries alike are rife with medical metaphors.<sup>67</sup> In his article, Pal used the language of disease as a way of presenting his analysis of the history of the bomb in Bengal in seemingly objective terms, writing that there was no ethical justification for the use of the bomb, but that it nonetheless had a cause, just like any disease.<sup>68</sup>

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<sup>65</sup> *Kesari* (translation), 2 June 1908, IOR: L/P&J/6/877, pp. 1-4.

<sup>66</sup> See in particular, 'The Unrest in India – Cases of Lala Lajpat Rai and Ajit Singh', HC Deb, 18 June 1907, Vol. 176 cc313-8. See also Lala Lajpat Rai, *The story of my deportation* (New Delhi: Metropolitan, 1908).

<sup>67</sup> There is a particular concern among colonial sources regarding the threat of 'infection' posed by those 'contaminated' with revolutionary ideas. See for example H. Wheeler, 29 August 1914, NAI, Home Department Political Branch A. September 1914. 211-224, p. 5.

<sup>68</sup> *Swaraj*, I, no. 6-7, 31 August 1909, IOR: L/P&J/6/955, File 2887, p. 280.

Pal first compared the ‘bomb-disease’ to Russian nihilism, stating that even the ‘greater inhumanities of the Russian despotism have offered no moral justification for these.’ Despite this, Pal argued that there was no denying the fact that Russian nihilism was an inevitable and necessary product of Russian autocracy. The bomb, for Pal, ‘is not an uncaused something, and there must, necessarily, be a similarity in its origin everywhere.’ Assassination, by this logic, was ultimately due to ‘a consciousness of the extreme helplessness of the assassin in relation to his opponent or oppressor, a strong sense of his utter lack of strength or moral and material resources to meet his enemy.’ According to Pal, assassination by bomb was the most diabolical form of murder as it endangered the lives of the innocent as well as the guilty. Despite this, like other forms of assassination the politics of the bomb implied that the perpetrator did not believe that any legal recourse was available to him, implying a breakdown of public trust in the legitimacy or effectiveness of the government and its rule of law.<sup>69</sup>

Pal was careful to state that analysing the psychology the bomb was not the same as providing a moral justification for it. Pal compared the act of resorting to political assassination with acts of theft undertaken by those who are hungry – the action can be understood, even if it cannot be condoned. Acknowledging the fact that bomb assassinations frightened the government and staggered the people, making it difficult to take a calm and critical view of the phenomenon, Pal nonetheless referred to the psychology of the bomb in Bengal as ‘a subject of supreme importance’ for the Indian administration.<sup>70</sup> Pal further argued;

However much we may condemn the fatal folly of the people who adopted these outlandish methods of political propaganda, we cannot shut our eyes to the ugly fact that the real responsibility of it lies far more with the quack statesmanship ... than with these impatient and inexperienced young men, who have been the victims of a mad impulse ... wrought upon by the repressive measures of the Government of Bengal.<sup>71</sup>

In the state of helplessness brought on by a heavy-handed governmental response to the swadeshi movement, Pal claims that people in India had come to view the bomb as a fundamental right that could be exercised in defence of one’s person, property, honour, or religion, ‘whenever these were attacked by lawless hooligans.’ This appeal to violence in the

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<sup>69</sup> Ibid.

<sup>70</sup> Ibid, p. 282.

<sup>71</sup> Ibid, p. 283.

name of self-defence was for Pal ‘a lawful appeal’, a ‘declaration of war, not against the Government, but against those who attacked private rights.’<sup>72</sup> For Pal, the politics of the bomb represented a reclamation of an elemental ability to kill, through which the powerless sought to protect themselves from the ‘lawless hooligans’ against whom the colonial state could not or would not intervene. The bomb was, in other words, a challenge to the authority of the colonial rule of law, simultaneously subverting the government’s monopoly on violence while also calling into question the very legitimacy of this monopoly.

### **Legislating Against Revolutionary Politics, 1908-1913**

The challenge that such bomb attacks posed to the colonial order prompted a strong legal response from the state. The Criminal Investigation Department (hereafter CID) had been watching Khudiram’s associates, based out of Manicktolla garden in Calcutta, for some time - although they neglected to share this information with local police. In fact, the CID became aware of the plot against Kingsford before it even occurred when a member of the conspiracy bragged about it to Rajani Sarkar, a CID informant.<sup>73</sup> Despite despatching an agent to Muzaffarpur to investigate, the security service was nonetheless unable to detect Khudiram and Prafulla until it was too late. Following the bomb attack, the CID finally raided Manicktolla garden, discovering a trove of weapons and ‘seditious’ literature.

This resulted in a highly publicized trial in Alipore, in which 34 were accused, with 15 convicted by the High Court on the 23<sup>rd</sup> of November, 1909, including the famous revolutionary Barindra Ghose. In his judgment, the Chief Justice found ‘a close and more than accidental correspondence between the propagandism of the *Jugantar* and the doctrines, objects and methods that were taught and practiced in the gardens.’<sup>74</sup> In fact, the Manicktolla group had indeed recently branched off from the *Jugantar*, of which Barindra was originally a publisher. Over the span of a few months, circulation of the *Jugantar* soared from 200 to 7000, and would soon exceed 20,000 copies. This circulation attracted the attention of the colonial government, and resulted in six separate prosecutions before the paper was finally suppressed in 1908.

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<sup>72</sup> Ibid, p. 290.

<sup>73</sup> Hees, *Bomb in Bengal*, p. 147.

<sup>74</sup> Note on the Growth of the Revolutionary Movement in Bengal, Eastern Bengal and Assam, and United Bengal up to May 1914 by Sydney Hutchinson, in *Terrorism in Bengal*, Vol. 1, p. 229.

Prior to the Muzaffarpur attack, Barindra split with other radicals such as Nikhileswar Roy Maulick, who saw the paper as too valuable and too profitable to abandon. Barindra and the others agreed that the Chhatra Bhandar group, led by Nikhileswar, would continue publication of the *Jugantar*, while Barindra would embark on overt actions designed to subvert the power and authority of the colonial police. Barindra announced his intentions in an article titled 'Our Hope', in which he stated that 'if only a few determined men can, by their example, implant' in the mind of the people the notion that 'the English are not superior to us in strength ... the diadem of the English shall roll in the dust.'<sup>75</sup> Peter Hees argues that underlying Barindra's bluster for action was the concern that the paper was attracting too much attention from the authorities.<sup>76</sup> But understanding the politics of the bomb as a form of propaganda by deed indicates that Barindra's goal was also to adopt an alternate method of political communication, one that he viewed as more effective for inspiring anti-colonial resistance among his fellow Indians.

Another key figure in the trial, even more important than Barindra in terms of his impact on Indian nationalism, was his brother Aurobindo Ghose. A nationalist and spiritual thinker, Aurobindo provided important ideological inspiration to the early revolutionary movement through his writings and teachings, which argued that conventional political programs such as *swadeshi*, boycott, and education were only methods towards a goal and not the goal itself. For Aurobindo, the goal of anti-colonial resistance was an almost eschatological abolition of a system of government deemed foreign and unholy. In a speech given in 1908, Aurobindo stated that true nationalism was a 'religion by which we are trying to realize God in the nation, in our fellow countrymen. We are trying to realize him in the three hundred millions of our people.' To rebel against the colonial state was thus a project that was considered metaphysical as well as material, because,

...if you rely upon other forces supposing that you are a Nationalist in the European sense, meaning in a purely materialistic sense ... if you want to replace the dominion of the foreigner by the dominion of somebody else, it is a purely material change; it is not a religion, it is not that you feel for the three hundred millions of your countrymen, that you want to raise them up, that you want to make them all free and happy.<sup>77</sup>

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<sup>75</sup> Hees, *Bomb in Bengal*, pp. 102-3.

<sup>76</sup> *Ibid*, p. 103.

<sup>77</sup> Aurobindo Ghose, *Speeches* (Pondicherry: Sri Aurobindo Ashram Press, 1952), pp. 21-3.

Aurobindo's ideology carried strong appeal for disillusioned young men such as Khudiram Bose, who was known to have attended speeches given by Aurobindo on matters of Indian political and spiritual independence. In the sweeping arrests that followed the Muzaffarpur bomb attack, the police sought to firmly establish a more direct connection between Aurobindo and revolutionary conspiracy. One police informant claimed of the Manicktolla conspirators, 'wherever any question arose, it was always Aurobindo to whom reference was made for a decision.'<sup>78</sup> The main piece of evidence to support such a claim was a letter from Barindra that said, 'now is the time. Please try and make them meet for our conference. We must have *sweets* all over India ready made for emergencies. I wait here for your answer.'<sup>79</sup> Despite the argument that sweets here served as an obvious code for bombs, the letter was ultimately dismissed as a forgery, leading the case against Aurobindo to unravel.<sup>80</sup> This was partly inspired by the suspicion towards police spies exhibited by the Sessions Court, whose judgment read as follows: 'Experience tells us that in cases when spies are employed (sic) documents do find their way into houses of suspected persons in a manner which cannot be explained by the accused.'<sup>81</sup>

Nonetheless, the inspiration provided by Aurobindo to the revolutionary movement was indeed quite real.<sup>82</sup> In one of his speeches, Aurobindo asked young men to 'bear the crown, not of victory, but of martyrdom' because in order to unleash the metaphysical force by which colonialism would ultimately be overthrown, 'they had to learn to be the instruments of that force.'<sup>83</sup> Aurobindo's influence on Khudiram is obvious if one considers the young man's words on the day before his execution; 'Do not worry. In old days Rajput women used to jump into the fire to accept death without any fear. I will also accept my death without any fear.'<sup>84</sup> While Khudiram's lack of concern for his own life made some colonial officials question his sanity, his actions can only be properly explained by understanding the politics that guided him. Just weeks before Muzaffarpur, Aurobindo declared that foreign rule was unnatural, and that by its very nature it 'tends to disintegrate

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<sup>78</sup> Quoted in Hees, *Nationalism, Terrorism, Communalism*, p. 51.

<sup>79</sup> Bejai Krishna Bose, *The Alipore Bomb Case* (Calcutta: 1910), p. 4.

<sup>80</sup> See Hees, *Nationalism, Terrorism, Communalism* and 'Foreign Influences on Bengali Revolutionary Terrorism'.

<sup>81</sup> Alipore Bomb Trial, Judgment of Sessions Court, 6 May 1909, SAAA, 171.

<sup>82</sup> For the newest scholarship on the multifaceted life and thought of Aurobindo Ghose, see Peter Hees, *The Lives of Sri Aurobindo* (New York: Columbia University Press, 2008) and Alex Wolfers, 'Born like Krishna in the Prison House: Revolutionary Asceticism in the Political Ashram of Aurobindo Ghose' *South Asia: Journal of South Asian Studies* 39, 3 (2016), pp. 525-545.

<sup>83</sup> Ghose, *Speeches*, p. 17.

<sup>84</sup> Quoted in Patel, *Khudiram Bose*, p. 56.

the subject body politic by destroying its proper organs and centers of life.’<sup>85</sup> While Aurobindo’s exact connection to the actual plotting of revolutionary assassinations remains controversial, his writings helped to provide an intellectual framework within which revolutionary violence was made intelligible. Because colonialism was represented as a political structure that destroyed Indian society by its very nature, the removal of this structure through the raw destructive power of the bomb became the logical outgrowth of revolutionary interpretations of Aurobindo's philosophy.

Although Khudiram Bose – and Prafulla Chaki had he survived – could be tried for the specific crime of murder, the charge against his associates in the Manicktolla garden was conspiracy to wage war against the King. The central challenge for the prosecution was tying the overt acts committed by members of the association with an overarching conspiracy to deprive the King of the sovereignty of India. On the tenth day of the trial, the defence council put forward the argument that the attempt on the life of Kingsford, as well as the similar attempts made against the Mayor of Chandernagore and Sir Andrew Fraser, did not amount to a waging of war against the Crown. C.R. Das, the advocate for the accused, contended that in the overt acts in question, personal grudges against the victims as individuals motivated the accused, whose actions did not therefore represent a broader assault on imperial sovereignty. Das stated that attacks on individuals could not constitute the waging of war as,

The essence of waging war was that there should be opposition and that it should not be restricted to particular individuals ... In proving the waging of a war, the prosecution should prove not only the generality with regard to the scope of the particular acts but there must be such a thing from which it was possible for any human being to think that by that act they would be subverting the government of the country.<sup>86</sup>

According to Das, the attacks for which the accused were placed on trial did not fit these criteria.

Although the charges of waging war against the Crown were in fact dropped, the High Court confirmed convictions under section 121A of the Indian Penal Code against a number of suspects, including Barindra Ghose, Ullaskar Dutt, and Upendra Nath Banerjee. In contrast to section 121, which had to do with the waging of war against the sovereign, section 121A applied to those who conspired to deprive the Crown of its sovereignty of British India, or to ‘overawe’ the Government of India or local government by use or threat of criminal force. It

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<sup>85</sup> Ghose, *Speeches*, p. 40-1.

<sup>86</sup> Alipore Bomb Trial, Appeals before High Court, SAAA, pp. 239-40.



was thus conspiracy that provided the key legal framework through which the Alipore suspects were prosecuted, with the attack on Kingsford officially described as ‘an act of terrorism ... in pursuance of the conspiracy.’<sup>87</sup>

C.R. Das, the advocate for the accused and an important nationalist in his own right, sought to undermine the case of the prosecution by pointing out the inconsistencies that resulted from the archaic language of sections 121 and 121A of the Indian Penal Code. Although not denying that the accused committed individual crimes, Das argued that these crimes did not amount to a waging of war against the king, but should simply be prosecuted as individual acts of attempted murder or murder. Das contended that the attempt on the life of the mayor of Chandernagore was motivated by the mayor’s decision to disallow a public meeting by nationalists. Similarly, he called the attempt against Kingsford an act of revenge. He further stated that to prove that war was being waged, the prosecution had to prove both the general intention to wage war lying behind any individual acts, as well as evidence that would indicate that by carrying out the individual act, the accused truly believed that they were subverting the Government of India. Along this same line of argumentation, Barindra Ghose admitted to the distant goal of revolution but claimed that he never believed that any of his individual crimes would bring about national independence.<sup>88</sup>

The prosecution rejected this argument, as well as the one put forward by Das, who stated that it did not matter whether the accused were preparing for a far-off revolution or one in the immediate future. According to section 121A, the moment that two of the accused ‘conspired’ to wage war, ‘the offence was complete even if no overt acts were committed.’<sup>89</sup> In formulating his judgment, Sir Lawrence Hugh Jenkins of the High Court drew on the decision of an earlier conspiracy case, *Mucahyv. Reg.*, which referred to a conspiracy as the agreement, rather than intention, of two or more to commit an unlawful act by unlawful means. Quoting this case, Jenkins stated that when two or more agreed to put it into effect, ‘the very plot is an act in itself, and the act of each of the parties, promise against promise, *actus contra actum*’ was punishable if it was directed towards a criminal object or the use of criminal means.<sup>90</sup>

The significance of this legal strategy regarding conspiracy law is noted by Partha Chatterjee, who argues that the political nature of revolutionaries’ crimes made them

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<sup>87</sup> Judgment of Sessions Court, 6 May 1909, SAAA, p. 178.

<sup>88</sup> Alipore Bomb Trial, Appeals before High Court, SAAA, p. 215.

<sup>89</sup> Alipore Bomb Trial, Appeals before High Court, SAAA, pp. 216-83.

<sup>90</sup> Alipore Bomb Trial, High Court Judgment, 1908. SAAA, p. 378.

particularly challenging to prosecute through ordinary procedures. According to Chatterjee, using conspiracy as the key legal concept in constructing revolutionary politics as a crime meant that ‘distinct and diverse activities by a large number of often-unconnected individuals’ could be pooled together in order to constitute a ‘single criminal offence with a single motive shared by all the accused.’<sup>91</sup> Since different members of a conspiracy might not be involved in specific overt actions, proving the existence of a conspiracy was essential for convicting revolutionaries who were not guilty of committing particular criminal acts. According to the legal standards of the time, it did not matter whether revolutionaries were preparing for an immediate uprising or for one in the distant future: ‘The moment that two of these persons conspired to wage war the offence was complete even if no overt act were committed.’<sup>92</sup> In other words, by applying the legal doctrine of conspiracy to subversive political societies, the state shifted the onus of the prosecution from proving that an individual committed a crime to proving that an individual belonged to a conspiracy.

The first new law to address these issues of conspiracy and sedition was the Prevention of Seditious Meetings Act, 1907. This act empowered the government to prohibit political meetings convened by more than twenty individuals, ‘for the furtherance or discussion of any subject likely to cause disturbance or public excitement or of any political subject or for the exhibition or distribution of any writing or printed matter relating to any such subject.’<sup>93</sup> Before its passage into law Rash Behari Ghose, a prominent politician, gave a speech opposing the proposed bill, stating:

I am well aware that one of the first duties of the State is to preserve law and order, and if I thought that either law or order was menaced, or that public tranquillity could not be maintained unless the Government were armed with the power which they now propose to take, I would be the first to vote in favour of the Bill, and to vote for it with all my heart.<sup>94</sup>

Ghose declared that unrest in India was only skin deep, making such legislation wholly unnecessary. Referring to the proposed bill as an indictment of the whole Indian nation, Ghose argued that if the unrest was not widespread, a repressive law such as the one proposed was unnecessary, while if there was indeed widespread unrest, this should serve as an indictment of the colonial administration. Ghose warned that the bill would not fix the

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<sup>91</sup> Chatterjee, *Black Hole of Empire*, p. 307.

<sup>92</sup> Alipore Bomb Trial, Appeals before High Court, SAAA, p. 283.

<sup>93</sup> The Prevention of Seditious Meetings Act, 1907, IOR: L/PJ/836, File 4060, p. 1.

<sup>94</sup> Rash Behari Ghose and Gopal Krishna Gokhale, *On Repression* (Adyar Madras: The Commonweal Office, 1916), p. 1.

problem, but that the imposition of this bill would only make things worse by making the police into the ‘absolute masters of the people’ and thus deepening the divide between the government and its subjects.<sup>95</sup> The bill was similarly criticized by Gopal Krishna Gokhale, a prominent nationalist, who questioned the colonial government’s use of the term sedition, by noting that different officials could define the term differently. Gokhale accused some officials of blaming sedition on any Indian who did not speak to them with ‘bated breath and whispering humbleness’, and said that others used the term to refer to any who offered legitimate criticism to the administration. Gokhale said that if any sedition did exist, it was a recent phenomenon caused by the impatience of the Indian people towards the slow progress being made in political reform.<sup>96</sup> The bill attracted further rigorous criticism from the Bengali vernacular press.<sup>97</sup>

In direct response to the Muzaffarpur attack, and contemporaneous with the ongoing Alipore trial, two new bills were introduced in the Governor General’s Council in June of 1908 by Sir Harvey Adamson, a member of the Indian Civil Service. The first of these, which came into law as the Explosive Substances Act, sought to expand upon and supersede the Indian Explosives Act of 1884, officials deemed ineffective in dealing with the deliberate manufacture of ‘infernal machines’ by revolutionary secret societies. This earlier law was framed to prevent accidents and did not provide for sentences of imprisonment, while the government deemed the Indian Arms Act of 1878 to be similarly inadequate both in terms of the penalties permitted under it and its lack of scope for dealing with preparations to manufacture bombs. By contrast, the Explosive Substances Act enabled the punishment of any person guilty of causing, or attempting to cause, an explosion likely to endanger life or property, as well as any person manufacturing or possessing an explosive substance with similar intent.<sup>98</sup>

Sir Harvey Adamson introduced the bill by listing off the recent spate of bomb attacks, and linked these with ‘certain newspapers’ guilty of inciting assassination. Adamson sought to make clear to the other members of the Governor General’s Council that the culprits who this bill sought to address were not ordinary men ‘of the lower criminal classes,’ but were rather educated men bound together ‘against all the interests that keep society alive,

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<sup>95</sup> Ibid, pp. 2-9.

<sup>96</sup> Ibid, pp. 14-5.

<sup>97</sup> Sanyal, *Revolutionary Pamphlets*, p. 29.

<sup>98</sup> Sir Harvey Adamson, Explosive Substances Act, Statement of Objects and Reasons, 6 June 1908, IOR: L/PJ/6/875, File 2363, p. 1.

men who like pirates are the enemies of the human race.’<sup>99</sup> The bill received little discussion within the Council, with Sayyid Muhammad Bahadur expressing ‘horror and indignation’ regarding the Muzaffarpur killings, and giving the bill his assent.<sup>100</sup> Ripudaman Singh, a prominent Sikh who was ironically accused of sedition in the 1920s, similarly gave his support to the measure, calling the recent bomb attacks deplorable and remarking that ‘this sort of crime was unknown in this country till recently. It is every day happening in European countries, because, for good or evil, ‘democracy’ is in the air, and India could not have escaped the infection.’<sup>101</sup> The bill was passed with no significant opposition.

Following this, Adamson put forward ‘a sequel to the Explosive Substances Bill’ called the Newspapers (Incitement to Offences) Bill. Adamson said that this bill was designed to meet the same emergency as the previous one, and that the current situation had two key aspects, both of which needed to be dealt with if the ‘evil’ was to be stopped. The first, the actual making of bombs, was addressed through the Explosive Substances Bill. The second was the public incitement to murder carried out by the press. According to Adamson, these two factors were ‘as inseparable as cause and effect. If you legislate for the effect without legislating for the cause, you do nothing.’ For this reason, the Newspapers Bill was said to be every bit as important as the Explosive Substances Bill.<sup>102</sup> In the Statement of Objects and Reasons, Adamson declared that there was a close connection between bomb attacks and the incitements published by certain newspapers. The proposed bill thus restricted any publications that could be perceived as inciting murder, offences under the Explosive Substances Act, and broader acts of violence. It would empower the government to confiscate the printing press of an offending paper and to prohibit the lawful issue of that paper.<sup>103</sup>

In justifying the bill before the Governor General’s Council, Adamson made specific reference to the *Jugantar* newspaper in his speech, pointing out that despite having been prosecuted for sedition on five separate occasions, the newspaper still existed and continued to publish articles that advocated the subversion of British rule. Adamson blamed the *Jugantar* for the Muzaffarpur murders, pointing out both that Barindra Ghose was an initial

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<sup>99</sup> Adamson, Meeting of the Council of the Governor General, Explosive Substances Act, 8 June 1908, IOR: L/PJ/6/875, File 2363, p. 1.

<sup>100</sup> Sayyid Muhammad Bahadur, Meeting of the Council of the Governor General, Explosive Substances Act, 8 June 1908, IOR: L/PJ/6/875, File 2363, p. 4.

<sup>101</sup> Ripudaman Singh, Meeting of the Council of the Governor General, Explosive Substances Act, 8 June 1908, IOR: L/PJ/6/875, File 2363, p. 5.

<sup>102</sup> Adamson, Meeting of the Council of the Governor General, Newspapers Act, 8 June 1908, IOR: L/PJ/6/875, File 2363, p. 1.

<sup>103</sup> Adamson, Newspapers Act, Statement of Objects and Reasons, 6 June 1908, IOR: L/PJ/875, File 2363, p. 1.

creator of the paper and that Khudiram Bose admitted to taking inspiration from articles within it. Still, Adamson was careful to clarify that the bill was not directed against sedition, but was rather confined to the current emergency. According to Adamson, the bill would target only those newspapers that persistently defied the law, and that established themselves as ‘schools of anarchy and outrage with the object of debauching young and immature minds and inciting men to murder, armed revolt, and secret and diabolical schemes of general assassination.’<sup>104</sup> Adamson claimed that the bill would not in any way be directed against the liberty of the press, and said that the measure would curtail ‘no liberty that is legitimate’, also stating that no newspaper ‘in the civilized world has liberty to make such incitements.’<sup>105</sup>

Unlike the Explosive Substances Bill, the Newspapers Bill did receive criticism from other members of the Council.<sup>106</sup> Sayid Muhammad Bahadur expressed reluctance towards the bill, stating that it was wide in scope and too vaguely worded for the level of precision that would be required to ensure it did not restrict legitimate liberties, although he did ultimately give it his assent. Similarly, Ripudaman Singh said that the bill was not as urgent as the previous one, and would affect a much larger number of potentially innocent people, concluding that further time would be needed to discuss its provisions. Despite these protests, the bill was nonetheless passed and entered into law.

The next major piece of legislation to target revolutionary politics was called the Criminal Law Amendment Act of 1908, and came as a direct response to developments in the ongoing Alipore trial. The stated aim of this legislation was to provide for the quicker trial of certain offences and for the prohibition of associations deemed dangerous to the public peace. To this end, the first part of the act provided for the trial of certain offences by three judges of the High Court, circumventing the ordinary requirement of providing suspects with a trial by jury. The second part of the act empowered the Governor General in Council to declare certain associations to be unlawful, meaning that anyone belonging to or promoting any such criminalized association would be liable to severe punishments. Initially designed to extend to Bengal, Eastern Bengal, and Assam, the act could be extended to other provinces if it was deemed necessary by the Governor General in Council.<sup>107</sup>

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<sup>104</sup> Adamson, Meeting of the Council of the Governor General, Newspapers Act, 8 June 1908, IOR: L/PJ/6/875, File 2363, pp. 1-4.

<sup>105</sup> Ibid.

<sup>106</sup> For a wider history of British press censorship in India, see N. Gerald Barrier, *Banned: Controversial literature and political control in British India, 1907-1947* (New Delhi: Manohar, 1976).

<sup>107</sup> Adamson, Statement of Objects and Reasons, Indian Criminal Law Amendment Act, 9 December 1908, IOR: L/PJ/6/914, File 32.

The act also removed the right of bail for any accused against whom there was reasonable ground for further inquiry. It further stipulated that the evidence of witnesses already examined by the magistrate was still admissible in cases where there was reason to believe that the death or disappearance of the witness was caused in the interests of the accused. This was a direct response to the murder of Narendra Nath Gossain, the approver in the Alipore trial whose testimony provided a key piece of evidence against the accused. Originally a member of the Manicktolla garden group, Narendra agreed to act as an approver for the prosecution, giving evidence against his co-conspirators in exchange for leniency for himself. On the 31<sup>st</sup> of August, 1908, two members of the conspiracy, Kanai Lal Dutt and Satyendra Nath Bose, lured Narendra to the infirmary of the Alipore jail on the pretence that they wanted to work with him to provide evidence against the others. Upon seeing Narendra, the two men opened fire with revolvers that they smuggled into the prison. Although Narendra tried to flee, Kanai Lal Dutt pursued him and shot him again in the back, killing him.<sup>108</sup>

In December of 1908 Adamson introduced the Criminal Law Amendment Bill in the Council of the Governor General, stating that in dealing with a conspiracy seeking to subvert British rule it was the duty of any responsible government to close any possible avenue that contributed to this objective. Adamson blamed revolutionary organisations for corrupting young men ‘with no other criminal taint, the sons of respectable parents who do not belong to and have never associated with the ordinary criminal classes,’ but who were lured by seditious teachings into a ‘misguided fanaticism’ and led to the ‘mistaken belief that in committing crimes of this nature they are working for the good of their country.’ Although Adamson argued that the Prevention of Seditious Meetings Act of 1907 impeded the operation of seditious orators and that the Newspapers Act produced an almost total cessation of incitements to assassination within newspapers, he said that India’s youth continued to be corrupted through secret associations that he referred to as ‘nurseries for young anarchists.’ Adamson quoted an unnamed elderly Indian man, who apparently called these associations, or samities, ‘the terror of the country’ which pressed ordinary people into sedition out of fear of reprisal. According to Adamson, such people were only waiting for the government to

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<sup>108</sup> F.L. Halliday, Commissioner of Police in Calcutta, to Chief Secretary to the Governor of Bengal, 31 August 1908, No. 1876-C, SAAA, p. 1.

demonstrate that it was strong enough to offer them reliable protection, in which case they would rejoice and cut off all connection with seditious agitators.<sup>109</sup>

Although there were some reservations, the bill acquired the support of the Council without much difficulty. Mr. Dadashoy concluded that although he was highly reluctant to see the introduction of any legal measures that would remove a person's right to be tried according to the established rules of his country, he nonetheless felt that the continued disturbances to the public peace were 'amply sufficient to prove the inefficiency of ordinary criminal procedure in times of stress and emergency, however well it may be suited to normal conditions.'<sup>110</sup> Ali Muhammad Khan, the Raja of Mahmudabad, said that although there was a notion abroad that harsh summary measures were not in keeping with constitutional measures of government, throughout history political offences were always treated separately from ordinary crime, even in 'civilized' England. Referring to revolutionaries as 'not only traitors to the Crown but ... the worst enemies of their own country', Khan advocated for the necessity of precautionary measures that would allow the government to track 'that wild creature, called the anarchist, in his secret haunts.'<sup>111</sup> Even Rash Behari Ghose largely accepted the need for the legislation despite cautioning that anarchism could not be killed through coercive acts. Ghose said that unlike in Ireland, anarchy in India was a 'passing distemper' and he warned that the proposed bill could provoke alarm among Indians concerned by the discretionary power it gave to the Governor General for suppressing associations. Still, Ghose reserved his strongest condemnation for anarchism itself, stating that it promoted the 'dissolution of all that holds society together' and was opposed to the laws of both God and man.<sup>112</sup>

The imposition of these various bills provided a strong source of tension for British claims of legitimacy that rested upon an ostensible commitment to a liberal rule of law.<sup>113</sup> Lord Morley, the secretary of state for India, retained a cautious attitude towards repressive legislation throughout his tenure, despite the fact that he ultimately supported the various measures adopted by the Government of India. Describing the difficulties of language within the drafting of the 1908 legislation. Morley argued that the offences covered by the

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<sup>109</sup> Extract from the proceedings of the Council of the Governor General, 11 December 1908, IOR: L/PJ/6/914, File 32, pp. 2-4.

<sup>110</sup> *Ibid*, pp. 8-9.

<sup>111</sup> *Ibid*, p. 11.

<sup>112</sup> *Ibid*, pp. 15-7.

<sup>113</sup> Of course, as Uday Mehta has demonstrated, the supposed tensions between liberal values and repression in India should in fact be understood as deeply intertwined aspects of liberalism itself. Mehta, *Liberalism and Empire: A study in nineteenth century British liberal thought* (Chicago: University of Chicago press, 1999).

Newspapers Act in fact differed substantively from acts of assassination and bombing covered by the other laws. He also expressed his agreement with British Prime Minister Herbert Henry Asquith, who referred to rebellion as ‘too slippery a word’ in seeking to devise a label by which revolutionary crime could be consistently defined. Morley also warned Lord Minto not to forget the vital importance of retaining support within the metropole for any extraordinary measures taken. Morley warned that if either the British press or House of Commons came to perceive a widespread public critique within India of the new measures, this would provide unprecedented legitimacy to the revolutionaries and render them far more difficult to police.<sup>114</sup>

For this reason, Morley cautioned against an overreliance on ‘Russian methods’ of repression, which risked escalating the frequency and severity of retaliatory ‘Russian methods’ of reprisal in the form of political assassinations and subversion. Although Morley wrote that he did not want to compare British rule in India with Russian autocracy, he nonetheless stated that whenever he received news of a printer or writer being sentenced to years of penal transportation as a result of sedition charges, it made him feel as though he was ‘an accomplice in Cossack Rule.’<sup>115</sup> When Minto reported that one of his colleagues referred to the consideration of pressure from the metropole as a humiliation for the Government of India, Morley called this pressure the government’s only source of accountability, stating that without British oversight rule in India would be ‘the one irresponsible government in the world.’ In a scathing reply, Morley told Minto to present Morley’s compliments to the humiliated colleague and to beg him to ‘reconsider impertinent nonsense of this description.’<sup>116</sup> Throughout his correspondence, Morley exemplified many of the tensions and inconsistencies of British claims to liberal government, writing that although he defended the use of harsh laws such as Regulation III of 1818 as needed, he was equally willing to fight against those who would seek to use such laws indiscriminately.<sup>117</sup>

Further laws that sought to extend the government’s special powers against revolutionary politics included the Press Act of 1910, and an extension of the Seditious Meetings Act in 1911 and of the Criminal Law Amendment Act in 1913. These laws expanded the powers adopted under earlier legislation, with the Press Act further criminalising ‘seditious’ articles as well as incitements to murder or other ‘anarchical

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<sup>114</sup> Morley to Minto, 28 May 1908. Morley Collection, Mss Eur.D.573, NMML, pp. 174-5.

<sup>115</sup> Morley to Minto, 7 May 1908. Morley Collection, Mss Eur.D.573, NMML, p. 145.

<sup>116</sup> Morley to Minto, 17 March 1910. Morley Collection, Mss Eur.D.573, NMML, p. 3.

<sup>117</sup> Morley to Minto, 27 January 1910. Morley Collection, Mss Eur.D.573, NMML, p. 2.



outrages'. The extension of the Seditious Meetings Act was met with criticism in the Imperial Legislative Council, where Gopal Krishna Gokhale, Bhupendra Nath Bose, and other Indian politicians put forward a memorandum stating that the only justification for such repressive measures was the presence of an exceptional state of affairs, that no longer existed.

Responding to this criticism, Hardinge said that the legislation 'need have no terrors for the law-abiding citizen' but that if the government relaxed its vigilance by allowing this law to lapse, 'there is very little doubt that sedition and political crime would once more spring into life and would thwart ... the healthy evolution of political life and material progress.'<sup>118</sup> In this speech, Hardinge sought to demarcate legitimate politics from 'illegitimate political agitation', a distinction that would be pursued more vigorously by subsequent officials in the 1920s as Chapter 3 will demonstrate.

On the 23rd of December 1912, Hardinge was the target of the bomb attack mentioned at the beginning of this chapter. This attack came in the midst of Hardinge's triumphal procession into Delhi in an event meant to celebrate the transfer of British India's capital from Calcutta, a decision that drew strong criticism in Bengal despite the decision to reunite the province in 1911. Although Hardinge later claimed to have trusted himself 'more to the care of the people than to that of the police',<sup>119</sup> his procession was in fact been carried out under the watchful gaze of a security detail that included 497 Constables, 84 Head Constables, 34 mounted Constables, and more than a dozen Sub-Inspectors.<sup>120</sup> The bomb, thrown by the Bengali revolutionary Rash Behari Bose, nearly killed Hardinge, embedding shrapnel in his back and fatally injuring an attendant. Hardinge originally urged the procession to go on but then succumbed to his injuries and had to be carried away on a stretcher. News of the attempted assassination 'sent a thrill of horror and indignation through London' and attracted widespread media coverage. Many papers rejected the possibility that the attack was politically motivated, pointing out Hardinge's decision to cancel the partition of Bengal and the lull in revolutionary violence that occurred in that province surrounding the decision.<sup>121</sup> Nonetheless, the *Daily Telegraph*, *Morning Post*, and *Englishman* were all 'loud in their demand that repressive measures of a more severe kind than have hitherto been thought of should be resorted to' while less reactionary outlets instead treated the attack as

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<sup>118</sup> Meeting of Imperial Legislative Council, 20 March 1911. Hardinge Papers, CUL, pp. 71-4.

<sup>119</sup> Lord Hardinge, First Meeting of Imperial Legislative Council at Delhi, 27 January 1913. Hardinge Papers, CUL, p. 456.

<sup>120</sup> Tarapada Lahiri, *Rashbehari Bose: the indomitable revolutionary* (Calcutta: Anushilan Samiti, 1984), p. 26.

<sup>121</sup> *The Bengalee*, 25 December 1912, pp. 1-4.

‘the insane act of one man or a few, which has little or no political bearing and which, therefore, ought not to be allowed to affect the policy of Government.’<sup>122</sup>

Hardinge himself adopted an approach somewhere between these two extremes in his speech at the first meeting of the Imperial Legislative Council in January 1913, his first public appearance following the attack. Hardinge expressed his disappointment that the type of men who would carry out such a ‘useless crime’ could be found in India, particularly given that for the whole population of India, the crime ran contrary ‘to their own precepts and instincts of humanity and of loyalty, as well as to their religious principles.’ Remarking that it was difficult to believe that the perpetrators of the attack were a class apart from society, Hardinge said that he hoped the storm of public outrage ‘may give Indian terrorists cause for sensible and humane reflection and repentance.’ Hardinge said that such crimes should not be dismissed as the isolated actions of fanatics, but were usually the result of organised conspiracies in which the actual assailant was often not necessarily the instigator of the crime. For this reason, the only way to combat such groups was, according to Hardinge, ‘to treat as enemies of society, not only those who commit crimes, but also those who offer any incentives to crime.’ This included every ‘intemperance of political language and methods which are likely to influence ill-balanced minds’, a clear reference to the nationalist press and other radical publications.<sup>123</sup>

The meaning of the bomb attack was very clear to those who were involved in it. The anti-colonial credentials of Rash Behari Bose were beyond dispute - born in 1886 in Chandernagore,<sup>124</sup> a small strip of French territory lying just north of Calcutta, Bose tried and failed on several occasions to join the Indian Army before ascending to a key role within the Anushilan Society, ultimately becoming liaison between a number of different revolutionary groups across northern India. Bose would go on to mastermind an attempted all-India uprising during the First World War, details of which are examined in the next chapter. Following Bose’s bold attempt to assassinate India’s Viceroy and Governor General in a symbolic destruction of British sovereignty, Har Dayal, an Indian revolutionary best known

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<sup>122</sup> *The Bengalee*, 26 December 1912, p. 4.

<sup>123</sup> Lord Hardinge, First Meeting of Imperial Legislative Council at Delhi, 27 January 1913. Hardinge Papers, CUL, p. 455-7.

<sup>124</sup> There is debate regarding whether his exact date of birth was the 15th of March or the 25th of May. See Takeshi Nakajima, *Bose of Nakamura: An Indian Revolutionary in Japan* (New Delhi: Promilla & Co. Publishers, 2009), p. 21.

for founding the infamous Ghadar party in 1913,<sup>125</sup> published the following circular from Yugantar Ashram in San Francisco:

Who can describe the moral power of the bomb? It is concentrated moral dynamite. When the strong and the cunning, in the pride of their power parade their glory before their helpless victims, when the rich and the haughty set themselves on a pedestal and ask their slaves to fall down before them and worship them, when the wicked ones of the earth seem exalted to the sky and nothing appears to withstand their might, then, in that dark hour, ... comes the bomb, which lays the tyrant in the dust.<sup>126</sup>

This pamphlet makes clear both the political motivation behind the assassination attempt as well as the discursive function of the bomb as a tool of political propaganda. For Har Dayal, a close associate of Bose, the significance of the bomb was that it pierced the illusion of impregnability with which the colonial regime cloaked itself, proving that even the sovereign figure of the Governor General was not impervious to harm. While colonialism set the colonisers above the colonised in a hierarchy of domination, the bomb allowed the colonised to cast their oppressors down into the dust, levelling and inverting this hierarchy in a way that constitutional politics did not.

## Conclusion

The rise of political assassination in India from 1897 to 1913 marked a new strategy of political communication, through which revolutionaries and radicals disillusioned with the colonial order sought to undermine the sovereignty of the state by exposing the mortality of its representatives. Although such assassinations were often carried out with firearms and can be situated within a longer trajectory of anti-colonial resistance that extends back into the nineteenth century, the advent of the bomb marked a distinct new phase in the politics of assassination. Cheap, relatively easy to make, and virtually impossible to wholly prohibit, the bomb provided an ideal answer for revolutionaries looking to subvert the government through the use of violence. Such assassinations bore an intimate relationship to the Indian press, which was often accused of instigating or justifying instances of political violence

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<sup>125</sup> Aside from his founding of Ghadar, Har Dayal was a prominent intellectual with links to India House in London and revolutionary networks throughout the British Empire. Moving to the United States in 1911, he briefly held a post at Stanford before being forced to resign due to his anarchist activities. For a biography of Har Dayal, see Emily Brown, *Har Dayal: Hindu Revolutionary and Rationalist* (Tucson, Arizona: University of Arizona Press, 1975). The Ghadar party founded by Dayal is the subject of the following chapter.

<sup>126</sup> *Yugantar Circular*, 1913. SAADA, p. 3.

through an appeal to the nineteenth century category of sedition. In practice, however, the press did not simply comment on bomb attacks, but rather the bomb attacks themselves served a communicative function, capturing a wider audience than revolutionary literature could hope to reach through spectacular ‘outrages’ that sometimes made global headlines. From 1898 to 1913 various laws, both emergency and regular, were deployed and redrafted in an attempt to muffle anti-governmental criticism through both the press and the bomb. The introduction in 1908 of the Explosive Substances Act and the Newspaper (Incitement to Offences) Act as twin responses to the Muzaffarpur bomb attack illustrates the interconnected nature of bombs and newspapers in early twentieth century India. The spectacular nature of Bose’s attack on Hardinge marks the culmination of the politics of the bomb in this period in a highly public, and thus highly publicised, display of anti-colonial protest. The outbreak of war between Britain and Germany in 1914 only heightened both the scale of anti-colonial operations and the extremes to which imperial law would stretch itself in its attempt to keep up with a new, radical form of politics that challenges both the authority and legitimacy of the colonial rule of law, as the next chapter will demonstrate.

## Chapter 2: War Measures in British India, 1914-1919

### Introduction

On the 4th of August, 1914, England declared war on Germany following Austro-Hungary's attack on Serbia, and Germany's attack on Belgium. Although the immediate catalyst for the war was the assassination of the Austrian Archduke Franz Ferdinand by the Black Hand, a Serbian revolutionary organisation, on the 28th of June, the war was in fact the product of a more complicated set of factors including competing imperial rivalries and a changing balance of power within the European continent.<sup>1</sup> England's declaration of war was followed by an outpouring of support from many Indian subjects who saw the war as an opportunity to demonstrate their loyalty to the British Empire and thus prove their fitness for greater political participation. The Indian Army came to play an important role in the conflict, serving on battlefields in Flanders, British East Africa, the Suez Canal, and Mesopotamia. As a result, Indian troops incurred 121,598 casualties over the course of the war.<sup>2</sup> Despite this, the First World War was also a time of great political ferment in many parts of the globe, as the economic implications of the war created greater opportunities for a public engagement with nationalist ideologies. By 1919, wholesale food prices rose by 33% above the pre-war level. In fact, parts of India experienced price increases on staple commodities such as rice, wheat, and millets by as high as 73%, 100%, and 132%, respectively.<sup>3</sup> This provided impetus for nascent strands of nationalism and political radicalism, which seized the opportunity of the war to internationalize their cause through the use of global networks and, in some cases, German funds.

The First World War is widely regarded as a lynchpin in European history, the beginning of the 'short twentieth century' and the end of nineteenth century positivism.<sup>4</sup> Yet, as Tim Harper observes, this war needs to be recentred in Asian history as well, as its consequences for the development of national and transnational histories of Asia have not yet been adequately explored.<sup>5</sup> The war placed a heavy strain on British imperial resources,

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<sup>1</sup> For more on the origins of the First World War, see Christopher Clark, *The Sleepwalkers: How Europe went to war in 1914* (New York: HarperCollins, 2013).

<sup>2</sup> Budheswar Pati, *India and the First World War* (New Delhi: Atlantic Publishers and Distributors, 1996), p. 35.

<sup>3</sup> *Ibid*, p. 242.

<sup>4</sup> See Eric Hobsbawm, *Age of Extremes: The short twentieth century, 1914-1991* (London: Abacus, 1995).

<sup>5</sup> Tim Harper, 'Singapore, 1915, and the Birth of the Asian Underground', *Modern Asian Studies* 47, 6 (2013), p. 1786. For the impact of the war in Southeast Asia, see also Heather Streets-Salter, *World War One in Southeast*

particularly in India from which 826,855 combatants and 445,582 non-combatants were mobilized over the course of the conflict.<sup>6</sup> Furthermore, the war undermined the prestige and the moral legitimacy of a Eurocentric world order that was already undermined by Japan's military victory over Russia in 1905.<sup>7</sup> Many viewed the wanton destruction of the First World War as an indictment of European civilization that seriously damaged the credibility of the British Empire. This led the ultranationalist Kokuryūkai of Japan, for example, to declare that, 'the Great European War was (Europe's) suicide as a civilisation ... (and) ... the great opportunity for an Asian revival.'<sup>8</sup>

The war also stimulated the growth of global networks of imperial intelligence, as security services sought to keep track of fluid and highly mobile anti-colonial organisations in North America, Europe, and Asia, as Richard Popplewell argues.<sup>9</sup> This leads Calder Walton to refer to the First World War as 'the event that created the modern national security state', with total war requiring total surveillance.<sup>10</sup> Such an approach risks taking the official record too much at its word. While officials did indeed deploy an elaborate surveillance network against the forces of Indian nationalism during the war, this was less a response to the war itself than it was a seizure of opportunity on the part of a colonial regime seeking to justify the expansion of its imperial and oceanic corridors of legal jurisdiction. As this chapter will demonstrate, it was through law as much as espionage that the imperial government sought to clamp down on the forces of anti-colonial nationalism during the war. This mobilization of emergency law had less to do with protecting India and the empire from German military interests than it did with the cynical expansion of British executive authority and the stifling of anti-colonial dissent.

This chapter examines the impact of the First World War on attempts by the colonial government of India to legislate against forms of political violence that sought to undermine

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*Asia: Colonialism and Anticolonialism in an Era of Global Conflict* (Cambridge: Cambridge University Press, 2017).

<sup>6</sup> Pati, *India and the First World War*, p. 32. For more on the broader contribution of Britain's empire to its war effort, see also Ashley Jackson, *Distant Drums: The role of colonies in British imperial warfare* (Brighton: Sussex Academic Press, 2012).

<sup>7</sup> See Cemal Aydin, *The Politics of Anti-Westernism in Asia: Visions of world order in Pan-Islamic and Pan-Asian thought* (New York: Columbia University Press, 2007), p. 93 and Kris Manjapra, *Age of Entanglement: German and Indian intellectuals across empire* (Cambridge: Harvard University Press, 2014), p. 5.

<sup>8</sup> Uchida Ryōhei (1918), 'Jo'. Kokuryūkai Shuppanbu (ed.), *Ajia Taikan*. Kokuryūkai Shuppanbu, 1918) in Sven Saaler and Christopher Szpilman (eds.), *Pan-Asianism: A Documentary History, Volume 1: 1850-1920* (Plymouth: Rowman & Littlefield Publishers, 2011), p. 128.

<sup>9</sup> See Popplewell, *Intelligence and Imperial Defence*.

<sup>10</sup> Calder Walton, *Empire of Secrets: British Intelligence, the Cold War and the Twilight of Empire* (London: HarperCollins Publishers, 2013).

or overthrow imperial sovereignty. Of particular interest are those emergency laws that sought to extend the colonial government's right to detain suspects without trial, or what A.W. Brian Simpson refers to as 'executive detention.'<sup>11</sup> In 1914, the Government of India passed the Ingress into India Ordinance in an attempt to limit the transgressive potential of *Ghadar* propaganda and transnational revolutionary networks based out of North America and parts of East and Southeast Asia. The following year, the passage of the wartime Defence of India Act sought to target revolutionaries who the government deemed to be either in league with Britain's German enemy, or whose acts of anti-colonial violence aided and assisted the German war effort. Following the conclusion of the war in 1918, colonial officials took steps to extend the repressive measures of the Defence of India Act into peacetime by issuing the controversial Rowlatt Act, despite the disapproval of an increasingly vocal Indian public.

By tracing the debates and discussions that surrounded the passage of these three pieces of 'emergency' legislation, this chapter explores the ways that executive discourses sought to construct and deploy particular notions of 'the enemy' as a means of justifying and legitimizing the use of extraordinary laws of emergency to repress the political challenge of anti-colonial nationalism. Moving beyond the emphasis on security reflected in the scholarship of Popplewell and Walton, this chapter instead regards the war as a space in which colonial officials sought to create a new legal ordering of empire through the expansion of pre-existing corridors of imperial and, indeed, global jurisdiction. This chapter sees the wartime expansion of emergency laws not only as a response to security concerns or to the threat of foreign German interference, as scholars have typically regarded them, but rather as the colonial state's opportunistic answer to the more long-term political challenge presented by anti-colonial nationalism through the articulation of a prose of counter-insurgency that focused on militarized discourses of enmity.

### **'The Eye of Government is on Them': *Ghadar* and the Ingress Into India Ordinance**

Radicals within the Indian diaspora saw the First World War as an opportunity, and sought to exploit the temporary disarray of the British Empire. The outbreak of war was swiftly followed by a call to arms issued by *Ghadar*, a revolutionary newspaper based out of

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<sup>11</sup> A.W. Brian Simpson, *Human Rights and the End of Empire: Britain and the Genesis of the European Convention* (New York: Oxford University Press, 2004), p. 55.

San Francisco, with a wide readership extending through the Americas, Asia, Africa, and the Middle East. First published on the 1st of November, 1913, *Ghadar* presented a call for an armed uprising against British rule from its very first issue; ‘What is our name? Mutiny. What is our work? Mutiny. Where will the mutiny break out? In India ... The time is soon to come when rifles and blood will take the place of pen and ink.’<sup>12</sup> Reaching a global readership of disaffected Indians suffering under immigration and labour restrictions that hampered their aspirations for work and dignity, *Ghadar* inspired the formation of hundreds of loosely affiliated cells and networks, with the central organisation led by Har Dayal in San Francisco retaining its role as a hub for propaganda and revolutionary plots. As the British Empire became embroiled in its war with Germany, officials within the Government of India began to view the Ghadar organisation and its transnational network of adherents as a serious threat to imperial security. This growing unease among the colonial authorities stimulated the development of an elaborate system of surveillance and an increasingly restrictive series of emergency laws aimed at stifling revolutionary activities.<sup>13</sup>

The rhetoric and imagery deployed by *Ghadar* made stronger use of military metaphors than earlier revolutionary organisations such as Jugantar or Anushilan, with an invocation of the mutiny of 1857 as a key symbolic rallying point. This was particularly true during the period of the First World War. Just before the outbreak of hostilities, the July 28th issue of *Ghadar* instructed its readers to set up a mutiny in India as soon as the war broke out in Europe. On the 4th of August, 1914, the day that Britain declared war, *Ghadar* proclaimed; ‘The bugle of war has sounded, and the war has begun ... Now is the time for India ... if you set up a mutiny now, the English will come to an end; for on the one side Germany will smite them, and on the other side you.’<sup>14</sup> Despite its predominantly Punjabi composition, the Ghadar movement actively sought to foster a pan-Indian identity capable of channeling the particular grievances of a diverse diasporic community into a militant brand of anti-colonial patriotism. As a result, the movement was particularly alarming to British officials who found

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<sup>12</sup> Quoted in Government of India circular, 25 August 1915. Home Political Deposit, October 1915, NAI, File No. 43, p. 8.

<sup>13</sup> For the best recent account of Ghadar, see Ramnath, *Haj to Utopia*. For the history of the imperial security service, see Popplewell, *Intelligence and Imperial Defence*. The relationship between imperial surveillance and anticolonial radicalism is also explored by Seema Sohi, who argues that just as the political radicalism of South Asians in North America stimulated the development of imperial and domestic networks of intelligence and repression, these networks in turn served to further alienate and radicalise those on whom they sought to spy. See Sohi, *Echoes of Mutiny: race, surveillance and Indian anticolonialism in North America* (New York: Oxford University Press, 2014).

<sup>14</sup> Quoted in Malwinderjit Singh Waraich and Harinder Singh (eds.), *Ghadar Movement Original Documents Vol. 1: Lahore Conspiracy Cases I and II* (Chandigarh: Unistar Books Pvt. Ltd., 2008), p. 336.



it difficult to police the loose collection of networks developing both throughout and beyond their imperial jurisdiction. This was particularly true within the context of a global war in which Britain's enemies actively encouraged the spread of Ghadar ideas, arms, and propaganda.

The transgressive potential of transnational Indian communities for destabilizing imperial notions of security and stability is best highlighted by the famous voyage of the *Komagata Maru*. Despite the supposed right of colonial subjects to circulate freely from one British colony to another, in practice the white settler colonies of Canada, Australia, South Africa, and New Zealand were deeply committed to a white supremacist agenda. In the early twentieth century, governments of these colonies sought to restrict the rights of indigenous peoples, Asians, and Africans within their borders and prevent non-white immigration from abroad.<sup>15</sup> As emerging nation-states sought to reify their borders in the name of national homogeneity, migration laws became one of the primary means by which governments could assert their sovereignty by regulating the movement of people across the borders of their territory.

As Radhika Singha demonstrates, this was complicated in the Indian context by local colonial protocols of recording identity, as well as issues of gender and class. For this reason, contrary to John Torpey's argument that the emergence of the passport and other forms of restriction to the transnational circulation of people came about as a result of powerful states in the West seeking to control global migration, Singha argues that the introduction of compulsory passports in India during the First World War was shaped by considerations other than the simple binary of race and migration.<sup>16</sup> Nevertheless, for the white Dominions the exclusion of certain racialized bodies became an important tool in the construction of a national identity and the creation of particular labour regimes.

In May of 1908, the Canadian government took steps to unofficially limit Indian immigration to Canada through a new law that stipulated only those traveling a continuous route from their point of departure would be allowed to enter the country, thereby excluding

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<sup>15</sup> For a more detailed analysis of the exclusionary immigration policies of Canada and the United States, see John Price, 'Canada, white supremacy, and the twinnings of empire', *International Journal* 64, 4 (2013), pp. 628-638. For the global dimensions of these policies of racial exclusion, see Marilyn Lake and Henry Reynolds, *Drawing the Global Colour Line: White Men's Countries and the Challenge of Racial Equality* (Cambridge: Cambridge University Press, 2008).

<sup>16</sup> Radhika Singha, 'The Great War and a 'Proper' Passport for the Colony: Border-Crossing in British India, c.1882-1922', *Indian Economic and Social History Review* 50, 3 (2013), pp. 289-315. See also John Torpey, *The invention of the passport: surveillance, citizenship, and the state* (Cambridge: Cambridge University Press, 2000).

all voyages from India.<sup>17</sup> In a deliberate challenge to this exclusionary law, Gurdit Singh, a wealthy contractor based out of Singapore, arranged passage for 376 Indian passengers, mostly male Sikhs, to Vancouver. When the ship arrived on the 23rd of May, 1914, immigration officials denied the passengers entry into Canada, leading to a tense standoff that lasted for weeks and finally culminated with the embittered passengers forced to return to India.<sup>18</sup>

The return of these passengers alarmed officials within the Government of India, who expressed concern that over the course of their voyage these passengers must have ‘heard much bitterness of language against England and her colonies.’ While officials admitted that perhaps only a minority of the passengers were ‘undesirables’, their actions at Vancouver were nonetheless ‘scarcely conciliatory’, meaning that their return should be closely controlled.<sup>19</sup> This incident is particularly interesting in light of Lauren Benton's work regarding the relationship between sovereignty, geography, and law. Although oceans are typically regarded as backdrops for movement with an association with lawlessness, Benton argues that oceans were, in fact, transected by jurisdictional corridors of law through which imperial sovereignty asserted itself.<sup>20</sup> In the case of the voyage of the *Komagata Maru* and of other ships that sought in various ways to challenge the sovereignty of the Government of India by transgressing its borders, such as the *Annie Larsen* and the *Maverick* discussed later in this chapter, imperial officials devised new legal strategies that sought to extend imperial sovereignty through the adoption of new legal strategies.

In order to deal with the perceived threat posed by the return of the *Komagata Maru*, representative as it was of the larger fear of the return of potentially radicalised expatriate Indians, the colonial government passed the Ingress into India Ordinance in 1914. Because it was impossible to Indian subjects from returning to India, this ordinance sought instead to police the subcontinent's porous borders by giving officials the authority to investigate Indians returning from abroad in order to determine any perceived threat they may pose to imperial security and decide accordingly whether to either detain them or place them under restrictions within their home village. With no way to prevent the transgressive potential of mobile subjects operating within an imperial context in which a fixed territoriality was

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<sup>17</sup> Seema Sohi, ‘Race, Surveillance, and Indian Anticolonialism in the Transnational Western U.S.-Canadian Borderlands’, *The Journal of American History* 49, 2 (2011), pp. 420-436.

<sup>18</sup> A more detailed account is provided in Ramnath, *Haj to Utopia*, pp. 47-50.

<sup>19</sup> H. Wheeler, 29 August 1914, Home Department Political Branch A, NAI, 211-224, p. 5.

<sup>20</sup> Lauren Benton, *A Search for Sovereignty: Law and geography in European Empires, 1400-1900* (New York: Cambridge University Press, 2010), pp. 104-111.

impossible to enforce due to both the high volume of shipping routes in the Indian Ocean and Pacific worlds and particularly the challenge posed to territorial integrity by the French possessions of Pondicherry and Chandernagore, colonial officials instead sought to compensate through an extensive program of surveillance, so that returning expatriates could be 'made to realize that the eye of Government is on them.'<sup>21</sup> Although government officials initially claimed that in 'the practical application of this power, we shall proceed quite leniently',<sup>22</sup> in Punjab alone more than 2,000 Indians returning home from abroad faced internment or temporary confinement within their home villages over the course of the war.<sup>23</sup>

Justification for these strong measures required careful consideration on the part of the colonial government. According to Sir Reginald Craddock, Home Member in the Governor General's Council, concern with Indian and British parliamentary opinion meant that the ordinary policy of the Government of India was to limit more drastic action only to cases where evidence of disaffection could be clearly demonstrated. Craddock wrote that although there were many in India who were hostile to the colonial regime, 'we watch them and see how they behave and the moment it seems necessary we take action against them.' According to Craddock, the onset of war with Germany triggered 'a warm wave of loyalty, carrying even the disaffected on its crest, which we do not wish to chill by any measure that involves asperity.' Despite this, Craddock felt that it was necessary to respond to the strong request of the government of Punjab for steps to be taken to deal with returning Sikhs, particularly from North America and the Far East, who were 'quite recently in a state of ferment, that the revolutionary paper the *Ghadar* has been circulating among them, ... that (these Sikhs) were planning to come back and fight with their brothers to expel the British.'<sup>24</sup>

In order to articulate these repressive measures in a way that would not alienate moderate opinion, the Ingress into India Ordinance sought to label expatriate Indians returning from abroad as inherently different than subjects residing within India. Sir Charles Cleveland, the Director of Criminal Investigation, acknowledged that, 'Objections to dealing with returning Indians as 'foreigners' are obvious', but argued that 'these people have brought punitive treatment on themselves by complicity of a great many of them in the villainous 'Ghadar' campaign.'<sup>25</sup> This argument appears to have been fairly successful in dampening popular criticism of the ordinance, as Sir Michael O'Dwyer observed;

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<sup>21</sup> Michael O'Dwyer to William Vincent, 17 September 1917, Home Political A, NAI, No. 1-9 & K.-W., p. 2.

<sup>22</sup> Note by Reginald Craddock, 30 August 1914, Home Political A, NAI, 211-224, p. 6.

<sup>23</sup> Michael O'Dwyer to William Vincent, 17 September 1917, Home Political A, NAI, No. 1-9 & K.-W., p. 2.

<sup>24</sup> Reginald Craddock, 30 August 1914, Home Political A, NAI 211-224, p. 5.

<sup>25</sup> Note by Charles Cleveland, 28 August 1914, Home Political A, NAI, 211-224, p. 3.

One of the most striking facts connected with the administration of this Ordinance is the entire absence of any complaint levelled against the internments and restrictions imposed ... although these have in fact been more numerous, and of a more rigorous nature in the Punjab than those enforced under the Defence Act. This may, perhaps, be attributed partly to the character of the persons dealt with under the Ordinance. They are nearly all men who have spent several years abroad, after severing all close connection with their homes. In many instances they were ne'er-do-wells who had become estranged from their relatives, and on their return to their native villages their free and independent manners ... have won them no sympathy.<sup>26</sup>

While O'Dwyer attributed the unpopularity of returning expatriates to their foreign and alienated character, he argued that the main reason for the relative public indifference towards their fate in comparison to popular reactions to legislation such as Regulation III of 1818 and the Defence of India Act was 'the recognition that they have been engaged in intriguing against their own country with the enemy or with revolutionary organisations abroad.'<sup>27</sup>

The Ingress into India Ordinance thus provides a useful entry point into understanding the prevailing conceptions of 'the enemy' deployed by imperial officials in India during the First World War. It is significant that the first piece of exceptional legislation to target suspected revolutionaries after the outbreak of war targeted those colonial subjects that could most easily be disassociated from Indian society writ large, despite the fact that in a separate note, Sir Charles Cleveland called the radicals returning from North America 'boastful but not very effective.'<sup>28</sup> In describing the desirability of the ordinance, Alexander Muddiman stated clearly that the reason for its necessity was the volatility of the political situation in India, but observed that 'it is desirable not to draw undue attention to the actual reason that is behind the Ordinance. I venture to suggest that it should be as broad as possible so that it may be defended on other grounds than those actually of the moment.' According to Muddiman, what was most important was ensuring that the ordinance be made water-tight, but also kept 'short but extremely wide' so as to allow for it to be portrayed in a way that masked its true purpose by framing it as a war measure aimed at securing the safety of the state at a moment of crisis. This meant that it could 'as is unhappily not impossible' theoretically be applied to someone of British nationality if they were determined to be working as a German spy, 'as

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<sup>26</sup> Michael O'Dwyer to William Vincent, 17 September 1917, Home Political A, NAI, No. 1-9 & K.-W.

<sup>27</sup> Ibid.

<sup>28</sup> Note by Charles Cleveland, 15 August 1914, Home Political A, NAI, 211-224, p. 1.

well as those persons who are specially aimed at.<sup>29</sup> The ordinance was only tangentially connected to potential German plots, and was rather primarily concerned with the subversive potential of the returning revolutionaries themselves, a fact further reiterated in a subsequent note; 'Being widely drawn, the Ordinance can be justified on general grounds appertaining to a state of war rather than of internal sedition.'<sup>30</sup>

By publicly representing the ordinance as a necessity of the war, aimed solely against those who conspired with Germany, colonial officials constructed a very particular enemy, against whom public opinion could be more readily rallied. Here portraying the returning suspects as foreigners facilitated the process of conflating them with India's foreign German enemy. To this end, the Government of India issued a press communiqué explaining the supposed purpose behind the ordinance as being,

... to ensure that the public peace is not endangered by the action of any persons who, in the interests of hostile Powers, might seek to return to India with the object of creating disturbances or of ascertaining facts likely to be of assistance to our enemies ... The situation is one of emergency, and exceptional action is justified by the present state of war.<sup>31</sup>

In this sense, war provided an opportunity not only for Ghadar and other anti-colonial revolutionaries, but also for the imperial government, which used the language of war as justification for new laws that would have required an entirely different strategy of legitimization if the authorities issued them in peacetime.

### **Mutiny, Germany, and the Defence of India Act, 1915**

Over the first fifteen years of the twentieth century, revolutionary groups in Bengal such as Jugantar and the Anushilan Samiti achieved varying degrees of success in expanding their operations and in staging attacks against colonial informants and imperial officials, most notably in the highly publicized bomb attack against Hardinge by Rash Behari Bose in 1912. With the onset of war, these plans became more ambitious and organisations in Punjab, Bengal, and central India sought to combine their resources to stage an all India uprising, with Bose as a key organiser. Beginning on the 12th of February, Bose and his associates began making arrangements for a general rising on the 21st of that month, that was to be

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<sup>29</sup> Alexander Muddiman, 1 September 1914, Home Political A, NAI, 211-224, p. 7.

<sup>30</sup> H. Wheeler, 3 September 1914, Home Political A, NAI, 211-224, p. 9.

<sup>31</sup> Government of India press communiqué, 5 September 1914, Home Political A, NAI, 211-224, p. 10.

modelled after the mutiny of 1857. The Indian Army was the key element of the conspiracy, and revolutionaries attempted to disseminate revolutionary propaganda to troops stationed in Lahore, Rawalpindi, Ferozepore, and Meerut. Furthermore, the revolutionaries prepared bombs, arms and ammunition, as well as flags, equipment for destroying railways and telegraph wires, and even a formal declaration of war.<sup>32</sup>

The police foiled the conspiracy by planting a spy named Kripal Singh into the inner circle of the revolutionaries. On the 15th of February, Singh overheard a conversation regarding the plans for the rising and informed the police. Although Bose realised that Singh was an informant and had the date of the rising moved up to the 19th of February, Singh was able to escape for long enough to signal his contacts in the CID, leading to a massive crackdown on revolutionary operations across India.<sup>33</sup> Following the failure of the conspiracy, Bose's lieutenant Sachindranath Sanyal attempted to carry on the fight, printing a new *Liberty* leaflet that implored its readers to honour the sacrifice of those captured by the police. 'You may die any day of plague, cholera or malaria,' Sanyal wrote in the *Liberty* leaflets confiscated at the time of his arrest, 'Why not die like a man in a noble cause? Look at the Germans who are dying in lakhs for their country. Dwellers in India, you must also die in lakhs.'<sup>34</sup> By juxtaposing Indian patriotism with that of the Germans, Sanyal framed the revolutionary cause in the language of war prevalent at this time. He also sought to reframe the defeat of his revolutionary companions as a kind of victory through sacrifice that he hoped would inspire others to join the anti-colonial cause.

Although Rash Behari Bose escaped the widespread crackdown, his co-conspirators including V.G. Pingle were prosecuted by Special Tribunal in the Lahore conspiracy trial, where the evidence provided by Kripal Singh played a key role in securing convictions. Singh's role as a paid police spy initially raised questions about the reliability of his testimony, but it was ultimately concluded that the government were 'no doubt justified in employing spies; and ... a person so employed (does not) deserve to be blamed if he instigates an offence no further than by pretending to concur with the perpetrators.'<sup>35</sup> Out of 291 conspirators arrested, 42 were executed, another 114 given life sentences, and the rest either acquitted or given sentences of varying degrees. Following the failure of the plot, Bose

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<sup>32</sup> Waraich and Singh (eds.), *Ghadar Movement Original Documents Vol. 1*, p. 161.

<sup>33</sup> Lahiri, *Rashbehari Bose*, p. 47.

<sup>34</sup> *Liberty*, July 1915, Home Political B, NAI, 516-519, p. 12.

<sup>35</sup> Waraich and Singh (eds.), *Ghadar Movement Original Documents Vol. 1*, p. 38.

decided to flee India.<sup>36</sup> The experience of the failed uprising led him to conclude that soldiers alone would not be enough to stage a successful revolution against imperial authorities. Bose believed that if the civil population in Lahore were armed, overthrowing the government would have still been possible even with the arrest of mutinying troops, noting ‘we had man-powers and a disciplined organisation, but no arms.’ Bose’s solution was to go abroad in search of arms and ammunition, which he could then distribute to people all over the country before a second attempt occurred. Bose also hoped that in going abroad it would be easier to acquire financial support from Germany, which was lacking in his earlier plot.<sup>37</sup>

Bose booked a ticket to Japan, as Rabindranath Tagore's highly publicized upcoming visit allowed him to deceive travel authorities by posing under the alias of P.N. Tagore and claiming that he was a relative traveling on ahead of the famed poet. At first glance, Japan may seem an odd choice for an exiled Indian revolutionary, given that Japan and Britain established an alliance in 1902 as a means of stalling Russian expansion in Asia and safeguarding their own interests in China and Korea. In 1915, this alliance was still in effect, and was one of the reasons for Japan's involvement in the First World War on the side of the British. But despite its relationship to Britain, Japan was also an emerging center of Asianist thought, and the country's rapid industrialization and victory against Russia in 1905 cemented its reputation as a leader among Asian nations with the potential to challenge the hegemony of the West.<sup>38</sup>

On his way to Japan, Bose's ship docked at Singapore, which was in the grip of martial law following the mutiny of the Indian 5<sup>th</sup> Light Infantry at Alexandra Barracks. The mutineers seized control of the island fortress for two full days before being crushed by a makeshift force composed of French, Russian, and Japanese troops. The 5<sup>th</sup> Light Infantry was previously the most important source of British imperial security on the island, and the surprise and scope of the mutiny dealt a severe blow to imperial confidence in the region, particular given its close timing to the failed uprising in India.<sup>39</sup> The British responded by declaring martial law on the 8th of March, asserting that ‘no male person of the Indian race

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<sup>36</sup> The implications of this from the standpoint of political asylum and international law will be further explored in Chapter 5.

<sup>37</sup> Das (ed.), *Rashbehari Bose Collected Works*, p. 29.

<sup>38</sup> See especially Aydin, *Politics of anti-Westernism in Asia* and Pankaj Mishra, *From the ruins of empire: the intellectuals who remade Asia* (New York: Farrar, Straus and Giroux, 2012).

<sup>39</sup> For more on the Singapore mutiny and its transnational and global significance, see Harper, ‘Singapore, 1915’ and Heather Streets-Salter, ‘The Local was Global: The Singapore Mutiny of 1915’, *Journal of World History* 24, 3 (2013), pp. 539-576.

over 18 years of age must leave Singapore ... without the sanction of the police.’<sup>40</sup> Colonial authorities also placed restrictions on Indians coming into Singapore, who were forced to obtain a police permit if they wished to enter the island. Despite providing a finger impression to the local authorities, Bose was able to keep up his disguise and continue on to Hong Kong and Japan unhindered, but immigration officials refused entry to twelve Sikhs traveling on the same ship.<sup>41</sup>

What made the Singapore mutiny and the attempted uprising in India particularly unsettling to imperial officials was the very concept of 'mutiny' itself and its relationship to the nature of Britain's imperial project during the First World War.<sup>42</sup> Ever since the events of 1857, where mutiny by British Indian troops sparked a series of connected uprisings that swept across northern and central India and shook the stability and confidence of the empire, the threat of mutiny retained a profound hold over the minds of British officials. This led to a reorganization of the Indian Army, that sought to increase the proportion of European soldiers and discourage recruitment from groups deemed disloyal or seditious, particularly the literate middle-class of Bengal.<sup>43</sup> After the outbreak of war in 1914, these ratios became increasingly difficult to maintain, as the strain of war and reverses in the Mesopotamia campaign led to a heavy demand of Indian troops. The British particularly relied on troops drawn from the 'martial races' deemed historically loyal, with 446,976 of the 1,097,642 total troops of the Indian Army during the war drawn from the Punjab alone, of which less than one quarter were non-combatants. By contrast, only 59,052 Bengalis were recruited for the war effort and 51,935 of these were non-combatants.<sup>44</sup> These numbers meant that not only imperial security, but the European war effort itself rested precariously on the continued loyalty of Indian, and particularly Punjabi, soldiers. In its judgment on the attempted February uprising, the Special Tribunal at Lahore declared that the most important and

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<sup>40</sup> *The Bengalee*, 16 March 1915, p. 2.

<sup>41</sup> Das (ed.), *Rashbehari Bose Collected Works*, p. 47.

<sup>42</sup> This language of mutiny must also be situated within a longer history of treason and sedition as legal and political categories. A more in depth examination of the nineteenth century lineage of these ideas was provided in Chapter 1, but it is worth noting that each of these three crimes was grounded in the loyalty or disloyalty of a subject to the sovereign, although in the case of mutiny this took on a particularly military dimension. See Benton, *A Search for Sovereignty*, pp. 59-68.

<sup>43</sup> Rash Behari Bose had tried twice in his youth to join the Indian Army but, as a Bengali, was disallowed on both occasions. See Hemanta Sarkar, *Revolutionaries of Bengal: Their Methods and Ideals* (Calcutta: The Indian Book Club, 1923).

<sup>44</sup> For a detailed breakdown of the composition of the Indian Army at this time, see David Omissi (ed.), *Indian Voices of the Great War: Soldiers' Letters, 1914-18* (London: Macmillan Press, 1999), p. 366.



‘undoubtedly the most dangerous’ aspect of the plot was ‘the seduction and attempted seduction of troops from their allegiance to His Majesty.’<sup>45</sup>

The colonial fear of mutiny expressed itself in a gendered and racialized language of loyalty and disloyalty, as Heather Streets-Salter argues. According to Streets-Salter, growing distrust towards Indian and Irish nationalists in the late nineteenth and early twentieth century contributed to the popularity of a racial typology that attributed desirable masculine characteristics to colonial groups on whom the imperial military relied, such as Highland Scots, Gurkhas, and Sikhs. These attributes of loyalty, courage, and dependability contrasted with the supposedly effeminate characteristics of Irish Catholics and members of the Bengali middle class, who the British depicted as weak, cowardly, and treacherous.<sup>46</sup> This meant the planned uprising of 1915 elicited a particularly strong reaction from colonial authorities not only because of its potential to destabilize imperial security, as Richard Popplewell argues,<sup>47</sup> but also because it risked undermining the racial hierarchy on which colonial rule in India rested its legitimacy. As Sir Charles Cleveland, the Director of Criminal Intelligence, noted at the time, ‘the appeal of Sikhs was specially obnoxious, because most of the Sikh immigrants served as sepoys, and on their return to India were likely to sow disaffection among the very classes from which Sikh regiments are recruited.’<sup>48</sup>

Beyond its impact on India, the possibility of subversion among Sikh troops threatened to destabilize Britain’s entire Indian Ocean empire. Deployment overseas was a regular feature of Indian Army life ever since the reorganization of the army following the transfer from Company rule in 1858. Indian, and particularly Sikh, troops played a crucial role in both extending and maintaining British imperial power in regions as diverse as East Africa, Malaya, and Mesopotamia from the late nineteenth century up until the First World War, as Thomas Metcalf demonstrates.<sup>49</sup> Furthermore, the Punjab historically provided an important recruiting base for imperial policing. For example, the Malay States Guides, originally constituted as the Perak Armed Police and then the Perak Sikhs, were recruited from the Punjab in 1873 and remained the leading police force in Malaya up until 1919. This was not limited to Malaya – Punjabi Sikh police were prominent in colonies ranging from

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<sup>45</sup> Waraich and Singh (eds.), *Ghadar Movement Original Documents Vol. 1*, p. 206.

<sup>46</sup> Heather Streets, *Martial races: The military, race and masculinity in British imperial culture, 1857-1914* (Manchester and New York: Manchester University Press, 2004).

<sup>47</sup> Popplewell, *Intelligence and Imperial Defence*.

<sup>48</sup> Government of India circular, 25 August 1915, Home Political Deposit, NAI, File No. 43, p. 7.

<sup>49</sup> Thomas Metcalf, *Imperial Connections: India in the Indian Ocean arena, 1860-1920* (Berkeley: University of California Press, 2007), pp. 68-101.

Hong Kong to Uganda to Somaliland.<sup>50</sup> Aside from their presence within imperial military and police forces, Punjabi Sikhs were deeply embedded in a wide range of colonial societies, particularly in Southeast Asia, further enhancing the paranoia of imperial officials regarding the potentially destabilizing impact of this transnational community. While revolutionary unrest prior to the war was mainly centred out of Bengal, thus fitting colonial conceptions of the disloyal and effeminate Bengali,<sup>51</sup> the predominantly Sikh composition of returning Ghadar revolutionaries and the February uprising's focus on instigating mutiny among supposedly 'loyal' troops in the Punjab thus posed a particularly strong threat to the racial underpinnings of Britain's Indian Ocean empire.

The predominance of Punjabi Sikhs within the Ghadar movement also required a different notion of enmity than the one on which previous anti-revolutionary discourses relied. Colonial officials described the revolutionary violence that followed the swadeshi movement in Bengal primarily through a language of sedition that rested on late nineteenth century notions of sovereignty, race, and politics, and was the subject of Chapter 1. By contrast, the outbreak of a world war and the new challenge posed by Ghadar to the stability of imperial martial race narratives of loyalty and disloyalty meant that subversive threats over the course of the war came to be reframed in the language of mutiny and conspiracy. This is not to say that the notion of sedition did not retain relevance throughout the period in question. The report drawn up by the committee assigned with assessing the nature and scope of the revolutionary movement in India and abroad, of which more will be discussed later in this chapter, was even named the Sedition Committee Report of 1918. But the idea of mutiny, and of conspiracy with a fixed German enemy, came to supplement, and at times even replace, the category of sedition in a number of important ways.

This process is most clearly illustrated in the discussions that surrounded the passage of the Defence of India Act, an important piece of wartime legislation that the Government of India issued on the 19th of March, 1915. The Defence of India Act was modelled closely after the Defence of the Realm Act, which the British parliament passed on the 8th of August, 1914, four days after the war with Germany began. This gave the British government powers similar to those of martial law, and aimed primarily at preventing persons from 'communicating with the enemy or obtaining information for that purpose or any purpose

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<sup>50</sup> Ibid, p. 102.

<sup>51</sup> For more on the relationship between masculinity and race in Bengal, see Mrinalini Sinha, *Colonial Masculinity: The 'manly Englishman' and the 'effeminate Bengali' in the late nineteenth century* (Manchester: Manchester University Press, 1995) as well as John Rosselli, 'The Self-Image of Effeteness: Physical Education and Nationalism in Nineteenth-Century Bengal', *Past and Present* 88 (1980), pp. 121-148.

calculated to jeopardise the success of the operations of any of His Majesty's Forces or to assist the enemy.<sup>52</sup> The importance placed on hostile association with a fixed foreign enemy had a strong precedent in Regulation III of 1818, which specifically stipulated in its preamble that the law sought to preserve British colonies from 'foreign hostility and from internal commotion.'<sup>53</sup> Originally drafted with Russia and post-Napoleonic France in mind, the Regulation's concern with a combination of internal dissent and foreign interference took on new significance during the global war with Germany and found a more fixed manifestation within the drafting of the Defence of India Act.

Within the British context, officials justified the Defence of the Realm Act based on the threat posed by German spies and informants, but it attracted a great deal of criticism from Irish nationalists, who viewed it as 'an instrument of terrorism, of petty persecution and bullying' through which 'free speech has been abolished, (and) freedom of the Press utterly destroyed', creating a 'state of tyranny that Russia would find difficult to equal.'<sup>54</sup> Despite this controversy, when Lord Hardinge introduced the Defence of India Act in a speech to the Imperial Legislative Council, he claimed that because 'law-abiding England accepted this measure without a murmur,' there should be no issue accepting similar measures in India, particularly because it would be up to the Indian people themselves 'to decide how far it may be necessary to put those clauses into force.'<sup>55</sup> Although the act gave wide rule-making powers to the Governor General in Council, its provisions were only to be applied on a case by case basis in regions where it was deemed necessary. However, just three days after being issued the Defence of India Act was implemented within certain districts in Punjab to deal with unrest, before being extended to Bengal in April and June, and then to Balasore, Benares, and parts of Burma thereafter.<sup>56</sup>

The decision to implement the Defence of India Act was not immediate following the outbreak of war, as it was for the Defence of the Realm Act in Britain, but rather required careful consideration on the part of the Government of India. Just before the war began, Reginald Craddock expressed concern that the commencement of hostilities with Germany had the potential to seriously destabilize an already delicate political situation in India.

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<sup>52</sup> Christopher Andrew, *The Defence of the Realm: The Authorized History of MI5* (Toronto: Penguin, 2010), pp. 53-54.

<sup>53</sup> Text from *Bengal Regulation III* (7 April 1818).

<sup>54</sup> *Defence of the Realm Act in Ireland* (Dublin: Committee of Public Safety, 1915).

<sup>55</sup> Hardinge speech at Imperial Legislative Council, 18 March 1915. Lord Hardinge of Penshurst 'Speeches' Vol. 3 (Calcutta: Superintendent Government Printing, 1916), Hardinge Papers, CUL, p. 72.

<sup>56</sup> Summary of the Administration of the Government of India 1910-16 (Delhi: Superintendent Government Printing, 1916), p. 21.

Referring to anti-colonial revolutionaries as ‘irresponsible enemies ... with a violent race hatred of the Englishmen’, Craddock warned that a state of war would embolden anti-governmental violence and outlined the steps he viewed necessary for ensuring stability during the war.<sup>57</sup> The most important public discourse that Craddock insisted on maintaining was an affirmation of the government's belief in the people of India ‘as loyal and patriotic subjects of His Imperial Majesty, to whom His Majesty looks ... for their help and support against the enemies of Great Britain’. This was to be achieved through a careful deployment of repressive measures only in cases where they could be justified on the basis of specific occurrences. Nonetheless, Craddock made it clear that Regulation III of 1818 should be used ‘unhesitatingly as need arises’, but that the government ‘must not show our teeth or display our various weapons until the temper of the people shows them to be necessary.’<sup>58</sup> This strategy sought to maintain a semblance of normalcy in which officials should emphasize the loyalty of the Indian people, thus reinforcing the legitimacy of the British imperial government, while at the same time the spectre of government repression would hang over this status quo, ready to be called up at a moment's notice whenever this legitimacy or security came under challenge.

For the first few months of the war, the Government of India was reluctant to adopt new measures to deal with the revolutionary movement, for fear of unnecessarily antagonizing public and parliamentary opinion. Nonetheless, this should not be read as evidence of a particular leniency or of a genuine concern for the infringement of the rights of Indian subjects, but rather as a strategic decision based on a pragmatic desire to retain the semblance of popular legitimacy. For this reason, Hardinge opposed a surveillance bill put forward by Lord Carmichael, the Governor of Bengal, out of a desire to ‘avoid all legislation of a controversial nature and to keep everything as quiet as possible.’ In a telegram to the Secretary of State, Hardinge wrote that although he viewed the situation as dire, he nonetheless preferred to ‘rely upon the powers that we already possess, even if I have to make use of Regulation III of 1818, ... in spite of what some of our Parliamentary friends at home might think. But I am determined to maintain order at all costs; and if I make use of the regulation ... it must be regarded at home as a war measure.’<sup>59</sup> The Secretary of State wrote back, assuring Hardinge that he was ‘prepared to place (his) blind eye to the telescope, and to regard any possible ... employment of it as a war incident; relying, of course, on your not

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<sup>57</sup> Reginald Craddock, 1 August 1914, Home Political Deposit, NAI, File No. 1, p. 3.

<sup>58</sup> *Ibid.*, p. 6.

<sup>59</sup> Hardinge to Crewe, 10 September 1914, Hardinge Papers, CUL, p. 46.

using it unless in respect of some necessity for which that reason can be definitely explained.’<sup>60</sup>

After the discovery and disruption of the February uprising, Hardinge sent a telegram to the Earl of Crewe, the Secretary of State for India, informing him that the situation in India was becoming desperate and stressing the need for stronger measures.<sup>61</sup> Following the passage of the Defence of India Act in March, Crewe wrote to Hardinge expressing the hope that ‘your Defence of the Realm provisions will do all you want’ in curbing the revolutionary movement and restoring order.<sup>62</sup> As details regarding the scope of the February uprising came out in the Lahore conspiracy case, Hardinge wrote that the efficiency of the Special Tribunals vindicated the government's request for extraordinary legislation and proven the necessity for drastic measures.<sup>63</sup> By the 20th of June, 4000 people had already been put on trial, with 538 convicted and 622 still under trial, demonstrating to Hardinge the ‘astonishing efficiency’ of the Tribunals.<sup>64</sup> Despite this supposed efficacy, Hardinge later admitted in a private letter to King George that the reason he decided to commute 16 out of the 23 death sentences ordered by the Special Tribunal in the Lahore trial was that his own legal advisor pointed out that the sentence given was ‘absolutely illegal’. Fearing that a public awareness of this fact would cast doubts on the reliability and legitimacy of the Tribunals, Hardinge decided to grant clemency for political, rather than moral reasons.<sup>65</sup>

Although many revolutionaries throughout the early twentieth century were executed by the colonial government, most of those convicted were instead sentenced to various terms of penal transportation.<sup>66</sup> The numbers initially charged under emergency legislation during the war, as opposed to the number convicted and still further the number executed, indicates both the wide net cast by colonial security forces as well as the intrusive nature of surveillance on the lives of many Indians. As it became increasingly difficult to prove revolutionary conspiracies without disclosing information that would jeopardize intelligence sources or leave informants open to violent retribution, the expansion of emergency laws such as the Defence of India Act provided the means through which the government could

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<sup>60</sup> Crewe to Viceroy, 9 October 1914, Hardinge Papers, CUL, p. 50.

<sup>61</sup> Hardinge to Crewe, 9 March 1915, Hardinge Papers, CUL, p. 13a.

<sup>62</sup> Crewe to Hardinge, 2 April 1915, Hardinge Papers, CUL, p. 19.

<sup>63</sup> Hardinge to Holderness, 6 May 1915, Hardinge Papers, CUL, p. 27.

<sup>64</sup> Hardinge to Holderness, 8 July 1915, Hardinge Papers, CUL, p. 38.

<sup>65</sup> Hardinge to King George V, 3 December 1915, Hardinge Papers, CUL, p. 121.

<sup>66</sup> For the most relevant literature on the history of penal transportation in a British imperial context, see Clare Anderson, ‘Transnational histories of penal transportation: Punishment, labour and governance in the British Imperial World, 1788-1939’, *Australian Historical Studies* 47, 3 (2016), pp. 381-397 and *Legible Bodies: Race, Criminality and Colonialism in South Asia* (Oxford; New York: Bloomsbury, 2004).

throw a broad dragnet against potential conspirators. The Lahore trial is not at all unusual in significantly reducing the total number of death sentences originally decided upon, and seems to reflect the desire to prove sovereign power to both take and grant life to the colonized.<sup>67</sup>

Despite the public enthusiasm with which Hardinge welcomed the Defence of India Act, it received a mixed reaction within the Indian press. The day before the passage of the act, an article in the *Bengalee*, a Calcutta based newspaper with links to the nationalist movement, acknowledged that the ‘growing complexity of the international situation ... fully justifies our Government in being forearmed for whatever contingency might happen ... And all offences that are likely to endanger the safety of the realm in a time like this, naturally demand summary and drastic treatment.’ Nonetheless, the author expressed concern that the term public safety could also be applied to ordinary crimes, ‘which the Indian police are so prone to characterise as political.’ Quickly clarifying that this concern was not due to any desire to protect the perpetrators of these crimes from justice, the author went on to argue that special measures applied in such a way would not only fail to cure, but would actually ‘immensely aggravate the very evil against which they may be directed.’<sup>68</sup> Here the *Bengalee* article drew an important distinction between acts genuinely directed against the public safety through collaboration with British India's German enemies, as opposed to internal political agitation in India. In the latter case, the article presented emergency legislation as an unnecessary and unwanted infringement on the liberty of Indian subjects.

On the 19th of March, 1915, government officials in India made a series of pronouncements explaining the need for exceptional legislation and seeking to win over public support for the Defence Act. As mentioned above, Hardinge sought to justify the act on the basis of its similarities to the Defence of the Realm Act in Britain, thus implying that nothing exceptional was being required of the Indian people other than the measures necessary for protecting their security in a time of war. Hardinge placed emphasis on India's ‘striking reputation for loyalty’, and argued that the ‘criminal acts of a few ill-balanced minds’ should not be allowed to tarnish India's reputation at a time when Indian soldiers were ‘shedding their blood on the battlefield for the King Emperor and country.’<sup>69</sup> This speech

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<sup>67</sup> Such ostentatious acts of political clemency were not limited to British officials but reflected a wider global pattern in the exercise of imperial sovereignty. For example, on his visit to Taiwan in 1923, Crown Prince and future emperor of Japan Hirohito reduced the sentences of 535 political prisoners who had conspired against the Japanese state in 1915. See Herbert P. Bix, *Hirohito and the Making of Modern Japan* (New York: Perennial, HarperCollins, 2001), p. 138.

<sup>68</sup> *The Bengalee*, 18 March 1915, p. 4.

<sup>69</sup> *The Bengalee*, 19 March 1915. p. 1.

very deliberately invokes the idea of patriotism as service to king and country, in an attempt to counter *Ghadar* publications that located patriotism in the rejection of colonial rule.<sup>70</sup>

Hardinge's focus was on portraying the act as a burden of war that was to be shared between Indian and British people in common purpose for the defence of their respective homelands, rather than a repressive law meant to target political dissidents with nationalist aspirations.

The same tactic can be found in Craddock's speech, which carefully constructed the enemy against whom the Defence Act was directed as coming from abroad. In justifying the need for the act, Craddock referred to 'certain people' who were taking advantage of the outbreak of the war in order to break the peace. He went on to say that there 'has existed on the Pacific coast of America and in Far East a revolutionary organisation that endeavoured to create trouble in India', carefully refraining from explicitly referring to the members of this organisation as Indians themselves.<sup>71</sup> As with the Ingress into India Ordinance, a clear attempt was made to draw a division between the loyal subjects of India and the dangerous enemies coming from abroad to threaten public safety.

These assurances received a mixed reaction from Indian politicians and the press. Surendranath Banerjea, a prominent moderate politician, remarked that he remained unconvinced regarding several provisions of the act, which in his opinion could not be justified by the emergency of the war. Banerjea was willing to give 'whole hearted support' to the aspects of the act that pertained to military and naval considerations, but expressed concern regarding elements absent from the British version of the act. These included the prohibition of promoting feelings of enmity and hatred between different classes, as well as the creation of tribunals capable of trying offences under the Penal Code which were punishable with death or transportation. The Indian Association similarly protested the fact that the new law was issued by the government without any opportunity for public discussion beforehand. The *Leader* in Allahabad, which served as a platform for figures as influential as Motilal Nehru and Gandhi, worried about the act's 'needlessly and undesirably extended scope.' While the widely-circulated Lahore *Tribune* admitted the necessity for drastic wartime measures it nonetheless expressed concern that the government rejected 'even the most necessary' amendments that some politicians proposed to prevent abuses of power.<sup>72</sup>

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<sup>70</sup> One of many such examples can be found in the passage, 'Hasten and prepare for mutiny ... Fight for the sake of your country, do not fear at all. It is a glorious thing to die fighting ...' in 'Gadr di Gunj' (Echo of Mutiny) published by the Yugantar Ashram, San Francisco, U.S.A. Proceedings, June 1914, Home Department Political A, NAI, Nos. 110-111, pp. 3-4.

<sup>71</sup> *The Bengalee*, 19 March 1915, p. 1.

<sup>72</sup> *Ibid*, pp. 1-2.

By contrast, the reactionary *Englishman* wrote that the only problem with the Defence of India Act was that it had not been introduced sooner, as conciliation and repression could not 'soothe the savage beast of the 'bhadralog' (sic) dacoit and Terrorist ... To speak of 'conciliatory statesmanship' - which is merely a euphemism for weakness - as a means of dealing with these disorders is contemptible rubbish.'<sup>73</sup> In softer language, the prominent Gujarati Muslim businessman, Fazalbhoy Currimbhoy Ebrahim, supported the act despite his distaste for 'drastic enactments and retrograde laws' because he felt convinced that 'in a moment of grave national crisis like the present one the political rights of the individual must give way. The one desire of every Indian was to help the Government to the fullest extent to prosecute this war to a victorious termination.'<sup>74</sup>

Although the act provoked a range of different reactions from disparate Indian and British newspapers and political figures, there was nonetheless a reasonably widespread consensus that special measures designed to meet the emergency of the war with Germany were not necessarily distasteful in and of themselves. The Germans did in fact hope to exploit anti-British sentiment in India and other parts of the empire as a means of destabilizing the war effort of Britain and its allies. This tactic was first put forward in the widely read *Germany and the Next War* by Friedrich von Bernhardi, published in 1911.<sup>75</sup> Following the outbreak of war, German officials embarked on a number of plots for destabilizing British rule in Ireland, India, and parts of the Middle East.<sup>76</sup>

Although the Singapore mutiny and the Lahore conspiracy both ended in failure, both seriously destabilized British confidence, while emboldening other revolutionaries by highlighting the precariousness of colonial rule. These also occurred within the context of a wider global outbreak of anti-colonial insurgency that would achieve its strongest culmination in the Easter Rising of 1916 in Dublin, when Irish Republicans mounted a bloody revolt against British colonial authorities with German support.<sup>77</sup> While a small group

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<sup>73</sup> *Ibid*, p. 4.

<sup>74</sup> *The Statesman*, 19 March 1915, p. 8.

<sup>75</sup> Friedrich von Bernhardi, *Germany and the Next War*; trans. Allen Powles (London: E. Arnold, 1912).

<sup>76</sup> These plans are recounted in detail in Peter Hopkirk, *On Secret Service East of Constantinople: The plot to bring down the British Empire* (London: John Murray Publishers Ltd., 1994). See also Popplewell, *Intelligence and Imperial Defence*.

<sup>77</sup> There is extensive literature on the Easter Rising. For a survey of the recent scholarship, see John Borgonovo, 'Review article: Revolutionary violence and Irish historiography', *Irish Historical Studies* 38, 150 (2012), pp. 325-331. For some particularly good accounts, see Paul McMahon, *British Spies and Irish Rebels: British intelligence and Ireland, 1916-1945* (Woodbridge: Boydell Press, 2008), Geoff Sloan, 'The British State and the Irish Rebellion of 1916: An Intelligence Failure or a Failure of Response?', *Intelligence and National Security* 28, 4 (2013), pp. 453-494, and Keith Jeffery, *1916: A Global History* (London: Bloomsbury, 2015).



of Indian students studying in Dublin at the time formed an ambulance corps to assist those injured in the rebellion, others such as future President of India V.V. Giri held close links with Irish revolutionaries and saw the war as an opportunity for anti-colonial nationalists from both Ireland and India.<sup>78</sup>

A year before the Easter Rising, however, Indian revolutionaries in North America and Southeast Asia planned a less well known but equally ambitious insurgency. In it, revolutionaries connected to the Ghadar movement sought to smuggle a large shipment of arms into Calcutta, with the aid German intelligence services.<sup>79</sup> In March of 1915, Ghadar revolutionaries in America in cooperation with German agents acquired two ships, the *Annie Larsen* and the *Maverick*, with the intention of transporting some 30,000 rifles and revolvers to the island of Java in the neutral Dutch East Indies. From there, they would be sent on to Calcutta on a number of small fishing boats in time for a large scale uprising on Christmas Day. This would coincide with a second uprising in Burma, at the time still a part of British India, that would be instigated using weapons brought in from neighbouring Thailand. The final element to this bold plan would be a raid on the infamous Andaman Islands, where the numerous veteran revolutionaries under detention would be liberated to join the uprising against the Government of India.<sup>80</sup>

Despite its ambitions, this conspiracy fell apart due to a combination of the extensive scope of British intelligence operations in North America and Southeast Asia, as well as poor coordination on the part of both the Indian revolutionaries and their German accomplices.<sup>81</sup> Despite waiting for a month at the agreed meeting point, the schooner *Annie Larsen* was unable to meet up with the larger ocean-going *Maverick* in time to transfer the firearms that the revolutionaries loaded into the *Annie Larsen's* cargo hold. Unable to find the *Annie Larsen* and the promised shipment of arms, the *Maverick* sailed across the Pacific only to arrive empty-handed in the Dutch East Indies. At the same time, some 5,000 rifles and 500

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<sup>78</sup> See Conor Mulvagh, *Irish Days, Indian Memories: V.V. Giri and Indian law students at University College Dublin* (Dublin: Irish Academic Press, 2016).

<sup>79</sup> Irish and Irish-American sympathizers with India's freedom struggle also played a crucial role in this plot, as Matthew Erin Plowman has shown. Plowman, 'Irish Republicans and the Indo-German Conspiracy of World War I', *New Hibernia Review* 7, 3 (2003), pp. 80-105.

<sup>80</sup> *Sedition Committee Report*, p. 124.

<sup>81</sup> For fuller accounts of the *Annie Larsen* affair, see Hopkirk, *On Secret Service*, pp. 179-194 and Popplewell, *Intelligence and Imperial Defence*. See also Joan Jensen, 'The 'Hindu Conspiracy': A Reassessment', *Pacific Historical Review* 48, 1 (1979), pp. 65-83, Don Dignan, 'The Hindu Conspiracy in Anglo-American Relations during World War I', *Pacific Historical Review* 40, 1 (1979), pp. 57-76, and Karl Hoover, 'The Hindu Conspiracy in California, 1913-1918', *German Studies Review* 8, 2 (1985), pp. 245-261. The earliest academic work on the subject was produced by Giles Brown immediately following Indian independence. See Brown, 'The Hindu Conspiracy, 1914-1917', *Pacific Historical Review* XVII (1948), pp. 299-310.

revolvers intended for the Burmese portion of the uprising were loaded on board the *Henry S.* in the Philippines, to be shipped across the South China Sea to a remote area of neutral Thailand. The discovery of a German spy named Vincent Craft, in Singapore by British intelligence services resulted in the full details of the plot becoming known to imperial authorities, resulting in the confiscation of the cargo of the *Henry S.* by cooperative Dutch authorities. Hardinge expressed his relief in a telegram to Austen Chamberlain, the new Secretary of State, stating, 'the German plot for a merry Xmas in India has been scotched.'<sup>82</sup>

Despite these very real and tangible links between German intelligence services and the *Annie Larsen* affair, proving a German connection in the case of other revolutionary conspiracies was sometimes more difficult. As Rash Behari Bose and the other Lahore conspirators chose to place their trust in the Indian Army rather than in the German Foreign Office, colonial officials were unable to prove that the Germans provided any material assistance in the commission of the conspiracy. At issue was the so-called 'hostile association clause', or Rule 12-A(1) of the Defence of India Act, which stipulated that the act applied to those who acted 'with intent to assist the King's enemies.'<sup>83</sup> Although the Special Tribunal admitted an inability to determine whether any communication occurred between the revolutionaries and a foreign enemy, the conclusion was nonetheless that the revolutionaries 'considered themselves as in league with the German enemies of the King Emperor.' Despite the fact that only 'suggestive indications' existed pointing towards the possibility of an understanding between Germany and the Lahore conspirators, the Tribunal determined that this provided sufficient legal grounds for the plot to fall under the purview of the Defence of India Act.<sup>84</sup>

The Tribunal justified this decision primarily on the basis of *Ghadar* publications that made reference to the war with Germany as an opportunity for revolution in India. These publications explicitly referred to the Germans as potential allies and emphasized the role of Britain as the shared enemy of India and Germany. On the 4th of August, 1914, the day that Britain and Germany went to war, a *Ghadar* article entitled 'Bugle of War' exhorted Indian subjects to assist Germany, who could not win the war single-handed. In another issue published in November, *Ghadar* informed its readers that the Germans felt great sympathy for their movement due to their common enemy, and for this reason 'Germany can draw

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<sup>82</sup> Hardinge to Chamberlain, 31 December 1915. Hardinge papers, CUL, p. 78.

<sup>83</sup> Chief Secretary to the Governor of Bengal to Secretary to the Government of India, 10 March 1916, Home Political-A, NAI, 326-327, p. 1.

<sup>84</sup> Judgment of Special Tribunal in Waraich and Singh (eds.), *Ghadar Movement Original Documents Vol. 1*, pp. 336-338.

assistance from us, and they can render us great assistance also.’<sup>85</sup> A later issue declared, ‘Our enemy is hemmed in by the German Lion ... our enemy ... is engaged with Germany ... this is not an opportunity to let slip ... let us start a rebellion.’<sup>86</sup> As indicated by these examples and corroborated by the details of the *Annie Larsen* affair, there is no doubt that many Indian revolutionaries looked to Germany during the war as a potential ally in their struggle for independence. Nonetheless, prosecuting these conspirators under legislation publically justified as a war measure directed specifically at German agents, or those in league with German agents, raised difficult questions regarding the nature of war and enmity.

In order to prosecute the Lahore conspirators under war measures, the Special Tribunal needed to determine that the failed uprising constituted an act of war. Referring to handwritten notes by Rash Behari Bose detailing plans drawn up for the uprising, the Tribunal concluded, ‘That they were badly armed and generalised, that they were out on a hopeless and ridiculous task, makes no difference: they formed an actual array waging war.’<sup>87</sup> In the supplementary case that followed, the counsel for the defence put forward the argument that the facts under review, even if proven true, did not amount to a waging of war but rather would need to fall under the category of a lesser offence such as conspiracy. Accepting that in many cases it may be difficult to draw a line between an insurrection for a general purpose as opposed to an insurrection directed against the sovereignty of the king, the Tribunal claimed that the details of the Lahore conspiracy indicated that because it was directed against substituting imperial with *swaraj* rule, it could not be considered to be directed towards a general purpose. According to the Tribunal, this made it an act of war, which under Indian law meant that any conspirator who could be demonstrated to have been party to the agreement to wage war would be considered guilty of having waged war himself, regardless of his participation or lack thereof in any particular overt act of war. Based on this definition, there was thus no question that the revolutionaries had waged war against the king, ‘and that every person who has committed any act in pursuance and furtherance of that war ... is guilty of abetting the waging of war.’<sup>88</sup>

Despite the verdict obtained in the Lahore conspiracy case, some officials viewed the specificity with which the Defence of India Act defined the enemy as overly restrictive. On the 10th of March, 1916, the Chief secretary to Lord Carmichael, the Governor of Bengal,

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<sup>85</sup> Ibid, p. 75.

<sup>86</sup> Ibid, p. 336.

<sup>87</sup> Ibid, p. 321.

<sup>88</sup> Ibid, pp. 355.

sent a letter to the Government of India, providing details of a raid in which police arrested around forty revolutionary suspects in Calcutta. Carmichael was concerned that rule 12-A(1) of the act, which specified that arrested persons had ‘intent to assist the King's enemies’, limited his ability to hold the suspected revolutionaries in custody, as there was no evidence that these men were involved in a conspiracy with foreign enemies. Carmichael wrote that the Intelligence Branch elicited valuable information from the prisoners and were confident of being able to learn more, but that under the current law doing so would be impossible. Carmichael thus requested ‘whether those seven words could not be omitted from the rule.’ In reply, the Government of India referred to Carmichael's reading of the rule as ‘unnecessarily narrow’, stating that not all individual cases would provide evidence of a precise connection with German intrigue. Because a close connection existed between the Indian revolutionary movement and German agents, and because the revolutionaries looked to the war as an opportunity for subversion, ‘any attempt in this direction is direct assistance to the King's enemies.’<sup>89</sup>

Various officials proposed a number of other changes for the Defence of India Act at different points during the war, most of which sought to expand the powers provided under the act. In July of 1916, the Government of Bengal proposed that the act be extended so as to make punishable the possession of seditious literature. J.H. Kerr referred to the dissemination of seditious leaflets as an important aspect of the revolutionary movement, which facilitated and incited the spread of violence. Referring to the existing legal safeguards as insufficient, Kerr likened the proposed amendment to the Explosive Substances Act of 1908, which penalised the possession of explosives, and suggested that there was ‘no apparent reason why the possession of the revolutionary literature ... should not be treated in the same manner.’<sup>90</sup> Some officials viewed this proposal with suspicion, such as G.R. Lowndes who argued that rules under the Defence of India Act must be directly tied to the existing state of war. Because sedition and revolutionary violence in Bengal were not a product of the war and existed long before the war began, Lowndes wrote that measures for their repression could only be regarded as war measures ‘in so far as internal sedition is more dangerous in war time and handicaps us in the prosecution of the war.’<sup>91</sup> Reginald Craddock believed that the amendment could be acceptable if it was proposed in a more restricted form that

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<sup>89</sup> Chief secretary to Governor of Bengal to Secretary to the Government of India, 10 March 1916, Home Political A, NAI, 326-327, p. 1.

<sup>90</sup> J.H. Kerr to the Government of India, 15 July 1916, Home Political A, NAI, 302-311, p. 12.

<sup>91</sup> G.R. Lowndes, 18 August 1916. Home Political A, NAI, 302-311, p. 3.

differentiated revolutionary propaganda from 'ordinary' sedition. For Craddock, the 'relative degree of mischief likely to follow is the justification for discrimination between incitements to revolutionary crime, and mere seditious writings.'<sup>92</sup> Nonetheless, Hardinge ultimately concluded that the proposal was open to too many potential legal and political objections, and rejected it at the last minute.

Another proposal put forward for modification of the Defence of India Act was the suggestion that British subjects born in Europe, and their descendants, should be made exempt from trial by Special Tribunal under the act. Although officials in the Legislative Department wrote that such a clause was 'intentionally omitted from the Act for political reasons', Henry Wheeler issued confidential instructions to ensure that in practice no European British subject should be tried for any offence by a Special Tribunal, 'as otherwise the defence might be tempted to raise the question of the validity of the Act.'<sup>93</sup> Annie Besant, a prominent British theosophist and advocate of Indian and Irish self-rule, who was detained under the act in June of 1917, did indeed challenge the validity of this law. Besant sent a petition to the king on the 31st of July, in which she stated that her arrest constituted an 'invasion of the liberty of your petitioner for which there is absolutely no justification in fact.' Denying that the Defence of India Act fit the stringent requirements of the Defence of the Realm Act in targeting only those involved in definitive operations calculated to prejudice the safety of the realm in a time of war, Besant called the Defence of India Act unconstitutional and illegal.<sup>94</sup>

Attempts were also made to enhance the Defence of India Act's provisions with regard to transporting those detained under it. Because police information regarding revolutionary conspiracies relied so heavily on the testimony of detainees, one official pointed out that the examination of these people should be conducted as soon as possible following their arrest, and that the examination should be carried out by officers 'with an intimate and complete knowledge of all developments.'<sup>95</sup> This meant that in cases where revolutionaries travelled from one province to another, government officials sought a means of transferring suspects back to their home province as expediently as possible, so as to ensure that a thorough questioning could be conducted by intelligence officers familiar with the language and local context of the suspect. The Government of India approved this

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<sup>92</sup> R. Craddock, 21 August 1916. Home Political A, NAI, 302-311, pp. 3-4.

<sup>93</sup> Henry Wheeler, 8 July 1915. Home Political A, NAI, 479-481, pp. 1-4.

<sup>94</sup> Mrs. Besant's petition to the King in Council, on the subject of the validity of the Defence of India Act, 31 July 1917, Home Political B, NAI, 334, p. 6.

<sup>95</sup> Hugh McPherson to Sir James DuBoulay, 11 March 1917, Home Political A, NAI, 175-177, p. 2.

measure and added it as an amendment after Sub-Rule (3) of Rule 12-A under section two of the Defence of India Act on the 10th of April, 1917.<sup>96</sup> In June of the same year, officials sought a further amendment to empower local governments to deport a person out of British India, should it be deemed necessary for public security as defined under the Defence of India Act. This amendment was ultimately agreed to and the Government of India notified local authorities on the 12th of July, 1918.<sup>97</sup> The central government viewed these attempts to amend the act as going too far, however, when the Government of Burma requested that the Defence of India Act be extended to empower local governments to deport from military stations any women believed to be infected with venereal disease. The Government of India replied that such an amendment would ‘involve a most unjustifiable and undesirable’ straining of the act, and did ‘not consider it desirable to pursue the matter any further.’<sup>98</sup> This incident indicates both the malleability of the concept of public security, as well as the way that this concept could be strained to its limit under the expansive interpretability of war measures.

### **The Sedition Committee and War Measures in Peacetime**

Despite astonishing advances early in 1918, the German war effort collapsed following renewed offensives in the summer by Britain, France, and the United States of America, leading to the defeat of the Central Powers and the end of the First World War on the 11th of November. The end of the war in Europe raised questions regarding the fate of the Defence of India Act, which was justified all along as an explicit war measure, as this chapter argues. Government officials in India were always aware that the provisions of the act only extended up to six months following the end of the war, meaning that the question of how to proceed in peacetime provided an object of concern ever since the act was first introduced. On taking over the Governorship of Bengal from Lord Carmichael in 1917, Lord Ronaldshay announced in a speech that it could not be emphasized enough that ‘sedition in Bengal began long before the war and that it will not end with the return of peace. It has to some extent been checked by the special measures adopted during the war, but if Government is no longer able to rely on such measures ... there can be little doubt that outrages again become

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<sup>96</sup> Government of India Home Department notification, 10 April 1917, Home Political A, NAI, 175-177, p. 5.

<sup>97</sup> Government of India to all local Governments, 12 July 1918, Home Political A, NAI, 64-65, p. 7.

<sup>98</sup> Secretary to the Government of India to the Secretary to the Government of Burma, 25 August 1916, Home Political B, NAI, 359-360, p. 7.

frequent.’<sup>99</sup> Despite initially insisting that the emergency measures adopted were required because of the exceptional circumstances of the war, the prospect of peace led officials to reframe the war measures as having done little more than to plaster over the cracks of a problem that would re-emerge the moment that the repressive laws expired.

To determine the value and effectiveness of this wartime legislation, two judges were assigned the job of assessing the arrests made under the Defence of India Act, Regulation III of 1818, and the Ingress into India Ordinance. The primary goal in appointing these judges was not to test the fairness of the war measures, but rather to diminish popular suspicion towards the provisions of the emergency laws, and to ‘remove from the hands of certain politicians a weapon which they use against Government’, according to Sir Michael O’Dwyer, the Lieutenant-Governor of the Punjab. According to O’Dwyer, the Defence of India Act was designed to help the executive government cope with exceptional conditions, meaning that the conclusions of the judges should not serve to undermine the act. For this reason, O’Dwyer proposed that the executive should have the freedom to decide which cases were to be reviewed, and when.<sup>100</sup> The idea for the secret tribunal, consisting of two judges eligible for promotion to the High Court, one of whom should be Indian, was first introduced by Sir William Vincent, who pointed out that the average person in India viewed the Defence of India Act as leaving power in the hands of the hated Criminal Investigation Department. Lord Willingdon agreed, arguing that it was not enough ‘that a Government should be satisfied in its own mind that it is acting justly and fairly in each case’, but was equally or even more important ‘that the public at large should feel and appreciate that it is so acting.’ Willingdon thus hoped that appointing a tribunal to review the work of the emergency laws would help remove public distrust for these measures, as well as removing the ‘Star Chamber’ character of the orders’ and give the actions taken under them ‘some sort of judicial guarantee.’<sup>101</sup>

The two judges selected for the review of the evidence were Sir Narayan Chandavarkar, a well respected politician and Hindu reformer who served on the Bombay High Court, and C.P. Beachcroft, who presided over the famous Alipore bomb case from 1908 to 1909. In total, the judges examined 806 cases, including 702 prisoners interned under the Defence of India Act, as well as 100 being held under Regulation III, and the remainder

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<sup>99</sup> Lord Ronaldshay speech in Legislative Council, 12 December 1917, Home Political, NAI, 1924 & K.-W.F. 379/l., p. 4.

<sup>100</sup> Sir Michael O’Dwyer to Sir William Vincent, 17 September 1917, Home Political A, NAI, No. 1-9 & K.-W., p. 1.

<sup>101</sup> Lord Willingdon to Sir William Vincent, 17 September 1917, Home Political A, NAI, No. 1-9 & K.O-W., pp. 3-4.

under the Ingress into India Ordinance. Of all of these cases the judges determined only six in which they found insufficient evidence to warrant charging the accused with acting ‘in a manner prejudicial to the public safety or the defence of British India’, but it is important to note that only 167 of the prisoners were willing or able to produce written testimony in their own defence. Aside from weighing the evidence collected against the suspected revolutionaries and assessing the efficacy of wartime legislation, the report prepared by Chandavarkar and Beachcroft also made an important argument regarding the difference between ordinary and revolutionary crime. According to the judges, ordinary crime was not concerned with ‘upsetting the Government and striking at its very foundations and authority’, whereas revolutionary crime was ‘collective and continuous in its operation.’<sup>102</sup> This set revolutionary violence apart as a special kind of crime, containing within it an endless potential for violence that could only be met by indefinitely extended emergency measures.

Alongside the judgment drawn up by Chandavarkar and Beachcroft, officials also determined that it was necessary to produce a comprehensive report to assess the full scope of the revolutionary movement in India and its global connections. As with the work of the judges' tribunal, this committee would be tasked with justifying the extension of war measures in peacetime and pre-empting public criticism by lending judicial authority to the actions of the executive.<sup>103</sup> The committee was hand-picked through careful selection by the Secretary of State and the Government of India, with Sir Sidney Rowlatt, who previously sat on the King's Bench Division of the High Court, chosen as committee President. Other members appointed to the committee included: Sir Basil Scott, the Chief Justice of Bombay; C.V. Kumaraswami Sastri, a judge from the High Court of Madras; Sir Verney Lovett, a member of the Board of Revenue; and P.C. Mitter, an additional member of the Bengal Legislative Council. The committee secretary was J.D.V. Hodge of the Indian Civil Service. Initially some officials recommended S.R. Das as a member of the committee, but others pointed out that despite his qualifications, his role as officiating standing council could ‘detract from any weight which might otherwise be attached to his report.’ Given that the goal of the report was to ‘convince the sober-minded majority of the public of the gravity of the danger from the revolutionary conspiracy in Bengal’, it was desirable to ‘avoid any possibility of an insinuation that the Committee (had) been packed.’ For this reason, Provash

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<sup>102</sup> *Report of Sir N. Chandavarkar and Mr. Justice Beachcroft on detenus and internees in Bengal*; P.P. 1918 (Cmd. 9198) viii, p. 110.

<sup>103</sup> S.R. Hignell to L. Davidson, 20 October 1917, Home Department Political A, NAI, 472-503, p. 6.



Chandra Mitter was viewed as a safer choice.<sup>104</sup> The Bombay Government expressed some concern that this selection may not be suitable for the task at hand due to its overly judicial character and asked whether the committee might be strengthened by the addition of a government official with experience on the executive side. S.R. Hignell of the Government of India dismissed this argument, pointing out that maintaining the judicial appearance of the committee would provide greater weight to its conclusions.<sup>105</sup>

The official purpose of the committee, as described in the official resolution published in the Gazette of India, was to ‘investigate and report on the nature and extent of the criminal conspiracies connected with the revolutionary movement in India’ and to ‘examine and consider the difficulties that have arisen in dealing with such conspiracies and to advise as to the legislation, if any, necessary to enable Government to deal effectively with them.’<sup>106</sup> To this end, the committee published a comprehensive examination and analysis of the revolutionary movement, beginning with the assassination of two British officials at Poona in 1897, and continuing through to describe the swadeshi agitation in Bengal, and the transnational scope of revolutionary operations during the war. In the Sedition Committee Report, published in 1918, Rowlatt and his committee identified the ‘terrorism of witnesses’ as one of the main factors necessitating emergency legislation. The intimidation of witnesses, approvers, informants, and other members of the Indian criminal justice system was viewed as hampering the ability of the law to successfully prosecute revolutionaries. By emphasizing the longer history of political violence in India from 1897 to the time of writing, the Sedition Committee also sought to distance themselves from justifications made during the war for the Defence of India Act, which described it as a direct response to the state of war against the German enemy and their collaborators. Instead, the report described revolutionary violence as a fixed feature of current Indian politics that imperiled the rule of the law and the safety and security of the Indian people.<sup>107</sup>

In this report, the category of ‘terrorism’ appeared, albeit briefly, as a means of justifying the necessity of extending the war measures of the Defence of India Act into peacetime. Appearing in some sporadic references before this point, the term ‘terrorism’ within the Committee’s report connoted a very particular meaning – the use of violence to ‘terrorise’ witnesses, informants, juries, and other cogs in the apparatus of the imperial legal

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<sup>104</sup> H.L. Stephenson to S.R. Hignell, 31 October 1917, Home Department Political A, NAI, 472-503, p. 10.

<sup>105</sup> S.R. Hignell to L. Robertson, 22 November 1917, Home Department Political A, NAI, 472-503, pp. 13-14.

<sup>106</sup> *Sedition Committee Report*, p. i.

<sup>107</sup> See *Sedition Committee Report*, particularly pages 181-212.

regime. The term ‘terrorism’ appears only eight times in the 226-page report, always with a very particular meaning. In the first usage, the report refers to a ‘program of violence and terrorism’, referencing a state of affairs generated by revolutionary activity, rather than a particular act of political violence. In the remaining references, however, the report refers to terrorism as underlying the difficulty of obtaining legal evidence due to the murder or intimidation of witnesses and juries. The length of Indian trials is further provided as an explanation for the proliferation of this ‘terrorism’, as it is said to provide greater opportunity for revolutionaries to target members of the prosecution in order to ensure a favourable outcome for their co-conspirators.<sup>108</sup>

Through this rationalization, the legislation proposed by the Sedition Committee effectively sought to extend into peacetime the core principles of the Defence of India Act, such as the possibility for political offenders to be tried without a jury, as well as the detention of suspects without trial. This emergency law, called the Anarchical and Revolutionary Crimes Act of 1919 but popularly referred to as the Rowlatt Act, was warmly welcomed by British officials, as well as a number of Indian legal experts, who saw it as a necessary weapon in the continuing war against the Indian revolutionary organisations. Justice Mullick, an Indian judge, wrote of the revolutionary movement and the legislation proposed to counter it, ‘the disease being now chronic, I have no hesitation in recommending that the remedies should be such as to be capable of permanent application.’ Mullick worried that temporary legislation would be ‘worse than useless’, as it would provide a ‘source of weakness’ and provide ‘the enemies of government a weapon for creating ill-will and suspicion at periodic intervals.’<sup>109</sup> Similarly, government official W.F. Rice argued that ‘war legislation proper’ did not need to remain permanently on the Statute Book because ‘the emergency of the great European war will be recognised by all if it should ever recur ... The existence of a state of war is a solid concrete fact that cannot be denied.’ By contrast, the existence and potential danger of a renewal of revolutionary violence in India was, according to Rice, something that would be hotly debated by large sections of the Indian public, thus slowing the ability of government to immediately implement new emergency laws.<sup>110</sup>

This question of public recognition was central to the goals of the Sedition Committee, which sought to publicize the activities of the Indian revolutionaries as a way of

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<sup>108</sup> Ibid, pp. 151, 182, 188, 190, 201.

<sup>109</sup> Mr. Justice Mullick, 24 September 1918, Home Political A, NAI, Nos. 45-72 & Appx. & K.-W., p. 16.

<sup>110</sup> W.F. Rice to Secretary to the Government of India Home Department, 12 September 1918, Home Political A, NAI, Nos. 45-72 & Appx. & K.-W., p. 51.

winning over support for emergency legislation. One suggestion made for communicating the findings of the Sedition Committee Report to a broader audience was the recommendation that the report be published in vernacular newspapers. Given that vernacular papers were likely to quote parts of the report one way or the other, some officials asserted that at least an official translation would ensure authenticity. Sir Michael O'Dwyer was strongly in favour of this idea, stating that it would help allay the danger of the public being misled or misinformed by coverage of the report in Indian newspapers. O'Dwyer believed that the wider the readership of the actual text, the greater the likelihood of people accepting the recommendations of the Committee with regard to emergency legislation.<sup>111</sup> Sir Charles Cleveland suggested issuing a recommendation for local governments to publish vernacular translations of the report in order to disseminate the ideas contained within it to as wide a readership as possible, but also noted that translations also shouldn't be pushed onto an unwilling or indifferent public in parts of India where revolutionary violence was less prominent. Ultimately, the governments of Punjab and the United Provinces decided to issue official vernacular translations, but all other local governments refrained.<sup>112</sup>

The Sedition Committee Report and the accompanying Rowlatt Act attracted strong criticism from Indian politicians, lawyers, and nationalists. On the 23rd of September, 1918, Ganesh Srikrishna Khaparde, a well-known lawyer, political activist, and scholar, proposed a resolution in the Imperial Legislative Council recommending that the proposals of the Sedition Committee be held in abeyance until a 'thorough and searching' enquiry could be undertaken by a mixed committee of official and non-official Indians into the working of the Criminal Investigation Department. Khaparde raised concerns about the methods by which intelligence officers collected the information on which the report based its findings, and argued that a review of its work was a necessary first step towards accepting its recommendations. Concerns over the report were also raised by Muhammad Ali Jinnah, who argued forcefully that 'no civilized Government will accept, no civilized Government will ever dream of putting those recommendations in the form of laws.'<sup>113</sup> For many Indian lawyers and politicians, the proposed Rowlatt Act could too easily be deployed as a method of suppressing 'legitimate' political dissent, despite the insistence of government officials that it was intended only towards the eradication of violent criminal conspiracies. As the Indian

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<sup>111</sup> O'Dwyer to Vincent, 30 August 1918. Home Political Deposit, NAI, No. 31, pp. 3-4..

<sup>112</sup> Sir Charles Cleveland, 11 September 1918, Home Political Deposit, NAI, No. 31, p. 5.

<sup>113</sup> Extract from proceedings of Indian Legislative Council assembled under provisions of Government of India Act, 23 September 1918, Home Department Political A, NAI, No. 159, pp. 3-24.

politician and freedom fighter Madan Mohan Malaviya pointed out in March of 1919, the act made reference to the word 'revolutionary' but did not provide a clear definition for this word, creating the potential for ambiguity and misuse. Sir William Vincent dismissed these concerns out of hand, arguing that 'to an ordinary man in the street the meaning of the word revolutionary was clear ... It could not be applied to any but a criminal movement.' Vincent said that although the word 'might be used loosely by partisan newspapers ... it did not follow that responsible authorities would place any but the accurate definition upon the word.'<sup>114</sup>

Even Edwin Montagu, the Secretary of State for India, held concerns regarding the provisions of the Sedition Committee Report, calling them 'most repugnant to my mind.' Despite a desire to stamp out revolution, Montagu confided to the Governor General and Viceroy of India, Lord Chelmsford, that he despised the suggestion of preserving the Defence of India Act in peace time.<sup>115</sup> Chelmsford wrote back to say that he found Montagu's attitude troubling, as before the war, the inadequacy of the ordinary law created endless difficulties for the India Office, the Bengal Government, and the Government of India. Chelmsford maintained that only the outbreak of war and the passing of the Defence of India Act allowed a temporary reprieve from revolutionary violence, and that only the maintenance of similar measures would keep Bengal secure following the end of the war.<sup>116</sup> Montagu clarified that he did not dispute the necessity for action to be taken, but simply that he was unhappy with the methods proposed in the Report. Montagu wrote that he would like to introduce a process of law that would help ameliorate the situation, while what he would dislike would be the preservation of an act comparable to one issued in a time of war, pointing out that such an act would never be accepted in Britain during a time of peace.<sup>117</sup>

The concern that the Rowlatt Act could be used to stifle non-violent forms of political protest gained greater impetus following the Jallianwala Bagh massacre in Amritsar. Protest against the act was not confined to the Imperial Legislative Council, but provided the catalyst for widespread disaffection and protest throughout India, as nationalists felt that the repressive measures were a complete betrayal of the Indian people following the heavy losses incurred by Indian troops during the war. When thousands of protesters gathered in the garden of Jallianwala Bagh in the centre of Amritsar on the 13th of April, 1919, to condemn the provisions of the Rowlatt Act, General Dyer ordered his soldiers to fire hundreds of

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<sup>114</sup> *The Bengalee*, 14 March 1919, p. 6.

<sup>115</sup> Montagu to Chelmsford, 10 October 1918, Chelmsford Papers, Mss Eur E 264, p. 149.

<sup>116</sup> Chelmsford to Montagu, 19 November 1918, Chelmsford Papers, Mss Eur E 264, pp. 233-4.

<sup>117</sup> Montagu to Chelmsford, 23 December 1918, Chelmsford Papers, Mss Eur E 264, p. 205.

rounds of ammunition into the unarmed crowd, killing an estimated 379 civilians.<sup>118</sup> This atrocity attracted widespread disgust and condemnation, despite the efforts of the government to control coverage of the massacre within the metropolitan press.<sup>119</sup> It was within this context that Mohandas Gandhi's mass politics of non-violent non-cooperation emerged as the locus of popular anti-colonial nationalism. Although Montagu and Chelmsford implemented a series of reforms six months later which transferred some executive responsibility to the provinces of colonial India and expanded the franchise, these reforms came too late and provided too little to assuage public opinion. To make matters worse, under the Montagu-Chelmsford reforms sovereign authority remained consolidated in the office of the Viceroy, who remained accountable to only London. Despite the repeal of the Rowlatt Act and the promise of further constitutional reforms, the controversy surrounding the colonial government's attempt to extend war measures into a time of peace seriously undermined the legitimacy of British rule and fundamentally transformed the political landscape of colonial India.

## Conclusion

While the occasion of the First World War provided an unprecedented opportunity for Indian revolutionaries to challenge imperial sovereignty through a series of ambitious plots, the conflict similarly provided the occasion for the Government of India to deploy emergency powers that were legitimized through a language of war and the construction of particular forms of enmity. By erasing the longer anti-colonial pre-history of revolutionary organisations such as Ghadar, and instead portraying them as collaborators with the German enemy, imperial officials sought to legitimize the extension of extraordinary legislation that would otherwise have been much more difficult to justify. Despite their claim to be nothing more than war measures necessitated by a particular state of emergency, these laws retained a degree of malleability that allowed them to strain the limits of executive authority under the expansive category of public security. Towards the end of the war, officials returned to earlier arguments regarding the supposed dangers posed by 'political criminals', but in the increasingly politically charged context of the interwar these arguments were given far less

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<sup>118</sup> French, *Liberty or Deat*, pp. 31-34. For more on the massacre and its consequences, see V.N. Datta and S. Settar (eds.), *Jallianwala Bagh Massacre* (Delhi: Pragati Publications, 2000) and Kim Wagner, "Calculated to Strike Terror': The Amritsar Massacre and the Spectacle of Colonial Violence' *Past and Present* 233, no. 1 (November 2016), 185-225.

<sup>119</sup> Kaul, *Reporting the Raj*, pp.199-225.

credence. This is apparent in the comparatively mild reaction to actions taken under the Ingress into India Ordinance, as opposed to the mass agitation that followed the passage of the Rowlatt Act following the end of the war. In fuelling the expansion of both anti-colonial revolutionary networks and imperial laws of emergency, the First World War marks an important bridge between the pre-war language of sedition discussed in Chapter 1 and the construction of the new legal categories of 'terrorism' and 'the terrorist' that came to dominate interwar understandings of political violence.

### Chapter 3: Constructing 'The Terrorist' in Bengal, 1919-1935

#### Introduction

Although the First World War saw an unprecedented expansion of imperial networks of surveillance, it was during the period from 1919 to 1947 that, as Patrick French demonstrates, 'British authorities in India operated a surveillance and intelligence operation of great skill against the forces of nationalism.'<sup>1</sup> Contrary to Richard Popplewell's assertion that British surveillance was primarily concerned with violent revolutionaries and paid little attention to more mainstream non-violent nationalists,<sup>2</sup> the release of the records of the Indian Political Intelligence department demonstrates the scale of surveillance to which these politicians were subjected during the interwar.<sup>3</sup> During the war's immediate aftermath, India was rocked by inflation, an influenza epidemic, and the Third Anglo-Afghan War. Many Indians saw the introduction of the repressive Rowlatt Act as a betrayal, particularly in light of the role of Indian troops in helping to secure Britain's victory during the war. Although never intended for non-European colonial possessions, the promise of self-determination raised by the American President Woodrow Wilson encouraged nationalist aspirations around the world.<sup>4</sup>

As a concession to public and political opinion following India's massive contributions to the war, liberal Secretary of State Edwin Montagu introduced a small measure of constitutional reform meant to produce 'the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire.'<sup>5</sup> Montagu negotiated his proposals with the far more conservative Viceroy, Lord Chelmsford, and became known as the Montagu-Chelmsford reforms, an important stepping stone in the constitutional history of India. These reforms promised Indians a degree of self-governance through shifting certain responsibilities such as agriculture, education, and health to provincial administrators responsible to an Indian electorate, while matters such as finance, law and order, and policing remained the

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<sup>1</sup> French, *Liberty or Death*, p. 97.

<sup>2</sup> Popplewell, *Intelligence and Imperial Defence*, p. 66.

<sup>3</sup> French, *Liberty or Death*, pp. 97-101.

<sup>4</sup> See Erez Manela, *The Wilsonian Moment: self-determination and the international origins of anticolonial nationalism* (Oxford: Oxford University Press, 2009).

<sup>5</sup> Quoted in French, *Liberty or Death*, p. 35.

jurisdiction of the colonial administration. Although these reforms, enshrined in the Government of India Act of 1919, expanded the number of Indians in administrative roles, many Indian politicians criticised the two-tiered provincial delegation of duties known as diarchy for retaining for the colonial government full executive powers, including the discretionary ability to circumvent the Indian legislature through the promulgation of ordinances.

In seeking to expand the role of Indians in government to a limited degree, the Montagu-Chelmsford reforms also reorganized the Indian legislature. The reforms also expanded the number of Indians within provincial Legislative Councils, and the government created the Indian Legislative Assembly as the lower house of the Indian legislature. The Assembly consisted of 144 members – 103 elected and 41 nominated – with voting based on a heavily restricted franchise determined by income and land ownership. Although the Assembly had authorization to pass laws for all of British India, other than in matters falling under provincial jurisdiction, in practice the executive powers of the Governor General could render the legislature impotent, particularly in any matters relating to the ‘safety or tranquility of British India’. The Governor General could veto any bill put forward by the Assembly, and could similarly certify any bill for which the Assembly denied legislative approval.<sup>6</sup>

The Council of State replaced the Imperial Legislative Council as the upper house of the Indian legislature following the 1919 reforms. It consisted of 60 members, one of whom was chosen by the Governor General to act as President, with the remainder divided between 34 elected members, 19 nominated officials, and 6 nominated non-officials. Franchise for the Council of State was even more restricted than that of the Legislative Assembly, with less than 15,000 voters throughout British India in 1925. Women could not vote and the extremely high property qualifications required ensured that in practice the Council remained ‘a citadel of vested interests.’<sup>7</sup> Although the creation of two levels of legislative authority fell in line with most democratic countries of the time, historians such as Manik Lal Gupta argue that alongside the establishment of a relatively democratic Assembly with an elected majority, the government sought to create an oligarchic Upper House that could be used as ‘an organ of Government legislation.’<sup>8</sup>

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<sup>6</sup> Manik Lal Gupta, *Constitutional Development of India* (New Delhi: Atlantic Publishers & Distributors, 1989), p. 59.

<sup>7</sup> *Ibid*, p. 58.

<sup>8</sup> Gupta, *Constitutional Development*, p. 57.



This critique was equally prevalent among politicians of the time, who saw the reforms as an empty gesture that retained real executive power within the hands of the British imperial government. As a result, the interwar period in India was a time of great political upheaval, with the development of unprecedented mass support for the politics of anti-colonial nationalism. This period also marked the climax of the revolutionary movement in Bengal, as radicals disenchanted by the failure of the non-cooperation campaign soon returned to the tactics of assassination and political violence that they adopted before and during the war. In 1925, the return of revolutionary organizations prompted the Government of India to introduce the Bengal Criminal Law Amendment Act, despite vigorous opposition from within the newly expanded Indian legislatures. Deliberately labelling revolutionaries as ‘terrorists’ out of a desire to ensure that repressive measures would be acceptable to the British Parliament and to Indian moderates, colonial officials succeeded in temporarily suppressing the movement, only to see it return in 1930 in a daring raid on armouries in Chittagong. With political violence reaching unprecedented levels in the early 1930s, colonial officials became increasingly reliant on repressive emergency laws that for the first time began to target ‘terrorism’ as a distinct category of crime. Despite a decline in revolutionary violence after 1934, the concept of terrorism had by then become enshrined as a durable category of colonial discourse.

### **Violence and Non-Violence, 1919-1923**

Following the end of the First World War, Mohandas Karamchand Gandhi emerged as the pre-eminent figure in the anti-colonial politics of India.<sup>9</sup> Gandhi is the subject of more scholarship than any other figure in South Asian history, with his own writings, correspondence, and speeches comprising some thirty million words.<sup>10</sup> Born in 1869 in the fishing town of Porbandar in Gujarat, then part of the Bombay Presidency, Gandhi obtained his education in London before going on to make a name for himself as a lawyer and political organiser in South Africa.<sup>11</sup> Gandhi became best known for his work on behalf of the Indian diaporic community, and particularly his campaign over the Transvaal Government’s Asiatic Registration Bill. Returning to India in 1915, Gandhi supported the war effort and even welcomed a resolution by the Viceroy and Governor General Lord Chelmsford encouraging

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<sup>9</sup> ‘Mahatma’ is an honorific meaning ‘Great Soul’, which is often mistaken for Gandhi’s first name.

<sup>10</sup> French, *Liberty or Death*, p. 18.

<sup>11</sup> For more on Gandhi’s early life see Ramachandra Guha, *Gandhi before India* (London: Penguin Books, 2014).

Indians to join the army.<sup>12</sup> Following the massacre of 379 Indian civilians at Jallianwala Bagh and the controversial Rowlatt Act, however, Gandhi became convinced of the repressive and destructive nature of colonial rule.

From the beginning, Gandhi was critical of revolutionary violence, viewing it as both an ineffective and an immoral strategy that could never produce true independence. Condemning the assassination of Mr. Willouby, a Deputy Commissioner, Gandhi sought to distinguish his program of non-co-operation from movements in Ireland and Egypt that used violence as a political tactic.<sup>13</sup> Commenting on the Anglo-Irish Treaty of 1921 that followed a bloody civil war between British police and Irish Republicans, Gandhi refused to accept the idea that the Irish won freedom through violence. Gandhi argued that it was not the British blood shed by Irish revolutionaries that forced the British to negotiate a truce, but rather the ‘gallons of blood’ willingly shed by the Irish themselves. According to Gandhi, it was ‘not the fear of losing more lives that has compelled a reluctant offer from England but it is the shame of any further imposition of agony upon a people that loves its liberty above everything else.’<sup>14</sup>

Gandhi’s philosophy was thus not so much a wholesale rejection of violence, but rather a strategy that sought to expose the underlying violence of the colonial regime through a willingness for self-sacrifice. Non-violence for Gandhi was not about cowardice, and in fact Gandhi asserted that ‘where there is only a choice between cowardice and violence I would advise violence.’ Gandhi wrote that he would rather have India resort to violence than to see the country dishonoured through cowardice. This meant that non-violence was to consist of ‘conscious suffering. It does not mean meek submission to the will of the evil-doer, but it means the putting of one’s whole soul against the will of the tyrant.’ Such a stance did not come from a place of weakness, but rather of strength, what Gandhi referred to as the ‘strength of the spirit’ through which brute physical violence could be overcome and resisted through the application of *satyagraha*, or soul-force. Arguing that adopting violent methods for the overthrow of the colonial government amounted to blindly copying Europe’s flaws, Gandhi wrote that although taking up the doctrine of the sword may grant India momentary victory, it would also mean forsaking India’s true essence and would provide no true independence.<sup>15</sup>

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<sup>12</sup> French, *Liberty or Death*, p. 26.

<sup>13</sup> *Young India*, 1 September 1920, p. 2.

<sup>14</sup> *Young India*, 15 December 1921, p. 12.

<sup>15</sup> *Young India*, 11 August 1920, pp. 3-4.

Following Gandhi's arrest and the collapse of his political program of non-violent non-co-operation, revolutionary ideas began to once again gain traction in some political circles in India, particularly in Bengal. In an article titled 'What Became of the Bombs?' published in *Young India* following Gandhi's arrest, the author pointed out that revolutionary crimes vanished throughout the duration of Gandhi's political campaign, and attributed this to the non-violent philosophy of the Mahatma.<sup>16</sup> Many saw the government's repression of Gandhi's campaign as evidence that only violent methods could successfully combat the autocratic authority of the colonial regime. Lord Lytton, the Governor of Bengal, justified the repressive measures taken against nationalist protesters by stating that anywhere where breaches of the law took place and disorder was fomented, it was an 'elementary duty' of Government to suppress such agitation.<sup>17</sup> As revolutionary conspiracies once more began to be reported in 1923 following the dwindling of Gandhi's movement after Chauri Chaura, *Young India* lamented the fact that 'secret conspiracies for political violence have once again become a moral possibility. Such a situation was impossible in 1921.'<sup>18</sup>

In fact, some revolutionaries never gave up on the hope of instigating an armed rising against British rule, but simply required some breathing space to rebuild networks and stockpiles of arms decimated during the war. In 1920, immediately after the release of political prisoners initiated by the King's proclamation of amnesty in 1919, Pulin Behari Das of the Anushilan Samiti formed the Bharat Sevak Sangha, although this revolutionary society quickly disintegrated. Other revolutionaries from Jugantar still maintained the belief that only an armed revolution would bring about independence, but decided that it would be impossible to attract public sympathy due to the popularity of Gandhi's non-violent philosophy at that time.<sup>19</sup> In 1920, Anil Chandra Ray founded the Dacca Sri Sangha, a new revolutionary organisation that successfully acquired a few revolvers by 1923 and reached a membership of around 50 by the end of 1924. Ray's goal was to slowly build up a strong, secret party that would not provide the government with easy opportunities to crush it by refraining from overt acts of political assassination or robbery. Instead, the Sri Sangha used open activity and social welfare to recruit members, focusing particularly on acquiring young members from well to do families capable of providing funds to the organisation and thus

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<sup>16</sup> *Young India*, 25 May 1922, p. 7.

<sup>17</sup> Lord Lytton, Reply to addresses presented at Khulna, 13 July 1922, NLI, G.P.3209415B436gov, p. 155.

<sup>18</sup> *Young India*, 4 October 1923, pp. 3-4.

<sup>19</sup> Special Superintendent of Police, CID, 6 March 1924, Home Political, NAI, File no. 61, pp. 2-3.

avoid unpopular acts of brigandage, or so-called ‘political dacoity’.<sup>20</sup> Although Gandhi’s famous program of non-violence vastly overshadowed such groups, a new genre of prison memoir began to emerge in this period as the accounts of Barindra Ghose, Sachindra Nath Sanyal, and later V.D. Savarkar began to romanticize revolutionary politics for public consumption, renewing interest in the politics of anti-colonial violence.<sup>21</sup>

During this period, the Dacca Anushilan Samiti was under the control of Narendra Mohan Sen, who strongly opposed dacoity and overt acts of violence due to the fear that it alienated public sympathy that would be necessary for a mass uprising. Sachindra Nath Sanyal, a young lieutenant of Rash Behari Bose, disagreed with Narendra’s caution and from the early 1920s sought to establish a ‘New Violence’ party that would amalgamate the more radical elements from various revolutionary groups and orchestrate sensational acts of violence. This led to a schism within Anushilan between older members more sympathetic to the leftist goal of mass revolution and younger radicals who preferred methods that would come to be defined as specifically ‘terrorist’.<sup>22</sup>

Another important factor in the development of anti-colonial violence during this period is the global impact of the Bolshevik revolution in Russia. In 1917, leftist revolutionaries led by Vladimir Lenin overthrew the provisional government that temporarily took power following an uprising against Czar Nicholas II earlier in the year. This revolution sparked international fears regarding the threat posed to national governments by leftist groups within their own borders. As Anthony Read argues, the Bolshevik revolution internationalised revolution in a way that previous uprisings had not done, despite some of the universalizing claims of 19<sup>th</sup> century revolutionary movements. Events in Russia cast a shadow over the proceedings of the Paris Peace Conference, and influenced the way the British government sought to police labour activists and other so-called ‘subversives’.<sup>23</sup> These events also affected the priorities of imperial intelligence services during the interwar period. Indian Political Intelligence files reveal that the primary targets of colonial security

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<sup>20</sup> R.E.A. Ray, Special Superintendent, IB, CID, Bengal, Report on the Dacca Sri Sangha up to 1929 (Calcutta: Bengal Government Press, 1932), pp. 972-5.

<sup>21</sup> Barindra Ghose, *The Tale of my Exile* (Pondicherry: Arya Office, 1922), V.D. Savarkar, *The Story of My Transportation for Life* (Bombay: Sadbhakti Publications, 1950), Sachindra Nath Sanyal, *My Life in Prison* (Shakshi Prakashan, 2012).

<sup>22</sup> Activities of the Revolutionaries in Bengal from 1<sup>st</sup> September 1924 to 31<sup>st</sup> March 1925, in Samanta, *Terrorism in Bengal*, vol. 1, pp. 367-8.

<sup>23</sup> Anthony Read, *The World on Fire: 1919 and the battle with Bolshevism* (New York; London: W.W. Norton & Company, 2008), pp. 79-83.

forces right up until independence in 1947 included left-wing revolutionaries, politicians, and activists.<sup>24</sup>

There is a huge degree of slippage and overlap between the revolutionary organisations covered in this chapter and the spread of communism in India, with the Dacca Anushilan Samiti for example transitioning to a leftist organisation by the 1930s. Nonetheless, this chapter focuses exclusively on the language of terrorism as it emerged in Bengal. In H.W. Hale's *Terrorism in India, 1917-1936*, the key study of the revolutionary movement produced by the Intelligence Bureau, Hale makes a sharp distinction between terrorism and communism, omitting communism entirely from his narrative. Hale remarks that terrorism, 'as distinct from other revolutionary methods such as Communism or the Ghadr (sic) Movement, may be said to denote the commission of outrages of a comparatively 'individual' nature.'<sup>25</sup>

A similar distinction is made by the renowned Indian communist M.N. Roy, who criticised 'sporadic terrorism' as being just as useless as constitutional nationalism. In his 1924 article 'Appeal to the Nationalists', Roy wrote, 'it is no more possible to win National Independence by killing a number of officials than by a series of Reform Acts passed by the British Parliament.'<sup>26</sup> In reality, the line between communists and 'terrorists' was often not so clear cut, with Roy himself being involved in various plots to smuggle arms into India to be used by those designated as terrorists by the colonial government.<sup>27</sup> For the purposes of this chapter, however, Indian communism is largely excluded from the narrative in favour of an in-depth examination of the origins of the colonial language of terrorism.<sup>28</sup>

Following Gandhi's decision to call off his non-co-operation campaign after the events of Chauri Chaura, Congress was split between the 'No-Changers', who supported his decision, and the Swaraj Party who criticised Gandhi for calling off the entire campaign due to a single violent incident. The Swaraj party, led by Chittaranjan Das – or C.R. Das – and Motilal Nehru, did not advocate violence – contrary to the claims of some British officials – but was unwilling to take such a dogmatic approach towards the ideal of non-violence at the

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<sup>24</sup> For just a small sample of the many examples, see "'Bolshevism" – Govt of India memorandum prepared for the Imperial Conference', August 1923, L/P&J/12/188, File 9106; 'Indian Communists (Great Britain)', May-July 1923, L/P&J/12/143, File 6841A; 'Indian labour: strikes and unrest', January 1935-September 1937, L/P&J/12/138, File 6835E.

<sup>25</sup> H.W. Hale, *Terrorism in India, 1917-1936* (Simla: Government of India Press, 1937), IOR: L/P&J/12/403, p. 1.

<sup>26</sup> Quoted in David Petrie, *Communism in India, 1924-1927* (Calcutta: Editions Indian, 1972), p. 91.

<sup>27</sup> See Manjapra, *M.N. Roy: Marxism and Colonial Cosmopolitanism*.

<sup>28</sup> For more on the communist or leftist aspect of Indian revolutionary politics, see Lausey, *Bengal Terrorism and the Marxist Left*.

expense of Indian independence. Although the Swaraj party adopted 'legitimate' political methods for its goals, with many elected to the central legislative assembly and provincial legislative councils in the 1923 elections, some members did have direct links to revolutionary secret societies.

At a conference at Allahabad in February of 1923, for example, representatives from the Swaraj party chosen to discuss the recent Congress split included renowned revolutionaries such as Pulin Behari Das and Sachindra Nath Sanyal.<sup>29</sup> This should not be taken as evidence that Swaraj politicians necessarily endorsed the adoption of violent means, or were in any way synonymous with the revolutionary movement. Following an alleged plot to assassinate colonial police officers, security forces arrested a number of suspected revolutionaries under the provisions of Regulation III of 1818. Although seven of the ten accused revolutionaries had links to the Bengal Swaraj party led by Das, radicals accused him of failing to protest strongly enough to these arrests, despite resolutions passed at a meeting in Cocanada in which Das and the Swaraj party demanded the immediate and unconditional release of political prisoners and the repeal of repressive laws.<sup>30</sup>

On the 12<sup>th</sup> of January, 1924, a young Bengali man named Gopi Nath Saha shot and killed Ernest Day, an Englishman who Saha mistook for Charles Tegart, the notorious Calcutta police commissioner known as a scourge to the revolutionary movement.<sup>31</sup> Put on trial for murder, Saha expressed regret at having killed an innocent man, stating to Justice Pearson in the High Court, 'I am extremely sorry for the innocent sahib that I have killed and for those who have been wounded. For the soul of the sahib I am praying to God. I do not consider a man my enemy because he is a sahib.' The next day, on the 15<sup>th</sup> of February, when Pearson sentenced Saha to execution, the revolutionary exclaimed, 'May every drop of blood of mine sow the seed of liberty in every Indian home.'<sup>32</sup>

These words were widely compared with those of Madan Lal Dhingra, the young revolutionary who assassinated Sir William Curzon Wylie, the Political Aide-de-Camp to the Secretary of State for India in London in 1909. Following his death sentence, Dhingra

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<sup>29</sup> Special Superintendent of Police, CID, 6 March 1924, Home Political, NAI, File no. 61, p. 7.

<sup>30</sup> Ibid, pp. 8-9.

<sup>31</sup> Tegart had taken a leading role in the suppression of earlier revolutionary networks, with some account claiming that he personally shot and killed Jotindra Nath Mukherjee, a prominent revolutionary leader, in a shootout in the jungle outside Calcutta. For more on Tegart see Michael Silvestri, "An Irishman is specially suited to be a policeman", *History-Ireland* (2000) and J.C. Curry, *Tegart of the Indian Police* (Tunbridge Wells, 1960).

<sup>32</sup> A.N. Moberley, Chief Secretary to Governor of Bengal, to Secretary to the Government of India, 1 September 1924, Home Department Political branch, NAI, F.379, p. 29.

famously stated that his only prayer was to be reborn and die again and again until India achieved its freedom. At the time, even the arch-imperialist Winston Churchill, while supporting the death sentence against Dhingra, called these words ‘the finest ever made in the name of patriotism.’ In a letter to the editor of *Forward* following Saha’s execution in 1924, the anonymous author pointed out that it was entirely possible to separate motive from action and to applaud the patriotism of Saha while condemning his actions, just as Churchill did in the case of Dhingra.<sup>33</sup> Despite this, the political climate of 1920s India made Saha’s action considerably more controversial.

The execution of Saha instigated a storm of coverage in the press. On the 28<sup>th</sup> of February, the Calcutta-based *Sarathi* published an article criticising Saha’s use of violence, while simultaneously celebrating the brave resolve with which the revolutionary accepted his death sentence. The article went on to state that just as ‘the heart of Gopi Nath’s half-frantic mother is wailing out in lamentation, so the heart of all Bengal is wailing for this fearless youth ... vowed to truth.’<sup>34</sup> The author went on to write that as long as acts of government terrorism such as the Jallianwallah Bagh massacre continued, acts of violence like the murder of Day would escalate until India, like Ireland, was engulfed in a ‘terrible Kurukshetra’, a reference to the apocalyptic civil war described in the epic Mahabharata.<sup>35</sup> The *Pravartak* in Chandernagore wrote that Day’s murder was proof that revolution in Bengal was back, but that it was ‘quite natural for human beings to adopt such terrible methods if all other ways of achieving freedom are closed.’<sup>36</sup> While the assassination received the expected condemnation of the English press, many vernacular papers took the opportunity to heap criticism on the repressive nature of colonial rule, celebrating the courage of Saha while distancing themselves from his methods.

Some prominent politicians adopted a similar approach, particularly in Bengal. At its annual conference held at Sirajganj on the 1<sup>st</sup> of June, the Bengal Provincial Congress Committee passed a resolution acknowledging the sacrifice of Saha, while denouncing the violence of his actions. Gandhi opposed this resolution, and in turn moved a resolution at the Ahmedabad session of the All India Congress Committee, condemning Saha’s murder of Day. In response, C.R. Das moved a counter-resolution at the same meeting where he reproduced the text of the Sirajganj resolution. Das was narrowly outvoted by 78 to 70, and

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<sup>33</sup> Letter to the editor of *Forward*, 19 June 1924, Home Department Political Branch, NAI, F.379, pp. 28-9.

<sup>34</sup> *Sarathi* (excerpt), 28 February 1924, Home Department Political Branch, NAI, F.379, p. 26.

<sup>35</sup> *Ibid.*

<sup>36</sup> *Pravartak* (excerpt), 28 February 1924, Home Department Political Branch, NAI, F.379, pp. 27-8.

the Committee backed Gandhi's resolution, reflecting the AICC's continued insistence on non-violence but also the thin margin of support by which it maintained this stance.<sup>37</sup>

Following the murder of Day, an attempt was made on Mr. Bruce, a member of Saha's jury, although this seems to have been another case of mistaken identity in which the intended target was again Charles Tegart. In March, police discovered a bomb factory in Calcutta, causing further panic. At the end of July, revolutionaries distributed propaganda pamphlets known as the 'Red Bengal' leaflets, announcing a campaign of police assassination and calling on Indians to rebel against their colonial oppressors. On the 22<sup>nd</sup> of August, revolutionaries threw a bomb into a cloth shop on Mirzapur Street in Calcutta, killing one man and wounding another.<sup>38</sup>

Of these developments, the distribution of the Red Bengal leaflets marked the most coherent articulation of anti-colonial politics. Written by Sachindra Nath Sanyal, the leaflets proclaimed the failure of constitutional agitation and advocated instead the adoption of assassination and sabotage. These pamphlets are typically ignored within the historiography of Indian nationalism, as is the role of Sanyal, yet both are worthy of careful study. Revolutionaries circulated the first pamphlet to four High Court Judges, the Public Prosecutor who represented the Crown in the Alipore conspiracy case, and the judge who convicted the accused in the Manicktolla Bomb Case, among others. The pamphlet informed the public that the Bengal Revolutionary Council passed a resolution for a 'campaign of ruthless assassination of police officers.' The text warned that anyone who obstructed the work of the revolutionaries in this endeavour or aided the Government in the prosecution of the movement would be 'considered as doing acts highly prejudicial to the best interests of our country' and would thus be 'despatched forthwith.' The leaflet was signed 'President-in-Council, Red Bengal' and was surmounted by a picture of the goddess Kali.<sup>39</sup>

In a subsequent leaflet, Sanyal outlined the goals of the revolutionary movement, acknowledging that 'a few revolvers and bombs and police murders or a little white man's blood spilt here and there' would not be enough to bring independence. Instead, Sanyal and his compatriots pledged their commitment to acting as 'a standing menace to irresponsible tyranny, an abiding retaliation of flagrant misrule, and we mean to stay and work till these lawless laws are in fact wiped out, till government becomes responsible to the will of the

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<sup>37</sup> Nitish K. Sengupta, *Land of Two Rivers: A History of Bengal from the Mahabharata to Mujib* (New Delhi: Penguin Books India, 2011), p. 342.

<sup>38</sup> Resolution published by the Governor of Bengal in a Gazette of India Extraordinary, Calcutta, 25 October 1924, IOR: L/PJ/6/1886, p. 16.

<sup>39</sup> Weekly report of Director, Intelligence Bureau, 6 August 1924, IOR: L/PJ/12/220, pp. 1-2.



people ...'<sup>40</sup> The goal was to wake up the 'sleeping leviathan of potentiality of India' and provide inspiration for an awakening of national consciousness that would render colonial rule impossible. To this end, the leaflet sought to rouse its readers with a stirring call to arms.

The alien tyrant mad with power and pride, riding roughshod over law and justice proclaims there is need of us ... Your Judiciary, who are hushing up dark crimes like these, proclaim from their seat of Justice, there is need of us ... Your own women have come out before the world and in the story they repeat from the witness booth, in the story of their shame they proclaim there is need of us in this land, where the Executive ravish the women, the Judiciary condones them, and the representative of the King, the man at the head of the government insults them.<sup>41</sup>

In November, a new pamphlet titled 'Arise! Awake!' asked how long the people of Bengal would remain asleep and argued that all obstacles to independence must be removed. The pamphlet also pointed to examples in world history to demonstrate the need for violence and sacrifice in achieving national independence.<sup>42</sup> Following the mass arrests that resulted from the declaration of Lytton's ordinance, revolutionaries and radical sympathizers distributed this leaflet widely throughout Bengal, in an attempt to counteract the demoralising effect of the governmental crackdown.<sup>43</sup> Unsurprisingly, the pamphlets attracted scathing criticism from much of the English-language press, with *The Statesman* contemptuously opining that the 'impression left is that the leaflet is the work of a dangerous lunatic who ... deserves not death but a skilled mental treatment till he recovers his balance and sees the world as it is.'<sup>44</sup>

### **From 'Revolutionaries' to 'Terrorists', 1924**

The polarized political context of the mid-1920s posed a serious challenge to British authorities seeking to suppress the re-emergence of revolutionary violence through a renewal of extraordinary legislation of the type deployed before and during the First World War. While emergency laws always provoked a certain level of protest and opposition from within Indian political circles and the vernacular press, the events of 1919 to 1923 created an unprecedented level of mass support for the notion that colonialism's promise of a just rule of law was nothing but a disguise for violent tyranny. As it became clear that revolutionary

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<sup>40</sup> Weekly report of Director, Intelligence Bureau, 27 August 1924, IOR: L/PJ/12/220, p. 6.

<sup>41</sup> Weekly report of Director, Intelligence Bureau, 27 August 1924, IOR: L/PJ/12/220, p. 6.

<sup>42</sup> Weekly report of Director, Intelligence Bureau, 26 November 1924, IOR: L/PJ/12/220, p. 9.

<sup>43</sup> Weekly report of Director, Intelligence Bureau, 3 December 1924, IOR: L/PJ/12/220, p. 11.

<sup>44</sup> *The Statesman*, 28 August 1924, p. 3.

crime was once more on the rise due to a string of ‘outrages’ and foiled plots in Bengal Lord Lytton, the Governor of Bengal, asked Viceroy and Governor General of India Lord Reading for new emergency powers to deal with suspected conspirators. Initially reluctant to sanction any new measures, Reading told Lytton to make use of the existing powers of arrest provided by Regulation III of 1818. Reading’s concern was that the lack of robberies connected to the latest manifestation of the movement would make it more difficult to convince the public of the necessity of the emergency measures proposed. The removal of the war conditions that stifled opposition to the Defence of India Act meant that draconian measures would find a much more critical reception within an increasingly vocal and politically engaged public. According to J. Crerar, the Home Secretary, the political atmosphere during the war was more favourable, and the additional justification of the ‘special peril to a state at war’ of revolutionary conspiracies helped minimize opposition to extraordinary measures that would have attracted heavy criticism during peacetime. Crerar worried that if war conditions enabled the success of the emergency powers, the logical conclusion was that during a time of peace such measures would require stronger and more careful reinforcement.<sup>45</sup>

Based on this assessment, Lytton replied that Regulation III did not provide an adequate solution, as although it allowed for the detention of suspects without trial, it lacked the preventative measures necessary for arresting revolutionaries before they could execute their plots.<sup>46</sup> Regulation III required an application to the local government and the Government of India, slowing down the ability of the authorities to act quickly and decisively in carrying out certain arrests. According to Alexander Muddiman, the Home Member of the Government of India and Leader of the Legislative Assembly, the other problem with the regulation was that it was not conducive to the mass arrests required for crippling a widespread conspiracy. Regulation III provided drastic measures for dealing with the leaders of a conspiracy, but Muddiman asserted that the burden of evidence required by this law was too extensive. Muddiman stated that the case against a revolutionary might rest upon information that would be insufficient for taking action under the Regulation, but that when widespread arrests were carried out against a large number of potential conspirators, the wider net provided ‘a mass of information which threw a floor of light on the persons who

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<sup>45</sup> Note by J. Crerar, 18 July 1924, Home Department Political Branch, NAI, F.379, p. 2.

<sup>46</sup> Earl of Lytton, *Pundits and Elephants. Being the experiences of five years as governor of an Indian province, etc* (London, 1942), p. 61.

took part in the movement and the part which each had played.<sup>47</sup> It was thus the ability to conduct mass arrests based on less information that made a new law desirable.

Officials were also concerned about the relationship between revolutionaries and more mainstream political leaders. Muddiman wrote that C.R. Das ‘joining hands’ with the revolutionaries gave a ‘character and importance’ to the movement that was beyond what it achieved throughout the long history of revolutionary agitation in Bengal. Muddiman viewed the endorsement of the Sirajganj resolution by Das and such a large section of Congress as evidence that, contrary to the repeated public insistence of the government, the revolutionaries enjoyed broad political support. In the eyes of Muddiman and other colonial officials, this indicated that for the first time, the revolutionary movement was ‘able to find support in the political world and to command voices in the legislature and the public bodies.’ Acting through the legislature in passing a new emergency law was out of the question, as it was necessary ‘to strike swiftly and without opportunity for the escape of the enemy.’ According to Muddiman, this could only be done through the promulgation of an ordinance, an act that must come directly through the sovereign authority of the Viceroy. In Muddiman’s words, ‘the authority which makes the ordinance must also be the authority which must judge of the existence of the emergency which would justify it.’<sup>48</sup> This is a succinct, though unintentional, invocation of the German jurist Carl Schmitt’s dictum that the sovereign is he who decides upon the exception.<sup>49</sup>

In late July of 1924, Lytton visited Reading at Simla and argued that Regulation III was indeed proving ineffective at suppressing the growing revolutionary movement, and that such ‘ineffective coercion ... was the worst of all policies.’<sup>50</sup> In September, the Bengal Government laid out its three key justifications to the Government of India detailing why the ordinance was necessary. The first was the increase in assassination plots in 1923 and 1924, including particularly the murder of Day. The second was the volatility of the political situation in Bengal that resulted from the growing influence of the Swaraj party and the increasingly hardline nationalist stance taken by many politicians. The third, and perhaps the most significant of all, was the fear that revolutionaries outside of India would succeed at smuggling a large supply of weapons into Indian territory.

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<sup>47</sup> Alexander Muddiman, 23 July 1924, Home Department Political Branch, NAI, F.379, p. 15.

<sup>48</sup> Alexander Muddiman, 19 July 1924, Home Department Political Branch, NAI, F.379, p. 4.

<sup>49</sup> See Carl Schmitt, *Political Theology: four chapters on the concept of sovereignty*, trans. George Schwab (Chicago: University of Chicago Press, 2005). See also Hussain, *Jurisprudence of Emergency*, pp. 15-6.

<sup>50</sup> Lytton, *Pundits and Elephants*, p. 63.

In September, it came to the attention of the colonial authorities that Rash Behari Bose, the notorious revolutionary involved in both the attempted assassination of Lord Hardinge and the aborted uprising of 1915, was planning to smuggle a large shipment of arms into India to be used by Sachindra Nath Sanyal and other radicals in Bengal.<sup>51</sup> Lytton worried that existing controls on smuggling were insufficient to prevent arms from arriving from other parts of Asia and could see,

no method whatever of defeating this part of the revolutionary programme other than that of dislocating the organisation entirely ... Unless steps are taken to deal with the revolutionaries in this country and to shut down the supplies of funds for the purpose of such importation, it will not be possible to keep out consignments of arms and ammunition, small or great.<sup>52</sup>

Lytton reminded the Government of India that the theft of 50 Mauser pistols from Messrs. Rodda & Co. in 1914 initiated a wave of violence that rendered Bengal almost impossible to govern during the war, and warned ominously, 'If only one consignment were to reach Bengal, it would produce a situation with which Government would be powerless to deal even by martial law.'<sup>53</sup> Lytton insisted that all of this provided evidence that an exceptional state of affairs existed in Bengal and that only exceptional measures would permit him to deal with it.

Defining the exact limits of the exception, however, was not an easy task. In a letter responding to Lytton's request for emergency legislation, Reading indicated the difficulties of establishing exactly when an emergency began and, more importantly, when it could be said to be over. Reading's initial assumption was that an emergency would be a short and specified period of time, lasting less than six months, but on further reflection, he concluded that this would give,

... an unnecessarily restricted meaning to the word and that the 'emergency' may continue for a longer period, but obviously not for an indefinitely prolonged period ... The meaning of the word is clear enough. The duration of the period must largely be a question of degree. It cannot be a given period in all conditions; indeed the use of the word 'emergency' in itself presupposes an indefinite period of time.<sup>54</sup>

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<sup>51</sup> Enclosure No. 1. Activities of Revolutionists in Bengal subsequent to August 1923, IOR: L/PJ/6/1886, p. 8.

<sup>52</sup> A.N. Moberley (Chief Secretary to Governor of Bengal) to the Government of India, 1 September 1924, Home Department Political Branch, NAI, F. 379.

<sup>53</sup> Ibid.

<sup>54</sup> Reading to Lytton, 5 September 1924, Lytton Papers, Mss Eur./F160/2, p. 276.

Reading's main argument was that the parameters of an emergency would always be discretionary, and that by definition an emergency was finite in duration, despite the fact that this finite duration could have no previously decided limitations.

Lytton rejected these conclusions, arguing that, 'if every time you have forged an effective weapon you throw it away again after you have used it, you will find the evil constantly returning, and you will always have to forge your weapon anew.' Reading objected that emergency powers could not be permanent, just as war-time legislation could not operate in times of peace. Lytton's proposed solution was emergency legislation which would remain permanently on the statute books, but could lie dormant during ordinary times, to be 'called into operation ... at a moment's notice if the need arose.' Reading initially conceded to a two-year limit for the proposed ordinance but after Lytton's rebuttal that such a limit would leave his successor defenceless against a recurrence of revolutionary crime, Reading agreed to an ordinance lasting for five years, to which Lytton concurred.<sup>55</sup> Reading's condition for this measure was that formal legislation would be submitted as a bill to the Legislative Council of Bengal, following the promulgation of the ordinance, which would remain a secret until its issuance on the night of October 24<sup>th</sup>. The issue of the ordinance was to occur in tandem with the sweeping arrests of a number of suspected revolutionaries including Subhas Chandra Bose, the chief executive officer of the Calcutta Corporation and one of C.R. Das' most significant lieutenants.<sup>56</sup>

Cognisant of the fact that such a display of executive authority would draw substantial criticism, the statement given by Reading in justifying the ordinance was drawn up with a great deal of care. While earlier repressive laws directed against the revolutionary movement explicitly targeted sedition, mostly notably in the Sedition Committee Report of 1918, Reading was careful to specify that the Bengal Criminal Law Amendment Ordinance would not give the government 'any extraordinary powers to deal with sedition, with industrial movements or with communal disturbances, even though they may menace the maintenance of order ... It is aimed solely at the secret criminal conspiracy, which has terrorism as its object or method.'<sup>57</sup> The proclamation that the government ultimately circulated in the Gazette of India on the 25<sup>th</sup> of October, 1924, made repeated reference to the 'terrorist

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<sup>55</sup> Lytton, *Pundits and Elephants*, p. 64-6.

<sup>56</sup> Subhas Chandra Bose would go on to become one of the most important nationalists in Indian politics, rivalled only by Gandhi and Nehru themselves. For his most comprehensive biography, see Sugata Bose, *His Majesty's Opponent: Subhas Chandra Bose and India's struggle against empire* (Cambridge: Harvard University Press, 2011).

<sup>57</sup> Gazette of India Extraordinary, 25 October 1924, IOR: L/PJ/6/1886, p. 18.

movement' of Bengal, deploying a vocabulary that emphasised 'terrorism' more than any previous legal proclamation had done thus far. This was not the case in earlier drafts of the proclamation, however, in which the terms 'terrorist' and 'terrorism' were not used once.<sup>58</sup> The original draft referred exclusively to 'revolutionaries' but in editing the draft, Secretary of State Sydney Olivier bracketed and underlined Reading's use of the word revolutionary, replacing it with the word 'terrorist' in red ink.<sup>59</sup> Writing back to Reading, Olivier recommended making these changes throughout the document, to which Reading replied,

I quite appreciate that they made it slightly easier for you to defend in Parliament in England, although the words 'revolutionary' and 'revolutionaries' used by me are perhaps more appropriate in India. But I understand the difficulties you would have in any event to meet and did not attach sufficient importance to adhering to my own language and therefore changed these terms throughout as you desired.<sup>60</sup>

The emergence of 'terrorism' as the defining category to be used in subsequent legal and political pronouncements on the Indian revolutionary movement should thus be understood as a deliberate and calculated attempt on the part of colonial officials to make emergency measures more palatable both to the British Parliament back home and moderate opinion within India.

Still, this linguistic manoeuvre did little to convince Indian nationalist politicians and newspapers, many of whom interpreted the ordinance as a direct assault on anti-colonial politics. Although apologists for government action maintained that the ordinance could not target nationalist politicians as it clearly stated that the law was directed against terrorism and terrorism alone,<sup>61</sup> C.R Das referred to the ordinance as an obvious attack on the Swaraj party due to their growing strength which he claimed was becoming unbearable for the government.<sup>62</sup> From the 26<sup>th</sup> to the 31<sup>st</sup> of October, public meetings were held throughout Calcutta criticising the government's action in promulgating the ordinance.<sup>63</sup> On the 8<sup>th</sup> of November, Gandhi, Das, and Motilal Nehru issued a statement arguing that the ordinance was directed not at criminals but at the Swaraj party in Bengal, and appealing for the cooperation of all political parties against the government's policy of repression.<sup>64</sup> On the 15<sup>th</sup> of November, various groups in India held more meetings accusing the government of

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<sup>58</sup> Reading to Olivier, 4 October 1924, Reading Papers, MSS Eur E 238/13, pp. 361-363.

<sup>59</sup> Olivier to Reading, 6 October 1924, IOR: L/PJ/6/1886, 156.

<sup>60</sup> Reading to Olivier, 9 October 1924, Reading Papers, MSS Eur E 238/13, p. 194.

<sup>61</sup> *The Statesman*, 30 October 1924, p. 8.

<sup>62</sup> *The Statesman*, 28 October 1924, p. 7.

<sup>63</sup> Report on Activities of Revolutionaries in Bengal, 1925, IOR: L/PJ/12/253, p. 5.

<sup>64</sup> Reading to Olivier, 6 December 1924, IOR: L/PJ/6/1886, p. 1.

stifling legitimate politics. These protesters did not stop there, but gave eulogies for dead revolutionaries like Khudiram Bose, Kanai Lal Datta, and Gopi Nath Saha.<sup>65</sup>

Sachindra Nath Sanyal, having evaded capture during the October arrests, anonymously produced a pamphlet called 'The Revolutionary' in January of 1925 in which he condemned the repressive measures taken against the revolutionary movement. The pamphlet circulated widely throughout northern India, with over 300 copies received in 18 districts of the United Provinces alone.<sup>66</sup> Responding to the proclamations of some politicians that the revolutionary movement was a figment of the colonial government's imagination, Sanyal wrote,

Let no Indian deny the existence of this revolutionary party in order to denounce the repressive measures of the foreign rulers. The foreigners have no right to rule over India and therefore they must be denounced and driven out, not that they have committed any particular act of violence or crime. These are the natural consequences of a foreign rule.<sup>67</sup>

Responding to the language of terrorism deployed by Indian officials in promulgating the ordinance, Sanyal wrote that this word – as well as the term 'anarchism' – were 'invariably misapplied whenever any reference to the revolutionaries is to be made because it is so very convenient to denounce the revolutionaries under that name. The Indian revolutionaries are neither terrorists nor anarchists.' Sanyal pointed out that the goal of the revolutionaries was not spreading anarchy and that therefore the popular label of 'anarchism' was a clear misnomer. Furthermore, he argued that because terrorism was not the object of the revolutionaries, they should not be called terrorists either. According to Sanyal, the revolutionaries 'do not believe that terrorism alone can bring independence and they do not want terrorism for terrorism's sake, although they may at times resort to this method as a very effective means of retaliation.'<sup>68</sup>

Sanyal then turned the tables on the British with the accusation that the colonial government existed only because it succeeded at terrorising the people of India. According to Sanyal, 'This official terrorism is surely to be met by counter-terrorism. A spirit of utter helplessness pervades every strata of our society and terrorism is an effective means of restoring the proper spirits in the society without which progress will be difficult.' He further asserted that terrorism also carried an international significance because such acts would

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<sup>65</sup> Report on Activities of Revolutionaries in Bengal, 1925, IOR: L/PJ/12/253, p. 6.

<sup>66</sup> Chief Court of Oudh judgment in criminal appeals, delivered 22 August 1927, IOR:L/PJ/6/1910, p. 4.

<sup>67</sup> 'The Revolutionary', 1 January 1925. *Terrorism in Bengal*, vol. 2, 'Activities of the Revolutionaries in Bengal from 1<sup>st</sup> September 1924 to 31<sup>st</sup> March 1925', p. 403.

<sup>68</sup> *Ibid*, p. 404.

draw the attention of England's enemies towards India and therefore promote the cause of Indian independence. Sanyal promised that the revolutionary party was not defeated, but had yet to embark upon its greatest and most deadly campaign of assassination thus far.<sup>69</sup>

In February, Sanyal submitted a letter for publication in *Young India* that was printed under the title 'A Revolutionary's Defence'. Although this text received little attention in wider histories of the Indian independence movement, it provides a critically important rebuttal to Gandhi's political strategy of non-violence and a coherent defence of revolutionary tactics. In this letter, Sanyal began by reminding Gandhi that the year initially requested by the Mahatma for his experiment turned into more than four, with still no independence in sight. Sanyal argued that the response to Gandhi's programme was overwhelming and that its failure could not be blamed on the people of India, who mobilized by the thousands to engage in non-violent action against the colonial government. In response to those that claimed that non-violent non-cooperation failed because the people were not sufficiently non-violent, Sanyal wrote such a claim was to 'argue like a lawyer and not like a prophet.' He asserted that the people could not have been more non-violent, and that they were in fact 'non-violent to a degree which smelled of cowardice.'<sup>70</sup> Sanyal asserted that it was time for non-violent activists to retire from the political field in order to leave room for the return of the revolutionaries, who would no longer remain silent.

Sanyal addressed the accusation that revolutionaries were retarding India's progress, with the riposte that every small political concession made thus far came about on the heels of revolutionary agitation. He further asserted that the true progress made by the revolutionary movement was the 'moral advancement' of India. According to Sanyal, Indians were previously 'miserably afraid' of death, but the revolutionary movement had 'once more made the Indians realise the grandeur and the beauty that lie in dying for a noble cause.' Through their martyrdom, revolutionaries demonstrated that death was not always a bad thing, but could in fact serve as the highest ideal of patriotism. Sanyal asked, 'To die for one's own beliefs and convictions, to die in the consciousness that by so dying one is serving God in the nation ... is this no moral progress?'<sup>71</sup>

Gandhi responded in the same issue of *Young India*, stating that the world was sick of armed rebellions and that a bloody revolution could not succeed in India because the masses would not respond. He went on to write that he did not deny the heroism and sacrifice of the

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<sup>69</sup> Ibid, p. 405.

<sup>70</sup> *Young India*, 12 February 1925, p. 6.

<sup>71</sup> *Young India*, 12 February 1925, p. 7.



revolutionary. However, according to Gandhi, 'heroism and sacrifice in a bad cause are so much waste of splendid energy and hurt the good cause by drawing away attention from it by the glamour of the misused heroism and sacrifice in a bad cause.' Gandhi wrote that the self-sacrifice of one innocent man was a million times more powerful than the sacrifice of a million men 'who die in the act of killing others.' The willing sacrifice of the innocent was, for Gandhi, 'the most powerful retort to insolent tyranny that has yet been conceived by God or man.' Still, Gandhi insisted that his criticism of the revolutionary did not imply intolerance towards him, but rather towards his methods.<sup>72</sup> The authorities arrested Sanyal in Bhowanipur on the 25<sup>th</sup> of February and ultimately sentenced him to transportation for life following evidence that came out against him in the Kakori conspiracy trial following a train robbery near Lucknow. It is interesting that Sanyal, despite his leading role in the revolutionary movement, escaped capital punishment, a sentence that seems to have been reserved for those that physically carried out assassinations themselves, such as Madan Lal Dhingra or Gopi Nath Saha.

### **The Bengal Criminal Law Amendment Act and its Renewal, 1925-1930**

Despite Reading's insistence that the Bengal Ordinance would only be granted on the condition that it would subsequently be passed in the Bengal Legislative Council, he expected all along that the Indian representatives would reject the bill and that it would in turn need to be certified by the government.<sup>73</sup> An article in *The Bengalee*, a Calcutta based newspaper edited by Bipin Chandra Pal, attacked this process of certification, arguing that a certified bill was every bit as autocratic as an ordinance and lacked the moral sanction of ordinary law. The writer went on to declare that governing by ordinances and certified legislation was government by 'legalised brute force' and would never be acceptable to Indian opinion.<sup>74</sup>

The Bengal Legislative Council did indeed reject the proposed bill on the 7<sup>th</sup> of January, by a vote of 66 to 57. Reading pointed out that the strength of the vote against the bill was all the more impressive when the number of officials and nominated and European members in the House was taken into account.<sup>75</sup> Most Indian members of the Council

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<sup>72</sup> *Young India*, 12 February 1925, p. 8.

<sup>73</sup> Reading to Birkenhead, 1 January 1925, Birkenhead Papers, NMML, Mss Eur. D703, p. 3.

<sup>74</sup> *The Bengalee*, 7 January 1925, p. 4.

<sup>75</sup> Reading to Birkenhead, 8 January 1925, Birkenhead Papers, NMML, Mss Eur. D703, p. 2.

criticized the bill, including Sir P.C. Mitter, a former architect of the infamous Rowlatt Act. Mitter argued that the proposed legislation departed from the recommendations of the Rowlatt Report and instead proceeded along the lines of the Defence of India Act which, although similar, contained some features unsuitable for peacetime legislation. Perhaps most significant was the removal of the right of Habeus Corpus under the ordinance, as opposed to the Rowlatt Act which banned this right under Part I but not under other conditions. The stipulations provided under the Criminal Law Amendment Bill for the investigation or scrutiny of steps taken under it were also more draconian than even those provided under the Rowlatt Act. On the other hand, the Criminal Law Amendment provided for allowances to the dependents of those held under it while Rowlatt had not, perhaps indicating a growing recognition of the political status of revolutionary detainees.<sup>76</sup> Mitter referred to the proposed bill as ‘a quack’s remedy and not a physician’s treatment’ and argued that if the bill were passed or certified, it would ‘not only fail in its object but will perhaps be, quite unintentionally, helpful towards it.’<sup>77</sup>

Following its failure in the Legislative Council, the bill was certified by Lord Lytton ‘as being essential for the discharge of his duty in the administration of justice’, after which it was signed by the King in Council on the 17<sup>th</sup> of March.<sup>78</sup> Two clauses from the original ordinance were introduced as a separate bill, one of which stipulated that those detained under the law possessed the right to appeal to High Court, while the other deprived the High Court of the power of issuing a writ of habeus corpus for those under detention. This bill was introduced in the Indian Legislative Assembly but attracted the criticism of opponents such as Motilal Nehru, who referred to it as a ‘well-prepared trap’ which, ‘while pretending to concede a right ... really strikes at the very foundation upon which that right rests.’<sup>79</sup>

Indian politicians greeted the proposed Bengal Criminal Law Amendment Supplementary Bill with heavy disdain. Nehru pointed out that the Assembly was given no opportunity to comment upon the original act, but that by agreeing to the Supplementary Bill, which granted the right of appeal for accused terrorists, the Assembly would be seen as giving their assent to the act in its entirety. Nehru referred to the right of appeal as bait that was being dangled before the Assembly to trick them into swallowing the whole thing.<sup>80</sup>

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<sup>76</sup> For a more detailed examination of the technical differences, see Comparison of differences between the Rowlatt Act and Bengal Ordinance and Bill, 1925. Home Political. F.43/II, pp. 1-2.

<sup>77</sup> *The Bengalee*, 8 January 1925, p. 4.

<sup>78</sup> House of Lords Parliamentary Debate, Vol. 60. 31<sup>st</sup> March 1925, p. 849.

<sup>79</sup> Legislative Assembly Debates, 23 March 1925, OP.3150.328.03(20), NLI, VOL. V, No. 40, p. 2805.

<sup>80</sup> *Ibid*, pp. 2806-7.

Muhammad Ali Jinnah and C. Duraiswami Aiyangar opposed the Supplementary Bill on the same grounds, stating that they would not support it out of concern that doing so would give legitimacy to the original ‘illegal Act.’<sup>81</sup> Jinnah also disputed the claim that the bill was a matter of either national or public safety and pointed out that India was also not in a state of war.<sup>82</sup> The Legislative Assembly rejected the bill by a vote of 72 to 41.

Stating his opinion that the passage of the bill in its entirety was ‘essential for the tranquility of the Presidency of Bengal’, Reading certified the bill in the Council of State.<sup>83</sup> Even within this oligarchic institution, however, there was strong criticism to the proposed bill. G.A. Natesan, a nominated non-official from Madras, said that although he condemned the anarchist as an ‘enemy of mankind’, he implored the government to adopt alternate methods for policing anarchy, asking that India not be converted into ‘another Ireland.’<sup>84</sup> Sevasila Vedamurti, an elected member of the Council pointed out that there was an impression throughout India that the Council of State was nothing more than the ‘handmaid’ of the colonial government, and that the only reason for its existence was to ‘register the decrees of the Government of India.’ Vedamurti said that by being offered a bill already certified by the Viceroy and Governor General, the Council was being asked to pass the bill ‘at the point of a bayonet.’ He further declared that he regarded it an insult to the House to be called upon to pass the bill and called any discussion of it a waste of time, given that no amount of discussion or adverse voting would cause the Government of India to deviate ‘even by a hair’s breadth’ from their predetermined course of action. Referring to the whole procedure as a farce, Vedamurti withdrew from the House.<sup>85</sup>

V. Ramadas Pantulu, an elected member from Madras, pointed out that the representatives of Bengal and of India already rejected the ‘Black Bill’ in no uncertain terms. Pantulu said that the government demanded that the bill be passed in its present form or rejected but that, ‘Reject it you dare not, nor are you allowed to amend it.’ For this reason, he said any further discussion of the bill was pointless. Pantulu said it was obviously impossible to convince the Viceroy, who was influenced by the advice of ‘the bureaucracy who are the steel frame of the Indian constitution.’ For this reason, Pantulu similarly withdrew from the vote.<sup>86</sup> Although the Council of State nonetheless passed the measure by a comfortable

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<sup>81</sup> Legislative Assembly Debates, 24 March 1925, OP.3150.328.03(20), NLI, VOL. V, No. 41, p. 2866.

<sup>82</sup> Legislative Assembly Debates, 23 March 1925, OP.3150.328.03(20), NLI, VOL. V, No. 40, p. 2812.

<sup>83</sup> Reading to Birkenhead, 2nd April 1925, NMML, Mss Eur. D703, pp. 1-2.

<sup>84</sup> Extracts from the proceedings of the Council of State, 26 March 1925, IOR: L/PJ/6/1886, pp. 3-6.

<sup>85</sup> Extracts from the proceedings of the Council of State, 26 March 1925, IOR: L/PJ/6/1886, p. 13.

<sup>86</sup> Extracts from the proceedings of the Council of State, 26 March 1925, IOR: L/PJ/6/1886, p. 22.

margin of 29 votes to 3, this represented a vote of only about half of the eligible electorate. Once the 26 official and non-official nominated votes are discounted, it becomes clear that even within the oligarchic limitations of the Council, the bill attracted negligible support from the elected members of the House, many of whom, like Vedamurti and Pantulu, abstained from casting a vote.

The bill attracted minimal opposition within the British parliament, a fact no doubt impacted by the role of Ramsay MacDonald's Labour government in introducing the original ordinance in 1924. Shortly after the Labour government approved the Bengal Criminal Law Amendment Ordinance, the Conservatives defeated them in a general election on the 29<sup>th</sup> of October. By the time the Amendment Act came up for discussion under the Conservatives, Labour had no moral basis on which to oppose the measure, even if they wanted to, a fact that the Conservatives were happy to exploit. Writing to Lord Birkenhead, the new Secretary of State, Lytton expressed his delight at the electoral success of the Conservatives, stating that he felt 'bottled up' under Labour. Lytton called it 'extraordinary fortunate that the so-called 'policy of repression' in Bengal was inaugurated while the Labour Government was still in power in England and cannot therefore be criticised as the first fruits of a Conservative reaction.' Because of this, Lytton wrote, 'the mouths of the Labour Party in opposition will be closed and they cannot accuse you of having inaugurated or sanctioned a reign of persecution in Bengal.'<sup>87</sup> This assumption proved broadly true, and aside from some opposition by individual members of parliament, Labour mounted no sustained opposition to the passage of the Criminal Law Amendment Act the following year.<sup>88</sup>

By 1926, 48 revolutionaries were arrested under Regulation III of 1818 and another 125 under the Bengal Criminal Law Amendment Act. The detainees were classified into four different categories of criminality. The first were simply called criminals, defined as 'those who have committed crime and who would, it is believed, revert to crime if released.' After this came anarchists, 'those who are not addicted to crime but who are prepared to commit crime for revolutionary purposes', followed by revolutionary politicians who were designated as 'persons of violent revolutionary ideas who are, however, not themselves prepared to commit crime.' Finally, Bolsheviks like Rash Behari Bose's gun-runner Hugo Espinoza were classified as 'irreconcilables.' Despite its prevalence in the political discourse that surrounded

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<sup>87</sup> Lytton to Birkenhead, 13 November 1924. Birkenhead Papers, NMML, MSS Eur F 160/12, pp. 2-4.

<sup>88</sup> For more on the relationship between the Conservative and Labour parties with regard to British imperial policy, see Nicholas Owen, *The British Left and India: Metropolitan anti-imperialism, 1885-1947* (Oxford: Oxford University Press, 2008) and Stephen Howe, *Anticolonialism in British Politics: The left and the end of empire, 1918-1964* (Oxford: Oxford University Press, 1983).

the passage of the Criminal Law Amendment Act, the category of ‘terrorist’ had not yet been assigned a distinct legal classification.<sup>89</sup>

In 1930, the five year duration of the act was due to expire. The intervening years saw a lull in overt revolutionary activity in Bengal, although organisations like the Anushilan Samiti and Jugantar still actively recruited. This does not mean that the political situation throughout India was either quiet or stable. In 1928, colonial officials appointed the Simon Commission for a fact-finding mission that drew intense criticism across the Indian political spectrum due to its failure to include a single Indian within its ranks. Leading a protest against the Commission during its visit to Lahore, police injured the celebrated nationalist politician Lala Lajpat Rai during a *lathi* charge. Many Indians viewed Rai’s death from a heart attack on the 17<sup>th</sup> of November as a direct result of the injuries he sustained during the protest. Following this, members of the Hindustan Socialist Republican Association in Punjab sought revenge against James Scott, the police superintendent that ordered the lathi charge. Intending to kill Scott, a group of revolutionaries including Sanyal’s disciple Bhagat Singh instead assassinated a different policeman by mistake. In 1929, Singh and an accomplice named Batukeshwar Dutt threw two bombs into the Central Legislative Assembly and scattered radical leaflets while shouting ‘Inquilab Zindabad!’ or ‘Long Live Revolution!’<sup>90</sup>

Writing in *Young India*, Gandhi argued that the bomb attack belonged to a philosophy of ‘mad revenge and impotent rage.’<sup>91</sup> In January of 1930, following an attempt by revolutionaries to bomb the train of Viceroy and Governor General Lord Irwin, Gandhi wrote an article titled ‘The Cult of the Bomb’ in which he rebutted the philosophy of revolutionary violence at greater length. Gandhi once more defended the necessity of non-violence, and stated that if the Indian people would only realise ‘that it is not by terrorising the foreigner that we shall gain freedom, but by ourselves shedding fear and teaching the villager to shed his own fear that we shall gain true freedom, we would at once perceive that violence is suicidal.’ Gandhi pointed out that in 1920 it was the principle of non-violence that aroused the participation of the Indian masses, ‘as if by magic.’ He wrote that India was entering a new era where the immediate objective was complete independence, and claimed that it was not enough to drive out the British through fear, but rather that mass civil disobedience was

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<sup>89</sup> Arrests under Bengal Criminal Law Amendment Act and Ordinance and Regulation III from 1923-1926, BL, Mss Eur F160/37, p. 1.

<sup>90</sup> For the most interesting recent examination of Bhagat Singh and his significance, see Chris Moffat, ‘Bhagat Singh’s Corpse’, *South Asia: Journal of South Asian Studies* 39, 3 (2016), pp. 644-61.

<sup>91</sup> *Young India*, 18 April 1929, p. 4.

required to convert the colonial rulers and foster discipline among the masses.<sup>92</sup> Finally, Gandhi implored those ‘who are not past reason’ to stop endorsing bomb throwing but rather to condemn such actions as inimical to the goal of Indian independence.<sup>93</sup>

On the 26<sup>th</sup> of January, 1930, Congress declared a national Independence Day and unfurled the tricolour flag of independent India with shouts of ‘Inquilab Zindabad!’ On the 12<sup>th</sup> of March Gandhi launched the famous Salt March that became one of the most iconic moments of the Indian freedom struggle. Proposing a boycott of the tax levied against the Indian population on salt, a basic and necessary commodity, Gandhi undertook a symbolic march from his Sabarmati Ashram near Ahmedabad to a beach at Dandi, some 240 miles away. Accompanied by 78 hand-picked followers, Gandhi marched to the coast to boil his own salt in contravention of colonial law.<sup>94</sup> His actions marked the start of a new phase of *satyagraha* against colonial rule, in which thousands of non-violent protesters were ultimately incarcerated, including Gandhi himself.

This is the context in which the Bengal Criminal Law Amendment Act came up for review. It was due to expire on the 23<sup>rd</sup> of April, which marked the end of the five-year period of operation initially agreed to by Reading. The government introduced and passed the Bengal Criminal Law Amendment (Part Continuance) Bill on the 1<sup>st</sup> of April, dropping the powers of preventative detention allowed under the previous act but retaining the other features of the law intact. Sir Francis Stanley Jackson, the Governor of Bengal, promoted the bill through an appeal to the inherently non-political and nefarious nature of the figure of the terrorist. According to Jackson, ‘The terrorist has no belief, or faith, in constitutional agitation or in the efficacy of political leaders ... As a class the terrorist now, as always, pins his faith on violence as being the only method which will crown his efforts with success.’<sup>95</sup> In response, Jitendra Lal Bannerjee referred to the Amendment Bill as ‘an abuse of the powers of administration.’<sup>96</sup> Keshab Chandra Banerjee stated that although the bill was purged of objectionable features regarding detention without trial, the Indian people should nonetheless view it with suspicion. Banerjee said he appreciated the need for the maintenance of law and order at a time when ‘violence and terrorist activities reign supreme.’ According to Banerjee,

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<sup>92</sup> *Young India*, 2 January 1930, p. 4.

<sup>93</sup> *Young India*, 2 January 1930, p. 5.

<sup>94</sup> For a fuller account, see French, *Liberty or Death*, pp. 65-83.

<sup>95</sup> Sir Francis Stanley Jackson, address to members of the legislative council on 25 March 1930. NLI. G.P.320.95415B436, p. 192.

<sup>96</sup> Council Proceedings, Bengal Legislative Council, Thirty-Fourth Session, 1 April 1930, NLI, Vol. 34, No. 3, p. 678.

however, the emergency measures enshrined in the bill could only be justified as a weapon to meet an abnormal situation, and would otherwise represent ‘a direct negation of the principles of democracy.’<sup>97</sup>

Banerjee, however, noted that the preamble to the legislation indicated that it was meant to supplement the ordinary criminal laws of Bengal. This led Banerjee to argue that such emergency measures could only be justified if the government first proved that the ordinary law was not adequate to meet the situation. Banerjee said, ‘If sufficient reasons could be brought forward to show an abnormal situation in the country, my clear duty would be to support the bill as one who is a lover of peace, order and constitution.’ He argued that there was no clear indication of an immediate danger to public peace and therefore the criminal law should be sufficient to deal with any situations that may emerge, with the understanding that should any ‘extraordinary situation’ develop, the bill could be considered in a special session of the Legislative Council.<sup>98</sup>

A.N. Moberly of the Bengal Government responded that the authorities would never have dreamed of introducing the measure if they did not consider it ‘absolutely essential’ to the maintenance of law and order in Bengal. The bill, according to Moberly, was not aimed at the ordinary lawful citizen, but was instead aimed at ‘the secret terrorist conspiracy, and our information is that secret terrorist conspiracy is still alive.’ Moberly implored the Legislative Council to pass the proposed bill, stating that he was sure no member of the House would ‘countenance the policy of these terrorists’ by voting against the renewal of emergency powers.<sup>99</sup> An Indian member of the Council, Munindra Deb Rai Mohasai, referred to terrorism as being of ‘exotic origin’, incompatible with the adherence to *ahimsa* practiced by the people of India and accused the government of targeting the Civil Disobedience movement that was developing under Gandhi. Moberly denied this claim, stating that the law had no bearing on the Civil Disobedience campaign, as this was an open movement and the government had ‘no objection whatever to any open movement.’<sup>100</sup> His claim of course stands in stark contrast to the tens of thousands of non-violent protesters ultimately arrested over the course of the Civil Disobedience campaign. Despite the objections raised by some Indian members of the Legislative Council, the Criminal Law Amendment Act was successfully renewed, though with the preventative detention portions removed.

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<sup>97</sup> Ibid, pp. 680-1.

<sup>98</sup> Ibid, p. 681.

<sup>99</sup> Ibid, p. 682.

<sup>100</sup> Ibid, p. 683.

Less than a month later, on the 18<sup>th</sup> of April, revolutionaries calling themselves the Indian Republican Army launched a daring raid against police and auxiliary armouries in Chittagong, Bengal. The name of the revolutionary organisation and the timing of the raid, which occurred on Good Friday, indicate the strong inspiration provided by the revolutionary history of Ireland. Members of the Indian Republican Army drew inspiration from Irish nationalists who staged a dramatic insurrection in the heart of Dublin on Easter Sunday, 1916. This uprising ultimately sparked a civil war in which the Irish Republican Army and other Irish revolutionary forces succeeded in defeating British colonial rule and achieved independence under the Anglo-Irish Treaty of 1922. As one of the Chittagong raiders later wrote, ‘The blood-stained memory of the Easter Revolution of the IRA touched our young minds with fiery enthusiasm!’<sup>101</sup> A number of the revolutionaries avidly read the Irish nationalist Dan Breen’s *My Fight for Irish Freedom*, leading colonial officials to refer to it as a ‘terrorist textbook.’<sup>102</sup> After capturing the armouries and cutting telephone and telegraph wires, the raiders retreated into the hill country surrounding Chittagong to wage an ongoing insurgency against British rule.

On the 19<sup>th</sup>, Secretary of State William Wedgwood Benn wrote to Lord Irwin promising that he would give his full support to any course of action taken by the Viceroy.<sup>103</sup> That day, Irwin promulgated Ordinance No. I of 1930, an emergency law designed to ‘suppress terrorist outrages.’<sup>104</sup> This ordinance allowed preventative detention, effectively bringing back into force the aspects of the Criminal Law Amendment Act that were just removed under the new Supplementary Bill. Irwin announced that the emergency created by the armoury raid demonstrated that revolutionaries had ‘revived their methods of terrorism.’ Irwin declared that the ordinance was meant to demonstrate the resolve of the government in preventing revolutionary outrages and taking all necessary measures to bring the terrorist movement under control.<sup>105</sup> Gandhi immediately spoke out against both the Chittagong raid and the government’s response to it, stating that although it was sad to see violence resorted to, the Viceroy’s exercise of his extraordinary powers demonstrated that, ‘So long as the

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<sup>101</sup> Michael Silvestri, *Ireland and India: Nationalism, Empire and Memory* (New York: Palgrave Macmillan, 2009), p. 63. For more on the links between the Indian and Irish revolutionary movements, see also Silvestri, ‘The Bomb, *Bhadralok*, *Bhagavad Gita*, and Dan Breen’. The continuities between the earlier and later phases of Indo-Irish alliance are emphasized by Plowman, ‘Irish Republicans and the Indo-German Conspiracy’.

<sup>102</sup> Report by R.E.A. Ray, Special Superintendent IB, CID, 1 Jan to 30 June 1927, *Terrorism in Bengal*, vol. 2, p. 603.

<sup>103</sup> SS to V, 19 April 1930, Halifax Collection, NMML, Mss Eur.e.152, p. 64.

<sup>104</sup> *The Bengalee*, 20 April 1930, p. 4.

<sup>105</sup> *Ibid.*



British people are determined to impose their rule upon the unwilling people, so long must they rule in reality without law.’ Gandhi argued that the executive action of the colonial authorities proved the hollowness of constitutional reforms by shattering the illusion that elected Indians constituted the legislatures. He identified both the violence of government and the violence of revolutionary terrorists as twin opponents to be overcome through the non-violence of the Civil Disobedience movement.<sup>106</sup>

Colonial forces surrounded and defeated the bulk of the Chittagong raiders on the 22<sup>nd</sup> of April the daring attack. Described by historian Sumit Sarkar as ‘the most spectacular coup in the entire history of terrorism’<sup>107</sup>, this incident marked the beginning of a new and particularly deadly phase of revolutionary violence in Bengal. Many of the leaders of the raid managed to evade capture and remained a thorn in the side of the Bengal Government for up to three years. In August, revolutionaries conducted another assassination attempt against Charles Tegart through a brazen daytime attack in Dalhousie Square.

Accordingly, the Bengal Government had no intention of allowing the ordinance to lapse at the date of its expiry on the 19<sup>th</sup> of October. In August, the government asked the Legislative Council to pass an act embodying the necessary elements of the ordinance. Just like the Criminal Law Amendment Act of 1925, the legislation would be limited to a period of five years, in the hope that by the time this period elapsed, ‘conditions will have so altered that they can afford to take the risk of doing without this special preventive procedure.’ Speaking on behalf of the official position, W.D.R. Prentice asked the Council to ‘support Government in its fight against terrorism by giving us the minimum powers which we are convinced are essential.’<sup>108</sup> Prentice promised that the powers would not be used indiscriminately and would only be used against the loosely defined ‘terrorist movement’, meaning that ‘civil disobedience or political agitation are entirely outside its sphere.’<sup>109</sup>

The politician and novelist Naresh Chandra Sen Gupta suggested that if this was indeed the case, the law should be subjected to public scrutiny. He argued that this legislation was in fact a ‘negation of law’ that would take away ‘the elementary rights of the people’ and that therefore the people had a right to scrutinize the proposed measures before they entered into force. Acknowledging that even in civilised societies, emergencies sometimes demanded that the government arm itself with special powers, Sen Gupta pointed out that the previous

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<sup>106</sup> *The Bengalee*, 22 April 1930, p. 5.

<sup>107</sup> Sarkar, *Swadeshi Movement in Bengal*, p. 287.

<sup>108</sup> Bengal Legislative Council Proceedings, Vol. XXXV – Thirty-fifth Session, August, 1930, NLI, p. 602.

<sup>109</sup> *Ibid.*

Bengal Criminal Law Amendment Act was still in force during the time of the planning of the Chittagong raid, and therefore clearly did not provide the authorities with any particularly useful tools in preventing this attack. Sen Gupta asserted that the problem with this emergency legislation was that evidence used against an accused terrorist was based on secret information provided by anonymous informants and therefore could not be tested through cross-examination.<sup>110</sup> Prentice opposed the proposal to solicit public opinion with regards to the bill, stating that because the bill followed the exact measures provided under the Act of 1925, public discussion was unnecessary. The motion to circulate the bill for public feedback was defeated by 69 votes to 29.<sup>111</sup>

Following this, Sen Gupta proposed that the bill be at least referred to a Select Committee, but this motion was similarly defeated by 65 votes to 25. Next, he proposed amending the duration of the proposed bill from five years to one, noting that in England the suspension of the Habeus Corpus Act was only ever carried out in intervals of one year at a time. He argued that even during the ‘darkest days’ of the Irish troubles, Habeus Corpus was suspended from year to year and that there was no reason why the same process should not be adopted in Bengal. Narendra Kumar Basu proposed a compromise of two years’ duration, expressing the hope that the Simon Commission and Round Table Conference might increase the proportion of Indian elected representatives and that the proposed reforms may alleviate the motivations prompting revolutionary crimes. Prentice retorted that this argument was based on the proposition that political changes could stop the revolutionary movement, an idea that he soundly rejected, stating that ‘the movement is entirely different from political agitation.’ The proposal to reduce the duration of the bill from five years to two was rejected by 56 votes to 35.<sup>112</sup>

Sen Gupta continued to lead the opposition to the bill, declaring ‘we are not advocates for the terrorist; if we are attempting to obstruct the passage of the Bill ... it is because the Bill is going to affect the subjects of the province in general and for the sake of giving adequate protection ... from the attention of the more zealous officers of the police.’<sup>113</sup> Jatindra Nath Basu remarked that the inability of the government to provide a safe trial without resorting to emergency measures served as evidence that the government was unable to fulfil its own basic responsibilities. He went on to say,

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<sup>110</sup> Ibid, pp. 603-5.

<sup>111</sup> Ibid, p. 610.

<sup>112</sup> Ibid, pp. 621-3.

<sup>113</sup> Ibid, p. 625.

The fact that after 175 years of Britain's connection with India ... a measure like the one which we have been considering should be sought to be placed on the statute book ... shows the failure of British policy in India and the bankruptcy of British statesmanship in dealing with Indian affairs.<sup>114</sup>

Another Indian member, Shanti Shekhareswar Roy, declared that as followers of non-violence, the Indian National Congress condemned the 'cult of the bomb' and said 'we all want to get rid of the terrorist.' Roy stated that real statesmanship would dictate that the feelings of despair underlying these acts of violence must be addressed, rather than a resort to panicked measures of repression that would only succeed in further alienating public opinion. Despite these protests, the bill was passed by a vote of 61 to 15.<sup>115</sup>

### **A New Kind of Revolution: The 'Reign of Terrorism', 1930-1934**

The re-introduction of the Bengal Criminal Law Amendment Act did not spell an end to the latest outbreak of revolutionary violence in Bengal. In August of 1930, two revolutionaries named Anuja Sen Gupta and Dinesh Chandra Majumdar threw bombs at Charles Tegart's vehicle in Dalhousie Square but failed to assassinate him. The next day a revolutionary bombed the Jorabagan police station, with another bomb thrown at the Eden Gardens police station the day after that. The same month, members of the Sri Sangha organisation assassinated Lowman, the Inspector General of Police in Dacca. The following December, three revolutionaries dressed as Europeans shot and killed Lieutenant-Colonel Simpson, the Inspector General of Prisons. Following this escalation of violence, guards were provided to all District Officers to protect them from assassination attempts, although D.R. Prentice, the Home Member to the Bengal Government remarked that they would provide only a partial protection 'against the rabid kind of terrorist who is prepared to be killed provided he kills first.'<sup>116</sup>

These events occurred within the global context of growing anti-imperial insurgency in places such as Palestine, Ireland, Burma, and Cyprus. In 1934, Charles Gwynn published *Imperial Policing*, a manual that remains a classic among counter-insurgency specialists to this day. The book details British operations against a wide range of anti-colonial rebellions, with an emphasis on asymmetrical warfare and the pacification of restive populations. In this

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<sup>114</sup> Ibid, p. 732.

<sup>115</sup> Ibid, pp. 732-3.

<sup>116</sup> D.R. Prentice to Sir James Crerar, 5 December 1931, Home Political, NAI, No. 291/1931, p. 22.

manual, Gwynn argued that despite public suspicion regarding the deployment of military forces in support of the civil administration, the Army should in fact be used in a preventative capacity, rather than being called in only after the escalation of a disturbance. For Gwynn, policing and pacification were useful and necessary functions of the military and his approach would come to shape Anglo approaches to counter-insurgency operations from Malaya in the late 1940s to the American invasion of Afghanistan and Iraq in the early twenty-first century.<sup>117</sup>

The militarization of imperial policing was evident in the Amritsar massacre, where imperial troops opened fire on a crowd of non-violent protesters, killing 379. Beyond India, the rise of anti-colonial nationalisms around the world produced a number of sites of agitation that imperial officials sought to crush with the use of military force and emergency counter-insurgency legislation. A few key examples from the period include the British occupation of Iraq as a mandated territory under the terms of the Treaty of Versailles,<sup>118</sup> communal disturbances resulting from Jewish immigration to Palestine in 1929 and from 1936-39,<sup>119</sup> and the Saya San rebellion in Burma from 1930 to 1932.<sup>120</sup> This context provided the framework within which colonial officials in India sought to understand and police the outbreak of violence triggered by the Chittagong raid.

In India, the situation in Chittagong remained particularly volatile, as a number of absconding raiders managed to avoid arrest and waged an ongoing insurgency from the hills. In April of 1931, exactly one year after the initial raid, H.W. Emerson of the Bengal Government reported the existence of ‘a serious state of affairs both as regards the demoralisation of the official and non-official residents of Chittagong and the wide-spread sympathy in the district with the revolutionary party.’ In response to this situation, the government imposed a curfew that forbade anyone, whether Indian or European, from being out between the hours of 10pm to 4am without a permit. Security forces established three patrols of two men each to look in on the wives of railway employees who would be home alone while their husbands went off to work and military authorities blocked all roads to the

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<sup>117</sup> Charles Gwynn, *Imperial Policing, Second Edition* (London: Macmillan, 1939).

<sup>118</sup> Toby Dodge, *Inventing Iraq: The Failure of Nation Building and a History Denied* (New York: Columbia University Press, 2003), pp. 131-56.

<sup>119</sup> Robert Johnson, ‘Command of the Army, Charles Gwynn and Imperial Policing: The British Doctrinal Approach to Internal Security in Palestine 1919-29’, *Journal of Imperial and Commonwealth History* 43, 4 (2015), pp. 570-589, and Jacob Norris, ‘Repression and Rebellion: Britain’s Response to the Arab Revolt in Palestine of 1936-39’, *The Journal of Imperial and Commonwealth History* 36, 1 (2008), pp. 25-45.

<sup>120</sup> Maitrii Aung Thwin, *The Return of the Galon King: History, Law, and Rebellion in Colonial Burma* (Athens, Ohio: Ohio University Press, 2011).

European area, with a 24-hour guard placed. All vehicles entering this area were stopped and searched, although this surveillance did not apply to Europeans.<sup>121</sup>

In October, Emerson reported that a large part of the district of Chittagong was still out of hand and that, 'officials and a considerable portion of the civil population is under a reign of terrorism; the initiative is with the terrorists and the prestige of Government is very low indeed.' The Government of Bengal requested new emergency powers under the proposed Emergency Powers Ordinance, including unprecedented measures such as the power to take possession of buildings, to prohibit or limit traffic and regulate the use of transport and railways, as well as imposing collective fines on the inhabitants of particularly turbulent areas. Emerson wrote that even the introduction of these extreme measures did not go far enough and that he would prefer the imposition of Martial Law, as military support would improve moral and reduce the opposition of the civil population.<sup>122</sup>

The Bengal Government's appeal for an extension of its special powers in this period was markedly more dire in tone than even the alarmist appeals of 1925. This stemmed from a belief that 'terrorism' was no longer the result of a small group of irreconcilables, but now enjoyed the support of a growing proportion of the population. Many believed that 'the authority of Government has practically ceased to function' and that 'the majority of the Hindu population are definitely hostile.' The growing hysteria was the result of an information panic within the rural mofussil, where intelligence operatives reported a complete breakdown of the information order. The CID found itself completely incapable of acquiring relevant intelligence on Surya Sen, the leader of the Armoury Raid, and his close followers who remained at large, and officials believed that even where information was available informants suffered from a loss of morale that rendered them unwilling to seek it out. By contrast, the CID reported, 'The gang of revolutionaries are fully informed of all movements against them and ... they find it a simple matter to defeat any half-hearted attempts that are made.'<sup>123</sup>

Widespread among officials was the perception that the government's inability to detect and arrest the phantom 'terrorists' was fatally undermining the authority and legitimacy of the state. Such a perception was heightened by the belief that 'if the morale of the local administration were satisfactory and the prestige of Government normal, necessary

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<sup>121</sup> Minute by H.W. Emerson, 23 April 1931, Home Political, NAI, No. 291/1931, pp. 1-2.

<sup>122</sup> Emerson to India Office, 19 October 1931, Home Political, NAI, No. 291/1931, pp. 4-6.

<sup>123</sup> Political situation arising out of terrorist activity in Bengal, 1 November 1931, Home Political, NAI, No. 291/1931, p. 10.

operations could be carried out without additional powers.’ Taking strong action against the revolutionary movement required information, but the CID believed that such information would not be forthcoming ‘until the population realise beyond any doubt that Government are masters of the situation.’ To achieve this, officials proposed strong measures for controlling the movement of people, goods, and information within the affected areas, as a way of displaying to the people ‘that Government are in earnest.’<sup>124</sup>

In this context, the language of terrorism took on an enhanced and particularly urgent meaning. In a letter to R.N. Reid, the Chief Secretary to the Governor of Bengal, W.H. Nelson stated that terrorists ‘should be treated as persons who have been exposed to infection from plague and should be isolated till the danger of their spreading it is over.’ He further argued that police needed unlimited authority to keep an eye on anyone under suspicion, to demand proof of identity when desired, and to control the movement of individuals within designated areas. According to Nelson, police ‘should not hesitate to shoot a man who attempted to run away when called on to halt.’<sup>125</sup> A government report on the topic likewise adopted the language of infectious disease, noting that ‘if this plague spot is not dealt with summarily it will continue to contaminate the rest of the Province.’<sup>126</sup>

The question of how best to reassert governmental authority also prompted considerable discussion regarding whether counter-insurgency operations should be carried out by the police, the military, or by a joint operation between the two. In past, the military was unwilling ‘to undertake what they regard as police duties’ and this was complicated by the fact that it was ‘extremely difficult to define exactly what police duties are, (and) the civil authorities were afraid lest the military assistance might not give the relief to the police that was desirable.’ The possibility of military deployment in Chittagong also raised the question of whether the province or the Government of India would be liable to cover the expenses.<sup>127</sup> The official stance of the Bengal Government was a desire for the best of both worlds; ‘You can be perfectly certain that we shall welcome the use of troops to show the flag, and that difficulties will only arise, if we are called upon to agree to pay for them.’<sup>128</sup>

Aside from the use of force and surveillance, the new Secretary of State Sir Samuel Hoare suggested that the mass support of students should be enlisted by appealing to their self-interest. Hoare recommended adopting a policy by which the commission of terrorist

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<sup>124</sup> Ibid.

<sup>125</sup> W.H. Nelson to R.N. Reid, 17 September 1931, Home Political, NAI, No. 291/1931, pp. 19-20.

<sup>126</sup> Notes on the situation at Chittagong, November 1931, Home Political, NAI, No. 291/1931, p. 33.

<sup>127</sup> Ibid, p. 11.

<sup>128</sup> Bengal Criminal Law Amendment Ordinance, 29 October 1931, Home Political, NAI, No. 291/1931, p. 16.

crimes in precincts of educational institutions or by students belonging to any particular college or school would render all students from the relevant institution ineligible for government employment. Hoare saw it as inconsistent for the government to employ youths who allowed crime against government officials to be organised amongst them.<sup>129</sup> After consulting Governors in Madras, Bombay, Burma, and elsewhere, Lord Irwin wrote back to inform Hoare that the idea was universally rejected by all local governments. As numerous officials pointed out, the plan would not act as a deterrent to revolutionaries, who advocated the boycott of government services anyway, and would therefore accomplish nothing other than to enhance public resentment and increase sympathy for the revolutionary movement. Irwin suggested that a better approach would be to crack down on discipline within schools, but worried that the situation was likely to escalate significantly ‘before there is anything like a general revolt against terrorists.’<sup>130</sup>

The repressive measures adopted by the colonial government did indeed attract widespread criticism, particularly given the broader context of the repression of the Congress-led Civil Disobedience campaign. In the Bengal Legislative Council, Munindra Deb Rai Mahasai criticised what he referred to as ‘police terrorism’, stating that the imposition of these ‘lawless laws gave the police a splendid opportunity for the exhibition of their autocratic powers.’ Mahasai asserted that the existing laws did not justify indiscriminate use of the lathi or the baton in breaking the heads of unarmed civil resisters, and said that it was ‘a standing disgrace to any civilised Government to encourage the revival of this relic of the barbaric age in the twentieth century.’ Mahasai went on to implore the government ‘in the name of civilisation and humanity’ to ‘save the people from police terrorism.’<sup>131</sup>

As revolutionary attacks continued unabated into 1932, the Bengal Government introduced the Suppression of Terrorist Outrages Act, the first piece of legislation in Bengal to explicitly name terrorism within its title. The government intended this act to replace the powers granted under the Emergency Powers Ordinance, which were due to lapse. These included the power to detain and question anyone ‘behaving suspiciously’, to take possession of property, imposition of collective fines in ‘turbulent’ areas, as well as general powers of search. The provisions were specifically targeted against the ongoing troubled situation in Chittagong, although they could be extended to any part of Bengal by the Governor General

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<sup>129</sup> Hoare to Irwin, 28 September 1931, Home Political, NAI, No. 4/35/31, p. 3.

<sup>130</sup> Irwin to Hoare, 24 October 1931, Home Political, No. 4/35/31, p. 27.

<sup>131</sup> Proceedings of the Bengal Legislative Council, Thirty-Eighth Session, 23 March 1932, NLI, Vol. 38, No. 3, p. 481.

in Council. The other part of the bill, which provided for the use of Special Magistrates in trying 'terrorist' crimes, extended to the whole of Bengal immediately.<sup>132</sup>

Again, Narendra Kumar Basu spearheaded opposition to the bill, and argued that if repressive laws were actually effective at suppressing terrorism, they would have succeeded by now. He referred to the Government of India's reliance on ruling through ordinances as evidence of the bankruptcy of its statesmanship, and said that the reliance upon emergency laws demonstrated that the colonial administration had in fact ceased to function. Basu contended that the true underlying causes of revolutionary violence were political and economic in nature, and that reducing unemployment would be a far more effective strategy of counter-insurgency than the continued imposition of repressive laws.<sup>133</sup> Despite these and other objections, the bill was passed by a vote of 58 to 12.<sup>134</sup>

The government was not wholly blind to the economic argument put forward by Basu, however. At a speech given to the European Association in January of 1934, Viceroy and Governor General Lord Willingdon declared that although the terrorist movement had existed for some time, it was fuelled in the past few years by the massive economic instability caused by the Great Depression that followed the Wall Street stock market crash of 1929. Although Willingdon referred to terrorists as 'the greatest enemies of their own country', he acknowledged that support for the movement was exacerbated by unemployment and a lack of career prospects for an increasingly educated youth.<sup>135</sup>

Although revolutionary attacks were in marked decline from 1934 onwards and never ultimately resurfaced to such devastating effect for the duration of British rule, this does not mean that 'terrorism' ceased to be a concern for Europeans or for colonial officials in India. By 1935, revolutionary crime was substantially reduced, with only a few sporadic incidents in comparison to regular murders that occurred throughout the period from 1930 to 1934. H.W. Hale attributed this in part to the mass conversion of many revolutionaries to communist methods during this period, necessitating the building up of a mass base rather than individual acts of violence or political assassination.<sup>136</sup> Regardless, officials continued to view terrorism as an active and ongoing threat to imperial security.

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<sup>132</sup> R.N. Reid, Statement of Objects and Reasons, Bengal Criminal Law Amendment Act, 1 August 1932, IOR: L/PJ/7/399, p. 1.

<sup>133</sup> Bengal Legislative Council debates, 6 September 1932, IOR/L/PJ/7/399, pp. 4-5.

<sup>134</sup> Bengal Legislative Council debates, 6 September 1932, IOR/L/PJ/7/399, p. 132.

<sup>135</sup> Speech by Lord Willingdon, 8 January 1934, Home Political, NAI, File No. 70/34-Poll, p. 14.

<sup>136</sup> Hale, *Terrorism in India*, IOR: L/P&J/12/403, p. 7.



At a speech given at a police parade in Dacca in 1935, Sir John Anderson, the Governor of Bengal, said that although ‘outrages’ had declined, ‘yet the terrorist virus is still active and malignant.’ Anderson said that the persistence of conspiracies, even after the arrest of so many revolutionary leaders, revealed how deep-seated the ‘poison’ of terrorism had become. Arguing that the apparent decline in revolutionary crimes was only a result of the secret measures being undertaken for the good of the public by colonial intelligence services, Anderson argued that counter-insurgency measures could not be relaxed for even a moment.<sup>137</sup> Speaking at an Armistice Day dinner later in the year, Anderson expressed his appreciation for the soldiers of Bengal before going on to say that the conflict with terrorism could not be ended at any predetermined hour. He further declared, ‘There can be no armistice with terrorism so long as there remain organisations that possess the will and may acquire the means to do mischief.’ Claiming that the initiative had now passed into the hands of the government, Anderson cautioned that they should not ‘win the war merely in order to lose the peace. We shall not relax our vigilance or neglect our front.’<sup>138</sup>

This ongoing obsession with terrorism as an ongoing ‘menace’ was also reflected in the press. In 1936, *The Statesman* published an article titled ‘How war is waged on terrorism’, which referred to terrorism as an ongoing menace that was never fully eradicated. The article declared that terrorism was not simply a matter of ‘periodic outbursts of violence which attract public attention’, but argued rather that in dealing with terrorism, the government was dealing with organizations that were in continuous operation for 30 years. According to the article,

Terrorism is never ‘over now.’ The army withdraws from the field of battle, perhaps to plan another attack or perhaps to develop some new strategical scheme or perhaps to form fresh alliances ... On previous occasions Government has disbanded its ‘army’ immediately after a battle was over. This merely gave the enemy a chance to reorganize its scattered forces and prepare for a fresh attack.<sup>139</sup>

The article went on to say that while the majority of Bengalis were not necessarily disloyal, they were ‘helpless against organized terrorism.’ The author expressed with certainty the belief that, ‘Another fresh attack is being planned ... So-called ‘public opinion cannot be

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<sup>137</sup> Speech by Sir John Anderson, 11 July 1935, NLI, GP320.95415b436, p. 27.

<sup>138</sup> Speech by Anderson, 11 November 1935, NLI, GP320.95415b436, p. 140.

<sup>139</sup> *The Statesman*, 27 July 1936, p. 18.

reached ... as long as the public see that the revolutionary forces are gathering strength day by day.’<sup>140</sup>

Reports submitted by colonial intelligence officials during this period also reflected this belief. By the late 1930s, the CID were operating in a state of almost perpetual emergency. In a report submitted in 1938, C. Fairweather warned that ‘the next wave of revolution is being planned on a scale much greater than Bengal has ever known’ and ‘the ordinary civil or police powers will be unable to deal effectively with the numbers involved.’<sup>141</sup> Two months later, Fairweather warned that the widespread disaffection being promoted by nationalist agitators was ‘a new form of sedition with which our penal code was never intended to deal.’<sup>142</sup> Although labour unrest, communism, and the widespread nationalism promoted by Congress absorbed much of the attention of colonial authorities, terrorism remained a constant concern right up until independence.

## Conclusion

Although the existing historiography regards the terms ‘revolutionary’ and ‘terrorism’ as largely interchangeable, the shift in governmental labelling of political radicals from revolutionaries to terrorists in fact marked a deliberate strategy of counter-insurgency. Following the rise of Gandhi’s non-cooperation campaign in the early 1920s, British officials began to consciously adopt the term ‘terrorism’ in 1925 in order to render the Bengal Criminal Law Amendment Act more palatable to the British Parliament. By the 1930s, the term terrorism became the standard label applied to revolutionary nationalists, despite the relatively infrequent usages of this term during the period before and during the First World War. Within the context of an increasingly assertive nationalist movement with a broadening base of popular support, the label of terrorism became a useful way of delegitimizing the tactics of revolutionaries while simultaneously justifying the creeping expansion of executive rule, during precisely the same period in which colonial authorities were ostensibly devolving a share of power to elected Indian legislatures. Through this process, the figure of the ‘terrorist’ came to be constructed as an intangible threat that could be held up against the prospect of reform, even after terrorist crimes underwent a drastic decline after 1934.

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<sup>140</sup> Ibid.

<sup>141</sup> Weekly CID Report, 27 October 1938, IOR: L/P&J/12/401, p. 7.

<sup>142</sup> Weekly CID Report, 1 December 1938, IOR: L/P&J/12/401, p. 23.

The proliferation of emergency legislation that emerged in the 1930s and its heightened focus on the category of the ‘terrorist’ highlights the empty nature of the Morley-Minto reforms by indicating the limits that executive discretion placed on the practical power of the elected legislatures. Although the Legislative Council in Bengal and the Indian Legislative Assembly provided important sites of debate and resistance within which Indian politicians could express their opposition to new emergency laws, the ultimate ability of the Governor General to bypass the assemblies and certify these laws using his executive power indicate the truth behind Carl Schmitt’s dictum that the sovereign is he who decides on the exception. By carefully deploying the vocabulary of terrorism in criminalizing the politics of Indian revolutionaries, the colonial state demonstrated the core of executive sovereignty that lay beneath the thin veneer of its legislative reforms. By deploying the category of ‘terrorism’ as the exception to the rule of law, colonial officials constructed an enemy wholly outside of the law, against which only extralegal solutions would suffice.

## Chapter 4: Empire and the International in India, 1919-1946

### Introduction

Just as the end of the First World War ushered in important changes within India, it was also a crucial moment for the reshaping of international society. Following the global carnage of the war, the victorious powers sought to establish a new order that would replace nineteenth century balance of power politics with an international system grounded in moral terms. The American president Woodrow Wilson was the guiding influence behind this transformation. His ability to frame his decisions as not only necessary but also morally right led him to embrace a post-war vision in which the world would be ruled according to moral principles rather than the necessities of *realpolitik*.<sup>1</sup> Wilson's promise during the war of a 'peace without victors', as well as the issuing of his Fourteen Points that included the famous promise of self-determination led - according to Erez Manela - to the 'Wilsonian moment'. This marked a period when people throughout Europe and the colonised world embraced the hope that the end of the war would also signal the end of empire. With the establishment of the League of Nations in 1919 and the preservation and expansion of British and French imperial interests under the League's system of mandates, these anti-colonial hopes were dashed, but the reification of nationhood as the underlying principle of the international system of the interwar would nonetheless play a profound role in stoking nationalist aspirations around the world.<sup>2</sup>

Although Manela is correct to draw disparate nationalist movements in Korea, Egypt, and India into a single global framework of analysis, his account misses some of the complexities of the deeper history of nationalism in India and its relationship to internationalism. According to Manela, by 1914 'the rulers of the Raj, through a combination of co-optation and coercion, largely managed to quell dissent.' He goes on to write that although a 'scattering of revolutionary groups made sporadic efforts to attack British targets', a lack of arms and organization on the part of the revolutionaries meant that 'the British security forces suppressed them without much trouble.'<sup>3</sup> This account underestimates the

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<sup>1</sup> For more on Wilson, see Margaret Macmillan, *Peacemakers: The Paris Conference of 1919 and its attempt to end war* (London: John Murray, 2001), p. 14.

<sup>2</sup> Manela, *The Wilsonian moment*.

<sup>3</sup> *Ibid*, pp. 81-2.

scope and severity of Indian revolutionary networks during the war. As Chapter 2 indicated, attempts by revolutionaries to subvert imperial authority posed not only the strategic or security threat described by Richard Popplewell, but also challenged the racial underpinnings of colonial rule through their heavy recruitment among Punjabi Sikhs spread out throughout Southeast Asia and the Pacific basin. This challenge represented a sustained and ongoing source of pressure that necessitated the imposition of increasingly drastic laws of emergency from 1905 onwards. There was indeed a shift in the rhetoric and tactics deployed by Indian nationalists following the end of the war and the massacre at Amritsar, as Chapter 3 showed, and this was influenced in some cases by a language of self-determination with international reference points fueled by Wilsonian internationalism. However, this Wilsonian juncture was more process than moment, and does not fit the neat chronology to which it is consigned in the current literature.

Nonetheless, this so-called ‘Wilsonian moment’ of 1919 and the emergence of the League of Nations and other international organisations in the interwar period have attracted a great deal of scholarly interest, particularly in recent years.<sup>4</sup> As Glenda Sluga argues, what attracts comparatively little attention is ‘the range of ideas and ambitions associated with these organisations or abandoned at their creation, especially beyond the metropolitan cultures of Western Europe and North America.’<sup>5</sup> As Sluga points out, the same rail, steam, and telegraph networks credited with connecting domestic landscapes and forging national ‘imagined communities’ were simultaneously connecting larger communities at the level of the international as well.<sup>6</sup> Despite this, the international is largely neglected from narratives

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<sup>4</sup> For a review of the recent literature, see Susan Pedersen, ‘Back to the League of Nations’ *The American Historical Review* 11, 4 (October 2007), pp. 1091-1117. For some of the recent scholarship on internationalism, see especially Glenda Sluga, *Internationalism in the Age of Nationalism* (Philadelphia: University of Pennsylvania Press, 2013), David Armitage, *Foundations of International Thought* (Cambridge: Cambridge University Press, 2013), Daniel Gorman, *The emergence of international society in the 1920s* (Cambridge: Cambridge University Press, 2012), Mark Mazower, *Governing the World: The History of an Idea* (London: Allen Lane, 2012), and Macmillan, *Peacemakers*. For some of the recent work on the League of Nations specifically, see Pedersen, *The Guardians: The League of Nations and the crisis of empire* (Oxford: Oxford University Press, 2015), Dodge, *Inventing Iraq*, Ruth Henig, *The League of Nations: the peace conferences of 1919-1923 and their aftermath* (London: Haus Histories, 2010), Patricia Clavin, ‘Europe and the League of Nations’, in Robert Gerwath (ed), *Twisted Paths: Europe 1914-1945* (Oxford: Oxford University Press, 2008), and Anne-Isabelle Richard, ‘Competition and complementarity: civil society networks and the question of decentralizing the League of Nations’, *Journal of Global History* 7, 2 (2012), pp. 233-256. Older scholarship on the League of Nations includes F.S. Northedge, *The League of Nations* (Leicester: Leicester University Press, 1986), F.P. Walters, *A History of the League of Nations* (New York: Oxford University Press, 1952), George Egerton, *Great Britain and the creation of the League of Nations* (London: Scholar Press, 1979), and *The League of Nations in retrospect (United Nations Symposium)* (New York: W. De Gruyer, 1983).

<sup>5</sup> Sluga, *Internationalism in the Age of Nationalism*, pp. 7-8.

<sup>6</sup> The idea of imagined communities of course draws from the hugely influential Benedict Anderson, *Imagined Communities: reflections on the origin and spread of nationalism* (London: Verso, 2016).

that seek to account for the origins of the nation, as theorists such as Benedict Anderson and Eric Hobsbawm ‘hardly glanced sideways at how ... international communities were imagined in relation to national communities.’ Sluga traces the overlap between internationally and nationally imagined communities, arguing that the history of internationalism ‘maps profoundly onto the genealogy of nations and nationalism, that in the twentieth century the international and the national shadowed each other as the object or method of political ambitions.’<sup>7</sup>

Given the amount of scholarly interest in the emergence of nationalism in India, it is surprising that very little is written on the relationship between this nationalism and the international in the early twentieth century. In particular, the subject of India's role as the only non-self-governing member of the League of Nations is almost entirely neglected from the existing scholarship, with the exception of Stephen Legg's recent article on the topic. In this article, Legg examines the scales of sovereignty operating in India at the national and international level, and interrogates both India's relationship with Geneva as well as the internal relationship between India's League membership and the political geography of its princely states.<sup>8</sup> Although an interesting and important topic in its own right, India's relationship to the League of Nations carries particular significance for understanding the international context of domestic terrorism legislation in the early twentieth century, given that India was the only country to ratify the first international law that targeted terrorism as a discrete category of crime. While this law is the subject of the next and final chapter, it is first important to better understand India's relationship to the international in the interwar period, as this relationship played an important role in shaping the nature of imperial sovereignty after 1919, as well as providing a key site of contestation through which revolutionaries hoped to legitimize their program of anti-colonial violence.

This chapter surveys the history of India and the League of Nations, situating India's anomalous inclusion in this international organisation within the context of a series of decisions made by imperial authorities and Indian political figures during the First World War and in its immediate aftermath. Examining the tensions between empire and the international that this inclusion brought to the fore, the chapter moves on to examine imperial propaganda in America in comparison to the active publicity work undertaken by the Indian office of the League of Nations. Demonstrating the ways that the League sought to raise

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<sup>7</sup> Sluga, *Internationalism in the Age of Nationalism*, pp. 155-7.

<sup>8</sup> Stephen Legg, ‘An International Anomaly?: Sovereignty, the League of Nations and India's princely geographies’, *Journal of Historical Geography* 43 (2014), pp. 96-110.

Indian awareness regarding its purpose and activities, the chapter then examines a range of petitions and letters sent to the Secretariat by various private individuals and groups both within India and on its behalf. These petitions help to illustrate how the binary relationship between colonisers and colonised was triangulated in the interwar period, as various interests sought to appeal to the League as a potential third party capable of circumventing imperial sovereignty and intervening on behalf of colonised people. The unwillingness, or inability, of the League to act in this regard led others, such as the revolutionary Rash Behari Bose, to view the League as nothing more than a cloak for British imperialism, leading such figures to challenge the authority and legitimacy of both. The conflation between empire and the international highlights the objective violence of both and points towards reading the international history of the first half of the twentieth century as a global ordering of violence and sovereignty through which dominant powers such as Britain sought to maintain their hegemony through a language of peace. This chapter will therefore provide crucial context for the international arena in which the Government of India sought to define a modern prose of counter-insurgency, as well as the relationship between imperialism, internationalism, and anti-colonial nationalism that this discourse sought to obscure.

### **India and the League of Nations**

Although India had long been the center of multiple complex interregional trading networks,<sup>9</sup> it was the First World War that catapulted it onto the international stage in a more formal manner. Indian members played an active role at the Imperial Conference of London in 1907, with participation to such conferences restricted prior to this time as India was considered a mere dependency. As a result of India's massive contribution to the British war effort during the First World War, India attended the first meeting of the Imperial War Cabinet in March 1917, with the Secretary of State for India as its representative. India was afforded a status different to that of the Crown Colonies, as Lord Satyendra Prasanno Sinha and the Maharajah of Bikaner were also invited to attend. At the end of the session, the British Prime Minister David Lloyd George announced that in all subsequent sessions of the Imperial Cabinet, whether in war or peace, India was to be separately represented by an Indian representative, with the Secretary of State sitting as a member of the British Cabinet from then onwards. From June to September of 1918, Lord Sinha served as the Indian

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<sup>9</sup> See Metcalf, *Imperial Connections*.

Member, with the Maharajah of Patiala also attending. For the final session from December 1918 to January of 1919, Lord Sinha and the Maharajah of Bikaner took part as full members.<sup>10</sup>

Educated in Presidency College, Calcutta, Sinha was a member of the Indian National Congress from 1896 to 1919 and was the first Indian to serve on the Executive Council of the Viceroy in 1909, straddling both national and imperial affiliations. In 1919 he would go on to become the first Indian member of the British House of Lords, and played an important role in the passage of the Government of India Act from the same year. This marked the high point of Sinha's career, and despite a brief stint as Governor of Bihar and Orissa from 1920 to 1921, his role in the Paris peace negotiations would prove his most profound contribution to both the national and international history of India. Sinha's pedigree is typical of the kind of figures drawn on by the colonial state to serve as representatives for India at the level of the international. Not simply mouthpieces for the colonial regime, figures like Sinha nonetheless represented a set of vested interests in India, thus providing a buffer against the more radical politics of nationalist politicians.

Participation in the Imperial War Cabinet helped justify India's inclusion at the Paris peace negotiations in 1919, following the end of the war. As India's representative, alongside the Maharajah of Bikaner and the Secretary of State, Sinha declared that the international position of India should not be differentiated from that of the Dominions with regard to its inclusion in the League of Nations. Sinha stated that although India was neither an independent state nor power, this was equally true of Canada, Australia, New Zealand, and South Africa. Strictly from the standpoint of international law, Sinha maintained, the position of India was exactly the same as that of the Dominions, none of which constituted a sovereign state with an independent foreign policy. Although Sinha acknowledged that the Dominions exercised greater internal autonomy, he pointed out that from a strictly legal point of view, the British Parliament was constitutionally able to legislate for the whole British Empire, and as such it should make no difference whether Britain's interference was more constant or continuous in India than in the Dominions.<sup>11</sup>

Beyond these technical points, Sinha further argued that the case for India's inclusion in the League of Nations could be made on broader grounds. Referring to the British Empire as the 'best model' for a League of Nations, Sinha used the evidence of the Imperial

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<sup>10</sup> Note by Satyendra Prasanno Sinha, 22 January 1919, FO 608, PRO, Files 1614/5/1 to 1633/1/1, p. 257.

<sup>11</sup> *Ibid*, p. 257.



Conferences to indicate that India's international standing could only be understood on equal terms with that of the Dominions. Noting that India's representation at these conferences marked a 'successive and continuous advance', Sinha remarked that it would be inconceivable that the British Government could now backtrack on this position. As Sinha pointed out, any differentiation now between India and the Dominions 'will be looked upon not only as retrogression but a denial of privileges granted under the stress of war but withdrawn as soon as the pressure was removed.' Referring to the political consequences of denying India a place within the League as 'deplorable', Sinha also pointed out that the other Great Powers would be well aware of India's massive contribution to the war effort and would not force a decision that would create difficulties within the empire. Noting that the League was to serve as a permanent institution, Sinha observed that it was not desirable to exclude a country with India's 'past traditions and glorious civilisation.'<sup>12</sup> Sir J.C. Coyajee, a professor at Andhra University, went so far as to claim that India's ancient tradition of nonviolence was identical to the League's interest in disarmament, arguing that 'Indian mentality and culture have been ready for many centuries to welcome the advent of an institution like the League.'<sup>13</sup>

Because the Covenant of the League of Nations was made part of the Versailles Treaty, and because India obtained a place as a signatory to this treaty, India became an original member of the League. Although the Versailles Treaty was signed on the 28th of June, 1919, the Covenant of the League became a separate treaty on the 10th of January, 1920, after ratification by all signatories. As Article 1 of the League Covenant specified, subsequent membership would be open only to any 'fully self-governing State or Dominion or Colony not named in the Annex',<sup>14</sup> making India's role within the League a 'political curiosity' from the very beginning.<sup>15</sup> Writing an account of India's place within the League in 1932, V.S. Ram and B.M. Sharma referred to India's inclusion as an 'important departure in British Foreign Policy', that 'completely changed the international position of this country.'<sup>16</sup> As Ram and Sharma pointed out, India held no claim to membership under the rules laid out in Article 1, and if India had not become a member of the League through its role as a

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<sup>12</sup> Ibid, pp. 258-60.

<sup>13</sup> J.C. Coyajee, *India and the League of Nations* (Madras: Waltair, 1932), p. iii.

<sup>14</sup> V.S. Ram and B.M. Sharma, *India and the League of Nations* (Lucknow: The Upper India Publishing House Ltd., 1932), p. 35.

<sup>15</sup> Ibid, p. 139.

<sup>16</sup> Ibid, p. 137.

signatory of the Versailles Treaty, the country 'would have remained outside this important international body for a long time.'<sup>17</sup>

Such an anomalous position nonetheless raised important questions regarding what the label of 'India' actually meant, as well as how imperial sovereignty was to be understood. As Stephen Legg demonstrates, India was not a cohesive political unit at this time, and the political geography of the princely states raised important questions regarding how India as a category was to be understood at the level of the international.<sup>18</sup> India was comprised both of the territories under direct British rule as well as a collection of hundreds of princely states ranging widely in territory and population across the span of the subcontinent. Local rulers administered these states under the watchful eye of British residents, and maintained a semblance of domestic independence constrained by ultimate British control over key features of sovereignty such as foreign affairs and succession. Although the princes comprised a diverse mosaic representing many different religions, priorities, and personalities, they shared much in common as a distinct social class within India, making it possible to speak – to some extent at least – of a broad princely order with some overarching features.<sup>19</sup> Despite the stereotypes of backwardness and barbarism that colonial authorities often deployed in the pursuance of British claims to civilizational superiority, the British attitude towards the princely states was broadly positive, given the inherently conservative tendencies of the princes. As a result, the states played a key role in the constitutional progression of India through the 1920s and 1930s, as the British increasingly came to see them as a counterweight to the growing influence of the Indian National Congress.<sup>20</sup>

Despite a domestically divided political landscape, India's status within the League allowed it to present a united front at the level of the international. There it was to be regarded as a single political unit, at least from a purely legal standpoint, although the reality of this position was, of course, much more complicated. In an article printed in 1930, Dr. Lanka Sundaram asserted that because international law did not recognize any cleavage between British India and the princely states, the juridical unity of India was definitely

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<sup>17</sup> Ibid, p. 138.

<sup>18</sup> Legg, 'An International Anomaly?', pp. 104-7.

<sup>19</sup> Ian Copland, *The Princes of India in the Endgame of Empire* (Cambridge: Cambridge University Press, 1997), p. 12.

<sup>20</sup> For more on the princely states of India, see Steven Ashton, *British Policy Towards the Indian States* (London: Curzon, 1982), Barbara Ramusack, *The Princes of India in the Twilight of Empire: Dissolution of a patron-client system, 1914-1939* (Columbus: Ohio State University Press, 1978), and Robin Jeffrey (ed.), *People, Princes, and Paramount Power: Society and politics in the Indian Princely States* (Delhi: Oxford University Press, 1978).

established and tacitly recognised by the League.<sup>21</sup> The Indian delegation consisted of three members, one of whom was always a native prince. The Government of India appointed this delegation, which was not responsible to the Indian Legislature, or to the Indian people more broadly. These delegates held the authority to participate in directing the affairs of the international community, while simultaneously lacking any right to govern the affairs of their own country.

This contradictory relationship raised important questions regarding the role of the Indian delegation at Geneva, and its relationship to the delegation of Great Britain and its empire. The British Empire, after all, entered the League commanding six delegates - and thus six votes - due to the inclusion of the United Kingdom, Australia, New Zealand, Canada, South Africa, and India. Although each was recognised as a separate member, in practice the British delegation consulted extensively with the others before providing any formal position to the Assembly of the League.<sup>22</sup> India's position in the League represented an inherent contradiction, reflecting on the one hand a new international role filled with potential opportunities, and on the other a retrenchment or even expansion of the British Empire's international clout.

India's League delegation, however, should not be thought of simply as a second British vote in the Assembly, even though this was often the case in practice. In some cases, the Indian delegation took a position different to that of the British delegation, although such cases were rare. At the Genoa Maritime Conference of 1920, the Secretary of State instructed the Indian delegation to secure special treatment for Indian seamen involved in British shipping, despite the fact that there was a concerted effort on the part of the other empire delegations to limit Indian involvement in British shipping.

The British and Indian delegations were similarly at odds over the question of compulsory disinfection of Indian wool, which was raised at the International Labour Conferences of 1921 and 1924. Despite British insistence that the failure of India to fall in line with the British proposal for compulsory disinfection would result in a charge on British industry, the Indian delegates took a firm stance and rejected the proposed measures.<sup>23</sup> Although the two were not necessarily at odds over the issue, the Indian and British

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<sup>21</sup>Lanka Sundaram, 'The International Status of India', Reprinted from *Journal of Royal Institute of International Affairs* (July 1930), LNA: 1A/19516/19516, p. 452.

<sup>22</sup>Ram and Sharma, *India and the League of Nations*, pp. 145-146.

<sup>23</sup>Sundaram, 'The International Status of India', LNA: 1A/19516/19516, p. 460.

delegations also took different positions regarding the Convention for the Prevention and Punishment of Terrorism of 1937, which is the subject of the following chapter.

Despite these small examples of the Indian delegation exercising some autonomy in its international positions, the nature of the Government of India and its relationship to the Secretary of State ensured that final sovereignty always rested with Britain. Although the choice of delegates rested in the Government of India, which at the time was still dominated by British colonial officials, this Government was only itself accountable to the Secretary of State and thus the British parliament by extension. In this way, the Secretary of State was simultaneously a part of the Government of India and the British Government, creating a very complicated situation where Indian representation to the League was concerned. This contradictory relationship is exemplified in a series of correspondence exchanged between Lord Reading and Secretary of State Lord Olivier in 1924, regarding the latter's desire to attend the proceedings of the League in a private capacity. Olivier initially asked whether his presence at Geneva would cause issues for 'Indian susceptibilities'. Although Olivier was interested in a number of imperial questions both related and unrelated to India, particularly including slavery, he was reluctant to attend if doing so would cause the Indian delegate to feel as though the Secretary of State was 'in any sense disposed to sit on his head.'<sup>24</sup>

Reading initially misunderstood and thought that Olivier's intention was to attend the Assembly as part of the British delegation, an idea that Reading strongly advised against. Reading observed that any involvement by Olivier in the proceedings would be embarrassing and difficult for the Indian delegation, who would be charged with representing the interests of India while the minister responsible to the British parliament sat at the same table watching their conduct. Reading pointed out that the inevitable result of such a scenario would be that the Assembly would look to Olivier and not the delegation for the expression of India's position, thus undermining the authority and legitimacy of the Indian delegation. Reading wrote,

... it would be impossible for the delegation to be present as representing India's interests without you at the head of it, and for you to sit at the table ... as representative of His Majesty's Government. You cannot get rid of your responsibilities for India, but yet you and I will have appointed a special delegation to represent India. You cannot sit still when important questions might arise regarding India, and yet you would not be there to represent India as you would have delegated the representation to others.<sup>25</sup>

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<sup>24</sup> Olivier to Reading, 15 May 1924, Reading Papers, BL, MSS Eur E 238/7, p. 66.

<sup>25</sup> Reading to Olivier, 5 June 1924, Reading Papers, BL, MSS Eur E 238/7, p. 109.

Olivier clarified his position and said that he never meant to attend the League as a delegate, but rather as a private visitor simply to watch the proceedings, and in the end he decided to spend three days in Geneva in a private capacity, during which he spoke at length with Lord Hardinge and the other members of the Indian delegation.<sup>26</sup> Although Olivier never intended to serve on the British delegation to the League, this exchange nonetheless highlights the incongruous nature of India's relationship to Britain at Geneva. Despite some degree of freedom and opportunity afforded to India by its involvement in the League, this freedom was largely hollow at a political level, with ultimate sovereignty still resting firmly with the Secretary of State and the British Cabinet.

Furthermore, some officials deemed the less visible control through which London was able to maintain its Indian interests to be the perfect response to new challenges to imperial legitimacy. Despite the expansion of British and French colonial possessions under the mandate system established by the League, the legitimacy of a formal imperialism came under attack due to the dissemination of new ideas about self-determination and nationalism. As Erez Manela argues, these ideas 'weakened (the) underlying supports of the imperial edifice ... (and) ... presented a major challenge to the legitimacy and permanence of the imperial order in the international arena.'<sup>27</sup> While the formation of the League of Nations did not do away with empire, as the anti-colonial critics of 1919 hoped, it did force empire to reinvent itself in order to maintain legitimacy within a changing international landscape where formal territorial annexation was rapidly becoming less feasible.

In a memorandum on League policy written in 1936, Lord Cecil of Chelwood referred to the League of Nations as 'an almost ideal machinery for the preservation of the British Empire.' Cecil wrote that the primary objective of British foreign policy at that time was the maintenance of peace, which of course also meant the maintenance of a status quo in which Britain retained a dominant role. Cecil argued that armament, alliances, and the force of world opinion never successfully prevented war once it was decided upon by a determined country. Noting that in previous times it was entirely reasonable to place matters of 'honour and vital interest' at the forefront of British foreign policy, such an approach was no longer the most viable option and it was instead preferable to give the new system a fair trial, as the maintenance of the League system was the best hope of retaining imperial control. Cecil pointed out that most of the Dominions would now strongly resist having their foreign policy

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<sup>26</sup> Olivier to Reading, 18 September 1924, Reading Papers, MSS Eur E 238/7, p. 143.

<sup>27</sup> Manela, *Wilsonian Moment*, p. 11.

dictated from London, but were entirely willing to co-operate with Britain in pursuing a ‘world policy’ at Geneva. Observing that the strain to the structure of the British Empire that would result from being set at odds with the Dominions on an important international debate, Cecil concluded that it was ‘only on the basis of the League of Nations that there is any prospect of an imperial foreign policy.’<sup>28</sup>

### **Empire, Publicity, and the League**

While the international system established in the wake of the First World War provided new mechanisms whereby empire could maintain and replicate itself, this shifting global landscape also allowed new sites of critique for the imperial project, as well as granting stronger impetus to pre-existing anti-colonial voices.<sup>29</sup> With the legitimacy of formal empire increasingly coming under pressure by groups in Ireland and America, as well as by Indian revolutionaries living abroad in places like Japan, controlling the dissemination of news about India became as important as it was difficult to control. The result was a global war of voice where propaganda became a key site of contest between imperial and anti-colonial activists around the world.<sup>30</sup>

With the global publicity attracted by Gandhi’s non-violent, non-cooperation campaign, the cause of Indian independence gained an unprecedented visibility within the American public and political landscapes. The dissemination of Gandhian ideas in the United States would of course go on to have profound ramifications for the history of civil rights in 1960s America, as Sean Scalmer argues.<sup>31</sup> In the context of the interwar, however, the idea of winning over American opinion was hugely important to both imperialists and anti-colonial nationalists alike. While the British believed that a shared cultural heritage and common interests made the United States a natural ally for the maintenance of empire, Indians such as Gandhi hoped that the history of America’s own struggle for independence against the British in the eighteenth century would make Americans sympathetic towards the Indian freedom

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<sup>28</sup> Lord Cecil of Chelwood, 26 May 1936, Cecil of Chelwood Papers, BL, Add Mss 51083, pp. 109-110.

<sup>29</sup> This can be understood in terms of the emergence of a ‘global civil society’ during the interwar period. See Andrew Arsan, Su Lin Lewis, and Anne-Isabelle Richard, ‘Editorial – the roots of global civil society and the interwar moment’, *Journal of Global History* 7, 2 (2012), pp. 157-65.

<sup>30</sup> For more on the sustained propaganda effort undertaken by British interests to promote imperialism within the metropole, see John MacKenzie, *Propaganda and Empire: The Manipulation of British Public Opinion, 1880-1960* (Manchester: Manchester University Press, 1984).

<sup>31</sup> Sean Scalmer, *Gandhi in the West: The Mahatma and the Rise of Radical Protest* (Cambridge: Cambridge University Press, 2011). See also Vinay Lal, ‘Gandhi’s West, the West’s Gandhi’, *New literary History* 40, 2 (2009), pp. 281-313.

struggle. Gandhi himself retained mixed feelings regarding America, on the one hand drawing inspiration from American traditions of non-violent resistance and anti-imperialism, while on the other hand recognizing the role of the United States as an imperial power in its own right and particularly the racial discrimination and injustice faced by African-Americans.<sup>32</sup> Gandhi's reception within America itself was similarly mixed, but in the aftermath of the First World War, his message of non-violence resonated strongly with many Americans who were themselves critical of the war.<sup>33</sup>

In addition to the dissemination of articles in the American press recounting Gandhi's exploits, the interwar period also saw a pronounced increase in the circulation of revolutionary Indian literature. By the early 1920s, the British Library of Information in New York was complaining of the difficulty of drowning out Indian radical propaganda in America. The British Library of Information was an official outlet for propaganda, tasked with both tracking and influencing portrayals of India and of British colonialism within American publications. In 1922, Mr. Corbett of the library noted that the American public was becoming keenly interested in the topic of India, but lamented that other than official government communiqués, the only sources of information available to them were radical revolutionary publications.<sup>34</sup> Corbett wanted to enhance American access to moderate Indian perspectives, observing that it was no longer feasible to disregard the importance of the impact of world opinion on British rule in India. The British position was also strongly influenced by contemporary events in Ireland, where a long and bloody political struggle was waged from 1919 to 1921. The result of this insurgency was that the British government was in the process of drawing up an agreement that would come into force on the 6th of December, 1922, granting self-government and Dominion status to the twenty-six counties comprising the Irish Free State. The Anglo-Irish War attracted a great deal of American interest, which aided the revolutionary cause both in terms of funding and legitimacy, and Corbett held this up as a cautionary tale for the British position in India.<sup>35</sup>

Although America was an important site of Indian anti-colonial mobilization before the war, British officials were particularly concerned with the potential impact of American

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<sup>32</sup> Leonard Gordon, 'Mahatma Gandhi's Dialogues with Americans', *Economic and Political Weekly* 37, 4 (2002), p. 338.

<sup>33</sup> Lloyd Rudolph, 'Gandhi in the Mind of America', *Economic and Political Weekly* 45, 47 (2010), p. 23.

<sup>34</sup> By the 1920s there was a widespread and vibrant South Asian community across the United States. Not limited to the better-known enclaves along the Pacific coast, communities of migrant Indian labourers were scattered throughout the east coast and Midwest as well. See Vivek Bald, *Bengali Harlem and the Lost Histories of South Asian America* (Cambridge, Mass.: Harvard University Press, 2013).

<sup>35</sup> Letter from Mr. Corbett, 17 January 1922, IOR: L/P&J/12/68, pp. 2-3.

opinion within the new international context of the interwar. Writing to Edwin Montagu in 1922, Geoffrey Butler urged the Government of India to take an active role in encouraging moderate Indian publications and lecture tours in America, noting that a great shift occurred in American public opinion towards India, and stating that in the event of violent trouble in India, control in shaping the narrative within the United States ‘might make all the difference in American sympathy being given or withheld.’<sup>36</sup> Furthermore, Sir Auckland Geddes of the British Embassy in Washington worried that American money and unofficial public support would strengthen the revolutionary movement within India, and destabilize the position and legitimacy of the colonial government.<sup>37</sup>

By the early 1930s, these concerns were heightened following the celebration of the 26th of January 1930 as India's Independence Day by the Indian National Congress and Gandhi's new *satyagraha* against the colonial salt tax in March. From 1929 to 1930, the resources of the Library were ‘strained to their utmost capacity’, and much to the chagrin of Library officials, the coverage of the Government of India's responses to Gandhi's campaign ‘could hardly fail to give an undesirable impression of British administration.’<sup>38</sup> Contrary to a binary relationship between colonisers and colonised, the international forum of the interwar created new spaces of concern within which imperial legitimacy needed to be maintained. The emerging importance of this international dimension meant that empire was no longer accountable merely to the British parliament and Indian public opinion, but rather to a broader world opinion that manifested itself in neutral countries such as the United States, as well as in international institutions like the League of Nations.

Just as international propaganda played an important role in British attempts to maintain the legitimacy of their imperial presence in India, the collection and dissemination of relevant information was of central importance to the project of the League. Writing in 1932, Ram and Sharma called for a greater output of the ‘rigorous propaganda required to promote the work of the League throughout India.’ Ram and Sharma maintained that if the work of the League was to prosper, increasing public awareness of its goals was of central importance, and to this end they advocated adding League pamphlets to school curriculums, as well as screening monthly films in important centres and revising history books in order to promote ideas of brotherhood, hatred for war, and love of peace. For Ram and Sharma,

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<sup>36</sup> Geoffrey Butler to Edwin Montagu, 25 January 1922, IOR: L/P&J/12/68, pp. 9-12.

<sup>37</sup> Sir Auckland Geddes to Lord Curzon, 10 February 1922, IOR: L/P&J/12/68, p. 23.

<sup>38</sup> Report on the Indian Information service of the British Library of Information, 1931, Home Political, NAI, File No. 76.



commitment to the League's ideals was to be almost religious in character, requiring a 'missionary spirit among the workers of the League, who would carry to the people in general the message of world peace.'<sup>39</sup>

In his report on the work of the League's Indian Bureau from April of 1933 to February of 1934, M.V. Venkateswaran detailed some of the measures taken in attempting to educate Indian opinion on the work of the League. These were carried out in order 'to help the English and Vernacular Press directly, through Press Agencies ... in getting correct information on League matters, to help public opinion to organise itself on behalf of the League ideal through League of Nations Unions, and to encourage youth in acquiring habits of mind based on the principle of international co-operation.' Venkateswaran noted that up to this point, propaganda explaining and promoting the League had not yet been carried out in India to any great degree, and that the primary interest of Indians towards the League was restricted to discussions of India's financial contribution.<sup>40</sup>

The 1930s saw a more concerted effort on the part of League officials to raise Indian awareness of the League's work. The Indian Bureau in Bombay, of which Venkateswaran was the lead officer, was established in 1932, 'for the express purpose of interesting public opinion in India in the activities of the League.'<sup>41</sup> Although papers in India often ignored previously material from Geneva, often viewing the information provided as insufficiently newsworthy, the issuance of a series of so-called Geneva Letters and other materials to more than 50 important English papers achieved a greater degree of success in securing publicity. These included prominent publications such as *The Leader* from Allahabad, *The Times of India*, *Bombay Sentinel*, and *Indian Mirror* from Bombay, Delhi's *Hindustan Times*, and Calcutta-based papers such as *Advance*, *Amrita Bazar Patrika*, *The Star of India*, *Forward*, and *The Statesman*. While the above papers published a range of different materials pertaining to the League, the Geneva Letters themselves were also published in multiple regional newspapers including the *Malabar Herald* in Cochin, the *Times of Ceylon*, the *Rangoon Times* and the *Rangoon Daily News*.<sup>42</sup> These letters covered just about every field of activity addressed by the League, including international disarmament, trafficking of women and children, world statistics, leprosy research, veterinary questions, and drug traffic.

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<sup>39</sup> Ram and Sharma, *India and the League of Nations*, pp. 212-3.

<sup>40</sup> M.V. Venkateswaran, Report of the work of the League of Nations (Indian Bureau), April 1933-February 1934, LNA, R5692/16830/1719, p. 2.

<sup>41</sup> Note by W. Gurney, 18 November 1934, LNA, R5692/16830/1719, p. 1.

<sup>42</sup> M.V. Venkateswaran, A brief report of the work of the League of Nations (Indian Bureau) for the year 1934, 4 March 1935, LNA, R5692/16830/1719, Appendix, p. 1.

The Geneva Letters achieved greater circulation in the Indian press than any previous League project with the letters also appearing in a wide range of vernacular newspapers in languages such as Hindi, Sindhi, Kanarese, Tamil, Gujarati, Marathi, Bengali, Telugu, Malayalam, and Urdu.<sup>43</sup> Material was also published in at least seventeen different educational journals, as well as cinema monthlies such as *Film Topics*, *Picturesque*, *Filmland*, and *Radio Talkies*. League materials also found publication in a range of medical journals including Calcutta-based journals such as *Eastern Medical Bulletin*, *Indian Medical Gazette*, and *Scientific India*, as well as a range of other publications across the country such as *Practical Medicine*, published out of Delhi, and the Bombay-based *Haffkeine Institute*.<sup>44</sup>

At the same time, the Indian Bureau worked on pushing forward the sale of League publications on a wide range of topics relating to its social, humanitarian, economic, political, and health sections, as well as news regarding the Mandate system.<sup>45</sup> These publications were marketed towards the educated class through advertisements in periodicals, catalogues, bookshops, and individual letters addressed to prominent individuals, although another League official noted with dismay that some of these advertisements appeared side by side with insertions regarding birth control products, instructions on learning English, and products for 'better physical vigour.'<sup>46</sup> Despite this, readership of League publications was on the rise, with the sale of such publications rising from Rs. 1,070 to Rs. 3,518 during the period of Venkateswaran's report.<sup>47</sup>

In March of 1935 J.V. Wilson, the Chief of the Central Section of the League Secretariat, was sent by the Secretary General to visit the Bombay office on his way back from New Zealand. Wilson's instructions were to keep the visit purely administrative and not political in nature and to obtain an idea of the general activities of the office and its relations with both official and non-official circles in India. Of particular interest to the Secretariat was any information regarding the relations between the Bombay office and the League of Nations Union.<sup>48</sup> These relations were in fact quite problematic, as India's broad geographical scope meant that League of Nations Unions within the country were widely dispersed, with local Unions starting up in various parts of India and obtaining their literature

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<sup>43</sup> Note by W. Gurney, 18 November 1934, LNA, R5692/16830/1719, pp. 3-5.

<sup>44</sup> M.V. Venkateswaran, A brief report of the work of the League of Nations (Indian Bureau) for the year 1934, 4 March 1935, LNA, R5692/16830/1719, Appendix, pp. 5-6.

<sup>45</sup> Note by W. Gurney, 18 November 1934, LNA, R5692/16830/1719, p. 6.

<sup>46</sup> *Ibid*, p. 2.

<sup>47</sup> M.V. Venkateswaran, Report of the work of the League of Nations (Indian Bureau), April 1933-February 1934, LNA, R5692/16830/1719, p. 6.

<sup>48</sup> J.V. Wilson, Report on visit to Bombay office, March 1935, LNA, R5692/16830/1719, p. 1.

and inspiration from London, often existing as separate and independent units, mostly unaware of the existence of other such organisations in other parts of India. This lack of centralisation meant that the Unions rarely exchanged ideas and had no central organisation from which to draw.<sup>49</sup>

For this reason, some officials recommended created a federation of League of Nations Unions, with the officer in charge of the Bombay bureau acting as honorary secretary to the federation. Others warned that the unpopularity of Venkateswaran, the current officer, would spell disaster for the proposed federation, ‘crippling the growth of the L.O.N. Unions in India.’<sup>50</sup> A.C. Chatterjee, the Director of the Bombay office, also warned that allowing Venkateswaran to act as the federation's secretary would be problematic, as there existed within India a considerable cleavage of opinion between the Government and the educated public. The latter were often heavily critical of the League, arguing that although the institution was ushered in during widespread claims regarding the self-determination of nations, it proved itself unable to assist India in attaining self-government. Chatterjee wrote that a Union must be able to openly express its opinion, but worried that if it did so with League officials such as Venkateswaran acting openly as representatives of the Unions, this would undermine the broader credibility of the League Bureau.<sup>51</sup>

In 1936 A. Pelt, the head of the League of Nations Information Bureau, conducted another inspection of India’s Bombay office. Pelt sailed from Marseilles on the 31st of January with the goal of determining what could be done to make better use in India of the Information Bureau's news bulletins. Pelt's conclusion was that the telegraphic summaries of League developments in Geneva were ‘inadequate for the purpose of giving India a really effective account of the work of the League.’ Instead, he recommended that all important bulletins and public documents of the League be sent to the Bombay office by air mail in order to be distributed to the Indian press.<sup>52</sup> Pelt concluded that the Indian bureau's publicity work was largely working in the right direction, but observed that if they were ever to develop their organisation so as to conduct publicity regarding India in foreign countries, their staff would have to be greatly increased.<sup>53</sup>

At the same time the League was actively seeking to develop greater publicity within India, Indian opinion was becoming increasingly critical of the very notion of League

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<sup>49</sup> Note by W. Gurney, 20 November 1934, LNA, R5692/16830/1719, p. 1.

<sup>50</sup> Visit of Mr. Wilson to Bombay, 1935, LNA, R5692/16830/1719.

<sup>51</sup> Ibid.

<sup>52</sup> A.H. Joyce to I.M. Stephens, 17 January 1936, Home Political, NAI, File No. 68/36-Political, p. 3.

<sup>53</sup> Ibid, p. 5.

membership. Writing to Lord Linlithgow in July of 1936, the Aga Khan, the League's Indian delegate, claimed that the failure of the League to check Italy's aggression in Abyssinia completely undermined the power and prestige of the League in India. The Aga Khan wrote that unless Italy and Germany could be brought back within the orbit of the League, it would be best if the League became a 'pure centre of intellectual co-operation rather than the political 'Chief Court' of the world.'<sup>54</sup> The Aga Khan asked Linlithgow if India could work on reducing, rather than increasing its commitments to the League, sending a memorandum on the 19th of October that outlined all of India's grievances against the League. In the memorandum, the Aga Khan referred to the number of Indians employed by the Secretariat and the International Labour Office as a 'joke', despite the fact that 'India has a large number of people fit to do the kind of work that is now being done by South Americans.' He further pointed out that since its creation, no Asian had ever been President of the full session of the League, although several South Americans had held the honour and 'every possible European country has occupied the chair when it possessed a representative fit for it.' The Aga Khan made a strong case for his own appointment to the Presidency, calling it overdue and arguing that it would help to increase the goodwill of Asian and particularly Muslim countries.<sup>55</sup>

Although the Aga Khan's influence within the global Islamic community was not as pervasive as he sometimes suggested, it was considerable nonetheless. Born in 1877, Sultan Muhammad Shah attained the title of Aga Khan III at the age of ten following the death of his father, making him the spiritual leader of the Ismailis, a branch of Shia Islam spread throughout Central Asia and beyond. Instructed in Arabic, Persian, and English, the global scope of the Aga Khan's Ismaili adherents led him to adopt an internationalist outlook from early in his career. Knighted as a result of his work in assisting with the plague in Bombay at the end of the nineteenth century, the Aga Khan was also actively involved with Aligarh Muslim University, believing that Muslim learning was in decline and required reinvigoration. Generally loyal to British rule in India in his youth, the Aga Khan actively campaigned for the British during the First World War by attempting to counter a German plot to stir up *jihad* in Central Asia. As leader of the Ismaili community, the Aga Khan spoke out against both Germany and Turkey, and implored Muslims to maintain their loyalty to the British Empire.<sup>56</sup> Like many Indians, the Aga Khan's faith in the British was shaken by their continued colonial expansion in Asia and the Middle East following the peace treaty. On

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<sup>54</sup> Aga Khan to Linlithgow, 20 July 1936, NMML, Mss Eur F 125/129, p. 45.

<sup>55</sup> Aga Khan to Linlithgow, 19 October 1936, NMML, Mss Eur F 125/129, p. 77.

<sup>56</sup> The War: The Aga Khan's Manifesto in Russia, 1914, IOR: L/PS/11/84, -P4277/1914.

British expansionism he wrote, 'The immediate results of the new habit of ignoring the Indian attitude towards external Imperial questions is unhappily plain today. While the British Empire has drifted into difficulties and entanglements in the Near and Middle East, the political situation in India is causing natural alarm. For that situation the Imperial policy of the Home Government is, in my view, partly responsible.'<sup>57</sup> Despite this, and despite his critical view of the Treaty of Sevres and British policy in Turkey following the end of the war, the Aga Khan was also critical of what he viewed as the excesses of the *Khilafat* movement, encouraging his followers towards moderation.<sup>58</sup> During the interwar, the Aga Khan actively worked to prevent the spread of communism amongst his followers in Central Asia, as Soviet propaganda began to take hold among former Russian territories.<sup>59</sup>

Following his indignant letter to Linlithgow, the Aga Khan was unanimously elected President of the Assembly for the 18th Ordinary Session of the League of Nations that convened from the 13th of September to the 6th of October, 1937. One delegate referred to the Aga Khan's appointment as a 'fitting recognition of the increasing importance of India in the League', while the Prime Minister of Spain called it an honour to see the Assembly presided over by the representative of a country 'whose culture has influenced numerous civilisations, including that of Europe.'<sup>60</sup> The Aga Khan's Presidential address was entirely absent of his earlier criticisms of the League, instead expressing optimism that the League was in fact on the rise despite its challenges, with six new nations joining in the previous five years, including the U.S.S.R., Turkey, Iraq, and Afghanistan. In the Aga Khan's opinion, this made the League, 'more universal, more truly Catholic, than when I first knew it.' The Aga Khan referred to his appointment as 'an honour done to a country whose whole philosophy of life is attuned to the fundamental principles on which the League of Nations is grounded, and whose greatest thinkers ... have sought in the supremacy of law the sole escape from the anarchy of force.'<sup>61</sup>

Although the subsequent outbreak of the Second World War and the ultimate dissolution of the League makes such optimism appear naive in retrospect, it is nonetheless important to note that even in the late 1930s there were still those who advocated for the

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<sup>57</sup> Eminent Mussalmans, 1926, Indian Bibliographical Archive, Asian and African Studies Collection, BL, F.510, p. 338.

<sup>58</sup> Ibid, p. 339.

<sup>59</sup> Russian intrigues: proposal to direct the influence of the Aga Khan to counteract Soviet propaganda, 30 March 1932 to 8 October 1935, IOR: L/PS/12/3186.

<sup>60</sup> Report of the Delegates of India to the eighteenth (ordinary) session of the assembly of the League of Nations, 1937, NLI, G.P.341.123In2, p. 2.

<sup>61</sup> Ibid, pp. 2-4.

League's principles as the way forward. Noting the 'storms' that were currently raging in Western Europe and East Asia, the Aga Khan nonetheless declared that if the League was passing through troubled times and its ideals were sorely wounded, it was 'no less true that the League's ideals live and shall live, and, please God, shall prevail.'<sup>62</sup> In his speech at the adjourning session of the Assembly on the 6th of October, the Aga Khan said that all of the problems faced by the League could in fact be reduced to one, 'that of man, and the dignity of man.' He went on to say that it was in this sense that the work of the League acquired its permanent value, and that the tribulations of one people must be regarded as the tribulations of all.<sup>63</sup> The following year, the Aga Khan called the principles of the League 'imperishable' and claimed that they were 'as ancient as the search of man for God.'<sup>64</sup>

This came in response to a resolution within the Indian Legislative Assembly to withdraw from the League of Nations, reflecting a growing trend within Indian nationalist circles to view League membership as an unnecessary financial burden. Criticizing the lack of Indian representation within the staff of the League, as the Aga Khan did the previous year, Sir Govind Pradhan argued that as the League claimed to stand for co-operation between all nations, it was only right that India 'with her vast area and large population and her ancient civilization - India who was the fifth largest contributor the League - should be treated justly.' Although Pradhan referred to the call for India to exit the League as a 'bad blunder', he stated that an attempt must be made to remove 'the glaring injustice from which India was suffering, and to show her that the League of Nations stood for co-operation on behalf of humanity in general.' The Secretary General replied that both the Secretariat and the International Labour Office found it difficult to locate competent candidates from India, as the salaries offered by the Indian Civil Service meant that qualified young men would only be enticed to take up work in Geneva if they were particularly interested in the work.<sup>65</sup>

During the interwar period, publicity and propaganda became important tools of both imperialism and internationalism, as both the British Empire and the League of Nations sought to bolster their legitimacy and maintain their influence through specialized information bureaus. For the British in India, this meant combating revolutionary propaganda abroad by sponsoring the dissemination of propaganda that portrayed imperialism in a positive light, while simultaneously responding to the new norms of a transformed

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<sup>62</sup> Ibid, p. 4

<sup>63</sup> Aga Khan, Speech at adjourning session of the League of Nations, 6 October 1937, NLI, G.P.341.123In2, p. 11.

<sup>64</sup> Extract from *The Times London* for Saturday 9 July 1938, External Affairs Department, NAI, 401(75)- X, p. 11.

<sup>65</sup> Fourth Committee (discussion on budget of the League), 1937, NLI, G.P.341.123In2., pp. 26-9.

international order in which non-European nations such as America played an increasingly important role and where former colonies such as Ireland were increasingly able to gain both political independence and international legitimacy. At the same time, the Information Bureau of the League sought to stoke Indian interest in the League's activities through deliberate propaganda initiatives in which news from Geneva was disseminated within the Indian press. These efforts achieved mixed results with many Indians, including the Legislative Assembly, calling for a full withdrawal from the League, while others such as Govind Pradhan and the Aga Khan pointed to the injustices faced by India at Geneva, while still supporting League membership in broader terms.

### **Petitioning the League: Circumventing Empire**

Despite concerns on the part of League officials that more effort was needed in raising public awareness in India of the League's activities, one area where various Indian interests actively sought to establish a relationship with Geneva was through the act of petitioning and letter writing. In the context of the interwar period, petitions were formal requests made of the League of Nations Secretariat on behalf of those who sought redress for perceived breaches of international law. Indian petitions to the League of Nations are largely neglected within the scholarship on Indian politics in the first half of the twentieth century, and yet they drew a broad range of disparate political actors including the Hindu Mahasabha, the Pan-Asianist Mahendra Pratap, and Muslim politician and poet Muhammad Iqbal. These letters and petitions covered many different topics, but what linked them all was their attempt to circumvent imperial authority and appeal to the League as an independent arbiter capable of resolving Indian grievances against the British colonial government. These petitions often sought to bring specific issues to the attention of 'world opinion' through the League, with some arguing against the legitimacy of empire at a fundamental level and others seeking to redress particular grievances within an imperial framework.

In *The Guardians: The League of Nations and the crisis of empire*, Susan Pedersen examines petitioning as it related to the mandate system established by the League for stewardship of former German colonies. Pedersen refers to the petition process as 'perhaps the most significant aspect of the mandate system' due to the fact that it 'brought the voices of the system's subjects - albeit muted, ventriloquized, and distorted - into the rooms in which

their fates were determined.’<sup>66</sup> Although on a practical level, petitioning often served to contain and delegitimize protests from below, Pedersen notes that petitioners persisted in their efforts not through a misguided optimism that the act of petition itself would secure redress, but rather due to the other benefits offered by petitioning, which included contacts, publicity, and credibility. As a result, Pedersen argues that the true significance of petitioning is to be found in the realm of global politics, rather than law. Petitioning provided critics of the mandate system a voice within an international arena and became ‘one of the key mechanisms ... through which a previously binary relationship - colonizer, colonized - was triangulated.’<sup>67</sup> Similarly, petitions and letters sent by various Indian interests to the League Secretariat should be understood as participating within a triangular dialogue, where both imperialists and anti-colonialists sought to derive legitimacy by staking their claims within an emerging international forum.

Some of these appeals did not actively seek the abolition of empire but rather sought to appeal to the international authority of the League in an attempt to ensure that the imperial government was adhering to international law, or at least the version of it that served the interests of the given group. Writing to the Secretary-General in 1934, in response to the Communal Award of 1932, the head office of the Hindu Mahasabha complained that the provisions of the award were a violation of international law by undermining and subverting the solidarity of the state. Although its architects intended for the Communal Award to resolve the difficulties between India's Hindu and Muslim populations, the granting of separate electorates for Muslims angered members of the Mahasabha.<sup>68</sup> In order to bring this grievance to the attention of the League, the Mahasabha invoked Article 11 of the League Covenant which allowed any member state to bring to the attention of the Assembly any matter that jeopardized international peace. The Mahasabha also argued that if the underlying logic of the Communal Award was to find its way to Europe, it could lead to ‘serious conflict between (Europe's) more militant communities with all its evil consequences and ultimately to a general war.’<sup>69</sup> The Secretariat dismissed this appeal on the grounds that Article 11 could

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<sup>66</sup> Pedersen, *The Guardians*, p. 78. On petitioning in a Middle Eastern context, see also Andrew Arsan, ‘This age is the age of associations’: committees, petitions, and the roots of interwar Middle Eastern internationalism’, *Journal of Global History* 7, 2 (2012), pp. 166-88.

<sup>67</sup> *Ibid.*, pp. 93-4.

<sup>68</sup> For a fuller explanation of Hindu nationalism and its consequences, see William Gould, *Hindu Nationalism and the Language of Politics in Late Colonial India* (New York: Cambridge University Press, 2004) and Thomas Blom Hansen, *The Saffron Wave: Democracy and Hindu Nationalism in Modern India* (Princeton: Princeton University Press, 1999).

<sup>69</sup> Hindu Mahasabha Head Office to Secretary-General, League of Nations, 23 January 1934, LNA, R3626/2216, p. 1.



only be invoked by the government of a League member and not by private individuals or organisations within a member nation, and applied only to cases of war or threats of war.<sup>70</sup>

There were many other cases where a private individual or organisation appealed to the League as a potential third party authority with the potential to intervene in Indian affairs. Although Samuel Moyn demonstrates that the current conception of human rights as an international principle to be appealed to in protecting populations from their governments did not become predominant until the 1960s, these petitions reflect a nascent language of international redress that gestures towards this later development.<sup>71</sup> In 1931 members of the third session of the Indian States' People's Conference wrote to the Secretary-General, calling the rulers of India's princely states 'irresponsible and autocratic' and sought to draw the attention of the League to the system of forced labour prevalent in some states. Referring to these practices as 'analogous to slavery', this petition requested that the League conduct an enquiry and take all necessary steps in abolishing the system. The resolution further condemned the 'absentee rulership' prevalent among the princes and criticised rulers for spending too much time in European countries, demanding responsible and accountable government in their place.<sup>72</sup> A similar criticism was made of the Indian police following a public meeting in Bombay. At the meeting unanimous resolutions were passed to be sent on to the Secretariat, in which the Bombay police were condemned for their 'unchivalrous brutal and inhuman treatment' towards Indian women. Referring to police behaviour as 'an insult to India's womanhood and in defiance of all canons of decent and civilised behaviour', the resolutions called on the authorities to take action.<sup>73</sup>

Some appeals went further and sought to delegitimize empire by setting it in direct contradistinction to the principles of international law that underpinned the League. In reaction to British aerial bombardment of the northwest frontier with Afghanistan, Indian internationalist and Pan-Asianist Mahendra Pratap wrote in protest to the Secretariat in 1933. Calling global public opinion powerless in the face of such 'barbarism', Pratap acknowledged that the League would not be able to stop such massacres but suggested instead that everyone should raise their 'pious voices against every barbarous trespass on the rights of Man.'<sup>74</sup> Pratap was not alone in appealing to the League on this matter, with A.W. Tarzi similarly

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<sup>70</sup> League Secretariat to Hindu Mahasabha, 1 December 1933, LNA R3626/2216, p. 2.

<sup>71</sup> See Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, Mass; London: Belknap, 2010).

<sup>72</sup> Indian States' People's Conference to Secretary-General, 9-11th June 1931, LNA, 1A/19516/19516, pp. 1-9.

<sup>73</sup> Bringing India police to attention of League, to Secretary-General, November 1930, LNA, 1A/19516/19516, p. 1.

<sup>74</sup> Mahendra Pratap to Secretary-General of the League of Nations, 1st August 1933, LNA, R3637/6266, p. 1.

writing to the Secretariat from Istanbul in 1935. Tarzi wrote that although the attention of the world was focused on the Italian invasion of Abyssinia, Britain's aerial bombardment in Afghanistan was in fact a 'greater injustice, and in its essence far more dishonest and cruel.' The people of Afghanistan, in Tarzi's words, 'having no means to make their voice reach the community of nations, are doomed to perish resignedly ... by means of all those most modern implements of warfare, which the League has been endeavouring to forbid its use.' Tarzi pointed out the strong language with which the League condemned Italy's actions in Abyssinia, and wrote that if the League did not take action against Britain's own aggressive imperialism, it would prove itself to be 'nothing but the mouthpiece of the British will and desire.'<sup>75</sup>

Such criticisms were not unique to India, and must be situated within a growing international forum for anti-colonial antagonism that dated back to the 'Wilsonian moment' of 1919.<sup>76</sup> During the proceedings of the Paris Peace Conference, anti-colonial activists framed a resolution that protested British imperialism in Ireland, Egypt, and India. The resolution demanded the liberation of subject peoples from the 'tyranny of empire', articulating its appeal in the language of humanity and demanding that people of all nations possessed the same rights as the people of European countries such as Poland, Armenia, and Albania.<sup>77</sup> Following the independence of the Republic of Ireland and its increasingly vocal presence within the League of Nations, Irish supporters of Indian independence sought to make use of the international forum of the League to support Indian nationalists. In 1932 the President of the Indian-Irish Independence League sought to bring Britain's 'reign of terror' in India to the attention of the League, in response to the 'wall of silence that England has built up about her.' The resolution pointed out that despite its place as an original member of the League, India was represented only by agents chosen by the colonial government. The resolution went on to declare that it was only right that Ireland, having finally succeeded in making its own voice heard around the world, should help those who were 'still compelled to be the silent victims of British Imperialism.'<sup>78</sup>

With the emergence of an international sphere of world opinion regarding Indian affairs, these 'silent victims' were in fact quite vocal. Following Gandhi's arrest in 1930, Indian students at the University of Michigan wrote to the Secretary-General of the League of

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<sup>75</sup> A.W. Tarzi to Secretary-General, 23rd September 1935, LNA, R3626/2216, pp. 1-3.

<sup>76</sup> Manela, *Wilsonian Moment*.

<sup>77</sup> Protestations contre l'administration britannique en Irlande, dans l'Inde, et en Egypte, 1919, LNA, R543/4690, p. 1.

<sup>78</sup> Indian-Irish Independence League, 17 November 1932, LNA, 1A/19516/19516, p. 1.

Nations to condemn the Government of India's actions.<sup>79</sup> Another petitioner, M.R. Rau, went further, stating that as India was a member of the League with equal status to any other, the League's Covenant abrogated India's previous obligations to Britain, including the Government of India's acceptance of British suzerainty. By this logic, Gandhi's non-recognition of British authority was not to be interpreted as a breach of either national or international law, while the continuation of British rule in India was to be understood as a violation of the Covenant. According to Rau, in 'killing Indians by fire, assault, imprisonment without previous report to the League for India's defying their rule and thus making war against another member ... she is breaking another term of the covenant.' Although appeals to the League were supposed to be made by the governments of recognised member states, Rau asserted that in appointing 'British mercenaries' selected by the Government of India as League representatives, Britain was committing 'an act of false personation before the League.'<sup>80</sup>

Despite the interest of a wide range of political actors, both Indian and non-Indian, in using the League as a platform for circumventing empire and putting the anti-colonial case before world opinion, all petitions and letters that sought to fundamentally challenge imperialism were given negative replies. These dismissals should not be read as indicative of such appeals being entirely ignored, however. Officials within the League did take some appeals seriously, depending on who wrote them. When Sir Muhammad Iqbal, the famous poet and political thinker, wrote to the League in his capacity as President of the Kashmir Committee to protest the 'inhuman punishment' of the 'brutal flogging of political agitators', an internal memo within the League noted that although private persons were not able to put such issues before the League, the reply to Iqbal should 'be treated with a little more consideration and courtesy than a B Form reply.'<sup>81</sup>

Despite Samuel Moyn's assertion that it was only after 1968 that international law began to take an interest in intervening within sovereign states in the interests of something called human rights, a common thread among those who wrote to the League on behalf of Indian interests was the hope that international law could function as a third party authority to circumvent the sovereignty of the Government of India and intervene on behalf of either the individual or collective interests of Indian subjects. As one anonymous author wrote succinctly, the League of Nations 'should have power to adopt measures to mitigate the

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<sup>79</sup> Indian students of the University of Michigan to Secretary-General, 6 May 1930, LNA, 1A/19516/19516, p. 1.

<sup>80</sup> M.R. Rau, 2 June 1930, LNA, 1A/19516/19516, p. 1.

<sup>81</sup> Internal memo regarding Sir Muhammad Iqbal, 6 March 1934, LNA, R3626/2216, p. 1.

wrongs done by a Government to an individual subject of the said Government.’<sup>82</sup> The fact that the League Covenant and international law bore no such aspirations in practice does not negate the fact that for many colonial subjects and anti-colonial activists in the interwar period, there was a strong hope that the League represented just such an opportunity. This was certainly not yet articulated within a language of human rights, the emergence of which Moyn is correct to situate within the Cold War, but instead reflects a shifting global landscape wherein an emerging international order was slowly and subtly transplanting a language of formal empire.

### **An Indian Radical in Japan: The Case of Rash Behari Bose**

Although many different Indian and non-Indian political figures sought to use the international arena as a forum for circumventing British imperialism, for some the League of Nations itself could not be separated from the problem of empire. Before 1919 and throughout the interwar period, a wide range of political and geographical imaginaries existed through which political thinkers around the world envisioned different forms of political communities based on ideas of religion, civilization, or class.<sup>83</sup> With the rise of the League of Nations and the assertion of international society as an arrangement of nation-states whose sovereignty was recognized by the great powers of Europe and America, an important erasure of alternative ‘imagined communities’ took place, whereby imagined nations within and without the territorially-bounded nation-states of the international system came to be regarded as illegitimate and insurgent to the dominant ‘peaceful’ status quo centered around Geneva.<sup>84</sup>

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<sup>82</sup> Anonymous letter to President of the League of Nations, 1937, LNA, R3626/2216, p. 2.

<sup>83</sup> Three of the most important of these alternative ‘imagined communities’ were Pan-Islam, Pan-Asianism, and varying strands of left-wing thought loosely grouped into the categories of Marxism, socialism, or Bolshevism. For just a few examples, see Javed Majeed, ‘Geographies of Subjectivity, Pan-Islam and Muslim Separatism: Muhammad Iqbal and selfhood’, *Modern Intellectual History* 4, 2 (2007), pp. 145-161, John Ferris ‘“The Internationalism of Islam”: The British perception of a Muslim menace, 1840-1951’, *Intelligence and National Security* 24, 1 (2009), pp. 57-77, Aydin, *The Politics of Anti-Westernism in Asia*, Selcuk Esenbel, ‘Japan’s Global Claim to Asia and the World of Islam: Transnational Nationalism and World Power, 1900-1945’, *The American Historical Review* 109, 4 (2004), pp. 1140-1170, Carolien Stolte, ‘“Enough of the Great Napoleons!”: Raja Mahendra Pratap’s Pan-Asianist projects (1929-1939)’, *Modern Asian Studies* 46, 2 (2012), pp. 403-423, Stolte and Fischer-Tiné, ‘Imagining Asia in India’, and Read, *World on Fire*.

<sup>84</sup> Although Bolshevism provided a rival form of internationalism throughout the early interwar, the U.S.S.R. became an official member of the League of Nations in 1934, in response to the anti-internationalism of the rising fascist regimes of Germany, Italy, and Japan. See Mazower, *Governing the World*, p. 154.

In *Asia as Method*, Kuan-Hsing Chen argues that the ongoing process of decolonization and deimperialization ‘cannot be waged only in terms of the statist rearrangement of international relations.’<sup>85</sup> Chen writes, ‘If Asia is to have analytical value, it does indeed have to be placed within the frame of world history, but if world history is understood as Euro-American imperialism and capitalist expansion, the agency and subjectivity of Asia are stripped away.’<sup>86</sup> Similarly, if international history is understood in terms of ‘nation-state logic’, defined by Wang Hui as ‘a pattern of rigid definitions of how states should function’ accompanied by ‘an equally rigid set of exclusions’ for those that do not follow in the footsteps of European and American nation-states,<sup>87</sup> then rethinking Eurocentric historical narratives also entails a rethinking of the international as a key reference point. To this end, the political thought of the revolutionary Rash Behari Bose provides an important vantage point for critiquing the Eurocentrism of the international in twentieth century global history. Bose’s political thought can also provide an opportunity for understanding some of the alternative world historical narratives that were available to anti-colonial thinkers at this time, thus ‘provincializing’ readings of world history that privilege the teleological account of European progress.<sup>88</sup>

Following his failed uprising against British rule, Bose was taken under the protection of Mitsuru Tōyama. Tōyama was an important Japanese right-wing political figure with strong ties to the Kokuryūkai and the Gen'yōsha, ultranationalist secret societies that Tōyama helped found.<sup>89</sup> Both of these secret societies reflected a vision of Asianism that assigned central importance to territory. The Gen'yōsha, literally the Dark Sea Society, was formed in 1881 by Japanese ultranationalists, who named the society after Genkai Nada, the name of the channel that separates the island of Kyūshū from the continent of Asia. According to John Wayne Sabey, the founders selected this name with the intention of implying that the primary

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<sup>85</sup> Kuan-Hsing Chen, *Asia as Method: Toward Deimperialization* (Durham and London: Duke University Press, 2010), p. x.

<sup>86</sup> *Ibid*, p. 215.

<sup>87</sup> Wang Hui (ed. Theodore Hutters), *The Politics of Imagining Asia* (Cambridge, Massachusetts: Harvard University Press, 2011), p. 3.

<sup>88</sup> See Dipesh Chakrabarty, *Provincializing Europe: postcolonial thought and historical difference* (Princeton; Oxford: Princeton University Press, 2000).

<sup>89</sup> Very little research has been done on these societies within English-language scholarship, with the exceptions of Frank Jacob, *Japanism, Pan-Asianism and Terrorism: A Short History of the Amur Society (the Black Dragons), 1901-1945* (Palo Alto: Academica Press, 2014) and John Wayne Sabey, *The Gen'yōsha, the Kokuryūkai, and Japanese expansionism*. Dissertation, 1973. Microfilm 73-11, 246. National Diet Library, Tokyo. For a more comprehensive account of the rise of nationalism in Japan, see Richard Storry, *The Double Patriots: A Study of Japanese Nationalism* (Westport, Connecticut: Greenwood Press Publishers, 1973) and Ben-Ami Shillony, *Revolt in Japan: The Young Officers and the February 26, 1936 Incident* (Princeton: Princeton University Press, 1973).

goal of the society was to advocate for Japanese leadership in creating an East Asian community of nations. Similarly the Kokuryūkai or Amur Society, formed in 1901, named themselves after the river that separated Manchuria from Siberia. This was a conscious choice, indicating the society's goal of bulwarking Asia against Russian and European advances, as well as establishing Japanese leadership throughout China and Korea.<sup>90</sup> Although the importance and influence of these societies is widely exaggerated in popular accounts, Bose formed close relationships with members of these two political pressure groups during his time in Japan, which had an important impact on the way that he would come to conceptualize the Indian nation and its place in a broader Asia.

Following the end of the First World War, Bose began developing a more public profile in Japan, even marrying a Japanese woman named Toshiko Sōma and becoming a naturalised citizen in June of 1923. Bose's marriage was first proposed by Mitsuru Tōyama as a way of facilitating Bose's integration into Japanese society. The marriage was also intended to strengthen Bose's ties with his benefactors, as Toshiko was the daughter of Aizō Sōma, an important philanthropist and patron of Pan-Asianist politics who sheltered Bose in his bakery at Nakamura following the deportation order issued by the Japanese government. Although it did nothing to dampen his passion for revolutionary politics, the marriage certainly does seem to have rooted Bose more firmly in his new life in Japan, as well as contributing to his developing understanding of India's position within a broader Asian space.

As Japan began to pull away from the international society of Geneva following controversies surrounding its occupation of Manchuria in 1931, British officials became increasingly doubtful of the willingness of Tokyo to cooperate in curtailing Bose's anti-British activities. In the 1920s, Japanese police were willing to keep Bose under surveillance, and there was some very limited sharing of information between British and Japanese intelligence services, at least where potential links to communism were concerned.<sup>91</sup> Although the seeds of Japanese militarism began to blossom during the 1920s,<sup>92</sup> an important faction within Japanese political society remained committed to internationalist ideas up until

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<sup>90</sup> Sabey, *Gen'yōsha, Kokuryūkai, Japanese expansionism*, pp. 1-2.

<sup>91</sup> In the mid-1920s, Bose's link to Hugo Espinoza and to Antonov, another Bolshevik agent, gave the Japanese government enough cause for concern that they were willing to share information with the British Embassy. British Embassy Tokyo Memorandum, 25 Jan 1923, IOR: L/P&J/12/157. For a comprehensive analysis of the military relationship which existed between Britain and Japan at this time, see Philip Towle, *From Ally to Enemy: Anglo-Japanese military relations, 1900-1945* (Folkestone: Global Oriental Ltd., 2006).

<sup>92</sup> See Leonard A. Humphreys, *The Way of the Heavenly Sword: The Japanese army in the 1920s* (Stanford: Stanford University Press, 1995).

the 1930s, as Thomas Burkman demonstrates. This faction included many important Japanese political figures, such as Makino Nobuaki, Ishii Kikujirō, Nitobe Inazō, and Matsuoka Yōsuke, and was also reflected in the many internationalist movements that developed within the Japanese public during the early years of the League of Nations.<sup>93</sup>

Liberal internationalist thought in Japan particularly suffered following the onset of the Great Depression in 1929, which caused the price of Japanese silk in American markets to fall by 25 percent, hitting the Japanese economy hard and fueling the growth of right-wing nationalist and imperialist ideologies. Under these circumstances, the militarist general Ishiwara Kanji and the Kwantung Army initiated the takeover of Manchuria in 1931, drawing the condemnation of Britain and of the League of Nations, which nonetheless was powerless to intervene on behalf of the Chinese.<sup>94</sup> More moderate political circles within the Japanese government were similarly unable to prevent the rise of militarism, and a series of assassinations in the early 1930s carried out by military officials and right-wingers further intimidated the Japanese political leadership.<sup>95</sup> With Japan increasingly isolated at the international level, Asianist ideologies that emphasized Japan's relationship with its regional neighbours became increasingly popular within public discussions, filling the void of Japan's abandoned internationalism.<sup>96</sup>

It is within this context that Bose and his anti-British Pan-Asianism gained greater prominence within Japanese political circles. When Bose and Anand Mohan Sahay, another well-known anti-colonial Indian activist, hosted a banquet attended by a number of Japanese officials, Sir Francis Lindley of the British Embassy in Tokyo wrote bitterly, 'I feel very

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<sup>93</sup> See Thomas Burkman, *Japan and the League of Nations: Empire and world order, 1914-1938* (Honolulu: University of Hawai'i Press, 2008).

<sup>94</sup> In *The Making of Japanese Manchuria, 1904-1932* (Cambridge Massachusetts; London: Harvard University Press, 2001), Yoshihisa Tak Matsusaka argues that the occupation of Manchuria was in fact an incremental process that unfolded gradually throughout the early twentieth century, with 1931 serving only as the dramatic climax to a decades-long project on the part of imperialists. Nonetheless, the fact that conservative factions within Japan desired the occupation of Manchuria for decades does not indicate that the 1931 incident was inevitable, or that counter-currents of liberal internationalist thought did not pursue a genuine commitment to League principles through the 1920s. Although Eri Hotta and other scholars view Japan's war in East Asia from 1931 to 1945 as fitting within a single trajectory, Naoto Kagotani argued that even in this period, war between Britain and Japan was still not inevitable, as such a teleological narrative ignores important elements of the economic relationship between the two countries, particularly with regards to Japan's cotton trade with India. See Kagotai, 'Japan's commercial penetration into British India and the cotton trade negotiations in the 1930s', pp. 62-81 in Philip Towle and Nobako Margaret Kosuge (eds.), *Britain and Japan in the twentieth century: One hundred years of trade and prejudice* (London; New York: I.B. Tauris, 2007). See also Hotta, *Pan-Asianism and Japan's war 1931-1945* (New York; Basingstoke: Palgrave Macmillan, 2007).

<sup>95</sup> Masato Kimura and Tosh Minohara (eds.), *Tumultuous Decade: Empire, society, and diplomacy in 1930s Japan* (Toronto: University of Toronto Press, 2013), p. xiv.

<sup>96</sup> Burkman, *Japan and the League of Nations*, pp. 210-211.

much tempted to ask Count Uchida what he would think if the Lord Mayor of London was to attend a banquet organized by notoriously disaffected Koreans.<sup>97</sup> By 1931, Thomas Snow of the British Embassy was beginning to question the sincerity of the Japanese government's assurances that Bose remained under constant surveillance and was still on the black-list of the Japanese police. 'I am inclined to think,' wrote Snow, 'that Mr. Nagai may have desired to go out of his way to give me these assurances, in view of the fact that ... Bose is billed among a list of lecturers who will speak during the summer courses ... of an organization named the Oriental Culture Summer College of Tokyo.' These courses were to take place at the Imperial Universities of Tokyo and Kyoto and were organised by Mr. Kaju Nakamura, a member of House of Representatives.<sup>98</sup>

In May of 1933, Bose began publication of the monthly leaflet *New Asia*, which referred to itself as, 'an organ of those who really yearn for the peace of the world and the happiness of humanity'. In its inaugural issue, *New Asia* congratulated Japan for withdrawing from the League of Nations, which it claimed dealt 'this imperialist organisation' a staggering blow.<sup>99</sup> In response, the Government of India issued an order on July 1st under the Sea Customs Act that prohibited *New Asia's* entry into India, as well as any other materials published by Bose. One colonial official remarked, 'The paper is no worse than what is published in India but if we have the powers to keep it out we may as well use them.'<sup>100</sup> The Intelligence Bureau, on the other hand, justified the ban by pointing out that Bose's goal was to 'attract young Indians to Japan, so that he may instil into their minds some of the hatred which he feels for the Government of the land of his birth.'<sup>101</sup>

Just as the colonial government feared that Bose could use his position in Tokyo to smuggle arms into Indian territory, there was a growing concern in the 1930s regarding the potential for Indian students to fall under the influence of Bose while studying in Japan. For Bose, a successful revolution in India could only be carried out with the involvement of the youth, as 'young men only are in a position, and possess the required spirit, to put radical ideas into practice. Old men are generally inextricably bound up with selfish interests ... They

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<sup>97</sup> Sir Francis Lindley to Sir John Simon, 6 February 1933, Foreign and Political Department, NAI, File No. 130-X, p. 2.

<sup>98</sup> British Embassy confidential memo, 2 July 1931, IOR: L/P&J/12/163, p. 32.

<sup>99</sup> T.M. Snow to Sir John Simon, 31 May 1933, Foreign and Political Department, NAI, File No. 216-G, p. 18.

<sup>100</sup> Proscription under the Sea Customs Act of the monthly publication entitled 'New Asia' and other publications edited and published by Rash Behari Bose. Home Political, NAI, File No. 35/9, p. 1.

<sup>101</sup> Question in the Legislative Assembly by Mr. Gaya Prasad Singh regarding the prohibition of the entry into India under the Sea Customs Act of all publications by Rash Behari Bose. Home Political, 1933, NAI, File No. 22/111, p. 2.



never can conceive in terms of revolution ... It is on youthful blood that the plant of freedom thrives best.<sup>102</sup> To this end, Bose established two lodging houses in Japan that provided affordable accommodation and meals for Indian students.<sup>103</sup> Charging only ¥ 25 per month, the lodgings were much cheaper than the average student accommodations available elsewhere, although one student complained that the food was ‘monotonous and almost uneatable.’<sup>104</sup>

The Government of India sought to contain Bose's influence by making it more difficult for Indian students to go abroad to study in Japan. During the First World War, British passport authorities issued an order stipulating that ‘the grant of passports for Japan to Indians should be refused altogether unless they have definite business there and their antecedents are beyond suspicion.’ Although the order was no longer enforced after the war, the government continued to regard Indians bound for Japan with skepticism, and in 1935, Mr. Davies of the Home Department stated that it was the duty of the Indian Government ‘not to facilitate, but definitely to obstruct, the departure of Indian students to Japan ... the danger of such students falling under the evil influence of Bose and his friends is real.’<sup>105</sup> In a confidential file, the Government of India reminded local governments that ‘very careful consideration should be given to passport applications by Indians, particularly by students, to go to Japan, and ... that subject should be an individual about whose character and *bona fides* there is no doubt whatever.’<sup>106</sup>

With the outbreak of hostilities between the Japanese and British empires on the 8<sup>th</sup> December, 1941, Rash Behari Bose sought to exploit the Government of India's weakness by aligning himself firmly with the Japanese war effort. Jubilant at the prospect of India's liberation, Bose dove headlong into the war effort, urging Japanese military officials to include India within what Pan-Asianists and Japanese imperialists called the Greater East Asian Co-prosperity Sphere. As Japanese forces swept away British resistance in Malaya and Singapore, thousands of Indian prisoners of war were formed into a new military force, called

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<sup>102</sup> Rash Behari Bose, ‘India's Hope is the Youth’, 11 February 1945, Home Political, NAI, File No. 33/9/45-Poll(I).

<sup>103</sup> These lodging houses were patterned off the famous India House which had been an important centre of anti-colonial thought in London until it was shut down following the assassination of Sir Curzon Wylie by Madan Lal Dhillon, one of its members, in 1909. For more on India House, see Owen, ‘The Soft Heart of the British Empire’, and Fischer-Tiné, ‘Indian Nationalism and the ‘world forces’.

<sup>104</sup> Home Department Political Section, 1935, NAI, File No. 1/3/35-Political, p. 40.

<sup>105</sup> Extract from Home Department file, 4 April 1935, Foreign and Political Department, NAI, File No. 216-G, pp. 2-7.

<sup>106</sup> Confidential file from Government of India to all local Governors, 23 May 1935, Foreign and Political Department, NAI, File No. 216-G, p. 8.

the Indian National Army, or INA, that fought alongside the Japanese army against the British. As tensions broke out between members of the INA leadership and Japanese military authorities, Rash Behari Bose tried to smooth out these disagreements at the Bangkok conference in June of 1942, and just managed to hold the INA together long enough for the better known Subhas Chandra Bose to take up its leadership in 1943, having travelled by submarine from Germany.<sup>107</sup>

Between the ultimate defeat of the INA and of Japanese imperial forces by the Allied troops and the horrific wartime atrocities carried out against the people of East and Southeast Asia in the name of the 'Greater East Asian Co-prosperity Sphere', it is easy to understand how Rash Behari Bose's link to Japanese Pan-Asianism damaged his reputation as an Indian nationalist after the war. Branded a 'Quisling' by *The Times*,<sup>108</sup> Bose's complicity with Japanese imperialism remains the largest sticking point barring his entry into the pantheon of Indian freedom fighters. More recent work on Rash Behari Bose by Eri Hotta complicates the image of him as a tool of Japanese imperialism. Hotta argues that while Bose's 'view that the liberation of India and other Asian nations would arise from Japan's wartime program ... was hopelessly misguided,'<sup>109</sup> Pan-Asianism must nonetheless be regarded as 'more than a hollow construct that emerged as an ex post facto response to Japan's military expansionism in Asia.'<sup>110</sup> Having explored some of the ways that Bose's life maps onto the history of Anglo-Japanese relations in the interwar, this investigation now turns to Bose's own writings in an attempt to understand the relationship between India, Asia, and the international within his political thought.

### **Pan-Asianism and the League: Challenging Empire**

The proceedings of the Pan-Asiatic conference at Nagasaki provide an excellent example of some of the ways that Bose's critiques of European internationalism fit within a broader context of Pan-Asian anti-Westernism. The Pan-Asiatic conference took place at the

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<sup>107</sup> For a more comprehensive account of the history of the Indian National Army, see Christopher Bayly and Tim Harper, *Forgotten Armies: The fall of British Asia, 1941-1945* (London: Allen Lane, 2004), and Bose, *His Majesty's Opponent*, as well as Peter Ward Fay, *The Forgotten Army: India's armed struggle for independence, 1942-1945* (Ann Arbor: University of Michigan Press, 1993) and Kalyan Kumar Ghosh, *The Indian National Army; second front of the Indian independence movement* (Meerut: Meenakshi Prakashan, 1969). For more on the role of Rash Behari Bose in the INA, see Nakajima, *Bose of Nakamura*, pp. 241-296.

<sup>108</sup> 'Indian Quisling Dead.' *The Times*, 22 January 1945.

<sup>109</sup> Eri Hotta, 'Rash Behari Bose: The Indian Independence Movement and Japan', in Saaler and Szpilman (eds.), *Pan-Asianism A Documentary History, Volume 1*, p. 235.

<sup>110</sup> Eri Hotta, 'Rash Behari Bose and his Japanese supporters', p. 117.

beginning of August in 1926 with the stated goal of bringing about ‘permanent world peace based on justice and equality’ as well as the ‘restoration of the spiritual and material civilization of Asia.’<sup>111</sup> Although at times the rhetoric of the conference directly mirrored and borrowed from that of the League of Nations, the goal of the conference was not reproducing the mechanisms of the League, but rather appropriating its vision of a universal humanity towards the cause of Asian independence. The conference encountered a number of setbacks, particularly in terms of friction between the Japanese and Chinese delegates, who clashed over the issue of Japanese imperialism. What is most interesting about the conference is not the ways that delegates such as Rash Behari Bose sought to reproduce the language of Versailles and Geneva, but rather the ways that they sought to subvert it by challenging the League of Nations' claim to speak for a global humanity. The Indian press greeted the conference optimistically, with one article in the *Bengalee* going so far as to claim that the conference held the potential to ‘refashion human destiny most drastically’, but would at any rate,

... have much greater claims on the support of the oppressed people of Asia - and, we might add, of Africa also - than the so-called League of Nations which has been established by Christian nations to help in perpetuating the un-Christian doctrine of 'white supremacy' all over the world.<sup>112</sup>

In his opening address on August 1st, Juntaro Imazato, the chair of the conference and a member of Japan's National Diet, spelled out the limits of Eurocentric internationalism, calling the League's efforts at world peace ‘a piece of their desk theory.’ Imazato argued that although it was understandable that the League sought to work towards world peace ‘under the present political system of nation as a unit ... is it not more important to pay higher attention to the various races included, sometimes against their will, in the nation?’ Imazato concluded; ‘Leaving the league of nations to proceed on their own paths relying upon disarmament and international law ... let us make effort to fill up what they found themselves unable to do,’ which was to be achieved through ‘a more steady progress of social life and cultivation of mutual understanding among different races.’<sup>113</sup>

Similarly, in his speech Bose criticized European internationalism as parochial and unrepresentative of the interests of humanity; ‘It is said that the League of Nations is founded

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<sup>111</sup> Proceedings of the Pan-Asiatic Conference held at Nagasaki, 1926, Foreign and Political Department, NAI, File No. 526-X, p. 5.

<sup>112</sup> Ibid.

<sup>113</sup> Ibid, p. 23.

to ensure world peace but in reality it concerns itself with the interests of Europe and America. It does not think of the interests of the millions of Asia. The Pan Asiatic League will have at heart not only the interests of those millions but also of the world.’<sup>114</sup> For Bose and Imazato, the goal of the conference was not necessarily the substitution of European internationalism with Asian internationalism, but rather the contestation of internationalism as a failed paradigm of Eurocentrism, and the articulation of an alternative framework for a global politics that defied the fixed territoriality of the Versailles system of nation-states.

For Rash Behari Bose, this alternative framework hinged primarily on the issue of race. Reflected through the prism of Pan-Asianism, this framework provided the terminology through which Bose envisioned a global counter-geography to the imperialist internationalism of the British Empire and the League of Nations. Bose viewed the history of the late nineteenth and early twentieth century as a history of the rise of global white supremacy, writing in the *Standard Bearer* that the ‘map of the world at the time of the accession of Queen Victoria to the throne of England was, for instance, very widely different from what we see at present ... Although the whites had already been showing much activity before, the influence at the time was nothing as compared with their influence at present.’ Bose charted the expansion of European imperialism in Africa, Australia, North America, and Asia, concluding that the ‘rise of the influence of the whites threatens the weaker of the coloured races with extermination.’<sup>115</sup> In *New Asia*, Bose wrote that a glance at the global political map ‘inspires one with a feeling of awe at the white races’ overwhelming political supremacy over the world’ with a bare area of six million square miles remaining outside of white political control.<sup>116</sup>

In their book *Drawing the Global Colour Line*, Marilyn Lake and Henry Reynolds demonstrate the transnational scope of a developing imagined community of whiteness in the early twentieth century, which reinforced its identity through the exclusion and subjugation of non-white persons. Tracing immigration restrictions and imperial policies in white settler nations such as Canada, the United States, Australia, and South Africa, Lake and Reynolds highlight the ways that the category of whiteness provided the basis for an exclusionary logic with global reach that sought to shore up white privilege and supremacy around the world.<sup>117</sup> Similarly, Radhika Mohanram examines the role of whiteness in shaping British imperial

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<sup>114</sup> Ibid, p. 29.

<sup>115</sup> Rash Behari Bose, ‘The Awakening of Asia’, in Das (ed.), *Rashbehari Bose: Autobiography, writing and speeches*, p. 204.

<sup>116</sup> *New Asia*, Nos. 17 and 18, 1934, p. 2.

<sup>117</sup> See Lake and Reynolds, *Drawing the Global Colour Line*.

identities of gender, class, and sexuality in the Victorian period. Historicizing the production of white identities throughout the empire, Mohanram demonstrates how these identities became interpolated as universal within metropolitan discourses.<sup>118</sup> These discourses provided the underpinnings for Britain's global imperial project, as articulated in Partha Chatterjee's argument regarding colonial rule as a rule of difference that rested upon the alienness of the ruling group and the racial and cultural difference of their colonial subjects.<sup>119</sup>

Rash Behari Bose's ideas regarding the relationship between race and territory demonstrate that while race certainly provided an underlying pillar of European imperial oppression, it also provided a language through which revolutionaries could universalize the scope and significance of global anti-imperialism. Writing in *New Asia*, Bose wrote that despite the vast scope of European political control across the globe, 'there is another way of looking at the map. Viewed from the Racial side, the map of the world becomes completely reversed. The White world on the map is whittled down to 22,000,000 square miles, while the Coloured is extended to 31,000,000 square miles.'<sup>120</sup> Using a series of figures measuring territory and global population sizes and densities, Bose advanced the argument that the same map of the world could look radically different depending on how it was analyzed. For Bose, the awakening of the oppressed world was a natural consequence of a small population expanding so far beyond its own territorial limits. Bose argued that there was 'only one inevitable result of this disproportionate political expansion and encroachment of a minor race on the territories of that of a major one's preserves, the edging out of the trespassers ... The entire Coloured world ... is astir against the White incursions. There is trouble in every country under White control.' This was a key point of optimism for Bose, as 'despite the most imposing political phenomena presented in the White political map, it is decidedly an extremely precarious one, for the basic factor is not political but Racial. Mere passive

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<sup>118</sup> Radhika Mohanram, *Imperial White: Race, diaspora, and the British Empire* (Minneapolis; London: University of Minnesota Press, 2007). The tensions and fluidity inherent in 'whiteness' as a category are further elaborated in Santoshi Mizutani, *The Meaning of White: Race, class, and the 'domiciled community' in British India, 1858-1930* (Oxford: Oxford University Press, 2011). This work can be situated within the 'new' school of imperial history, that seeks to explore the manifold contradictions and ambiguities of the malleable binary between colonisers and colonised. See also Catherine Hall and Keith McClelland (eds.), *Race, nation and empire: Making histories, 1750 to the present* (Manchester: Manchester University Press, 2010), and Tony Ballantyne and Antoinette Burton (eds.), *Empires and the reach of the global, 1870-1945* (Cambridge: The Belknap Press of Harvard University Press, 2014).

<sup>119</sup> See Partha Chatterjee, *The Nation and its Fragments: colonial and postcolonial histories* (Princeton, N.J.: Princeton University Press, 1993).

<sup>120</sup> *New Asia*, Nos. 17 and 18, 1934, p. 2.

resistance on the part of the Coloured races against the Whites would change the face of the map within the twinkling of an eye.<sup>121</sup> For Bose then, race was not only a tool through which the European powers bulwarked their imperial project, but rather also provided the language through which anti-colonial nationalism could speak back to empire through territory. Just as his analysis of the distribution of global territory formed the crux of his argument regarding the expansion of white imperialism, it was also the key element in his re-mapping of a global politics of liberation.

By mapping out the world in racial, rather than political terms, Bose also sought to critique the international by exposing and inverting the global colour line on which it rested. Dismissing the pronouncements made during and after the First World War regarding the rights of small nations and the self-determination of oppressed peoples as ‘mere bluffs’, Bose declared that the purpose of the Versailles conference and the establishment of the League of Nations was ‘to diminish or at least postpone the acute danger threatening the political frontiers of the White map, and that the peace settlements were based upon imperialistic secret treaties for the continuance of White imperium over the Coloured races and regions.’ For Bose, the awakening of the oppressed world required a disavowal of the legitimacy of the existing international framework, which he referred to as the ‘grotesqueness of the Versailles Treaty (and) the superimposed palace of the League of Nations on the quicksands of that Treaty.’<sup>122</sup> Bose hoped that this awakening would lead to the formation of a ‘Pan-Coloured Alliance’, a global community that would maintain the racial binary that underpinned the international, but would reverse the power dynamics of that relationship in a way that would completely redraw the political map of the world.

To this end, violence provides a crucial window into understanding how critics such as Bose conceived of the international order of the interwar. Although a central discourse of the Geneva system was the language of peace, many critics - whether fascist, anti-colonialist, or Pan-Asianist - saw this as nothing more than a smokescreen concealing the preservation of an inherently violent status quo. To understand this perspective, it is necessary to rethink violence along the lines proposed by Slavoj Žižek, who argues that there are in fact two different types of violence: subjective and objective. Subjective violence, according to Žižek, is violence that is performed by a clearly identifiable agent, while objective violence is the invisible violence, either symbolic or systemic, that preserves the status quo in which

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<sup>121</sup> Ibid, p. 3.

<sup>122</sup> Ibid.

subjective acts of violence take place. Zizek argues that if seemingly irrational or random outbursts of subjective violence are to be understood, it is first necessary to acknowledge the 'contours of a background which generates such outbursts.'<sup>123</sup>

Here it is useful to read Zizek in tandem with Carl Schmitt, a German jurist and political thinker who was highly critical of the international order of Versailles. Schmitt worried that the criminalisation of war proposed by the League would 'sharpen and deepen the belligerents' hostility, surely in the most gruesome way' by replacing earlier conceptions of war as a conflict between two equal and just enemies with a universalising status quo in which war became a matter of punitive action against aggressors.<sup>124</sup> For both Zizek and Schmitt, an allegedly peaceful status quo should be seen as obfuscating a deeper violent ordering of global politics.

Thinking through the universalising rhetoric of the League of Nations as a form of objective violence helps render the apparent incongruities of a figure like Rash Behari Bose more intelligible. Rather than understand Bose's support for Japanese imperialism as a hypocritical aberration within his anti-colonial thought, or as simply a strategic decision made in the pursuit of his struggle against the British Empire, it is possible to instead situate this apparent contradiction within a broader understanding of violence within the international system of the interwar. For Bose, Japan's increasing international isolation through the 1930s was a direct result of British attempts to prevent it from becoming an economic competitor. Pointing to the past examples of France, Russia, and Germany, Bose argued that every time a rival country threatened its economic dominance, it became British policy worked to isolate that country and prevent it from expanding at Britain's expense. Bose saw Britain's 'checkmating' of Japan as an unfair attempt to preserve a status quo in which Britain, through the League of Nations, could continue to dominate the international system.<sup>125</sup>

Bose's perspective on this issue was by no means marginal or radical during the interwar period. Even the Aga Khan recognised that the focus of the League of Nations on maintaining the status quo created an inherent disadvantage for any whose interests this status quo did not represent. In his words,

The status quo had everything on its side. There was as much chance of achieving any real rectification of frontiers, any adjustment of conflicting national claims, through the League, as there would have

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<sup>123</sup> Slavoj Zizek, *On Violence: Six sideways reflections* (London: Profile Books, 2009), pp. 1-2.

<sup>124</sup> Schmitt, *Nomos of the Earth*, pp. 156, 122-4.

<sup>125</sup> *New Asia*, No. 4, August 1933, p. 2.

been of steering a bill providing for universal suffrage successfully through the House of Lords of 1820. The ideologues of the immediate post-war era worshipped the constitution of the League, but like most idols it had feet of clay ... It was Metternich's system, dressed up anew as democracy, freedom, and - sacred word - self-determination. But it had been so adjusted that the 'haves' among the nations had things all their own way, and the only hope for the 'have-nots' of changing their inferior status lay ... in building up their military power ... until they were able to launch direct and open aggression.<sup>126</sup>

Referring specifically to Japan and the Manchurian crisis, the Aga Khan wrote that the fundamental issue at stake was that Japan would not and could not accept the fact that the League inaugurated a new international order in which older methods of securing territorial expansion and resources were no longer permitted. Within this system, it was 'far easier for a camel to go through the eye of a needle, than for Japan to procure *de jure* recognition by the League of her *de facto* position on the northern Asiatic mainland.' In reinforcing their own hegemony through a system designed to maintain the status quo, the dominant powers such as Britain ensured that 'it was only open to the 'have-nots' to break through or to circumvent this wall of negatives.'<sup>127</sup>

Such logic was not limited to Japan, but applied to the case of Indian independence as well. At a meeting in 1930, the India Independence Central Committee of Detroit, Michigan, passed a series of resolutions that were in turn submitted to the League of Nations by Vida Malik. While the first and third resolutions criticized the arrest of Gandhi and the heavy-handed actions of British troops, the second resolution sought to portray British imperial rule as a direct threat to world peace. This resolution inverted the popular argument put forward by imperialists that Indians needed to be ruled over for their own good in the interests of maintaining peace within the subcontinent, by instead arguing that the British Government was 'goading the people of India to violence with brutalities.'<sup>128</sup> The widespread popularity of Gandhi's non-violent political campaign, and the increasing degree of legitimacy afforded to it by audiences in America and elsewhere, served to highlight the objective violence of an imperial status quo that would allow no opportunity for nationalist agitation, even when such agitation couched itself in the internationally intelligible terminology of self-determination. Recognizing the violent nature of global imperialism rendered legitimacy to political violence

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<sup>126</sup> Aga Khan, *Memoirs of the Aga Khan: World Enough and Time* (London: Cassell and Company Ltd., 1954), p. 251.

<sup>127</sup> *Ibid*, p. 253.

<sup>128</sup> Vida Malik to League of Nations, 11 May 1930, LNA, R3626/2216, p. 1.



by framing it as a logical and inevitable product of a violent status quo in which the imperial powers of Europe suppressed 'legitimate' politics.

The particular significance of Rash Behari Bose is that in bridging the apparent divide between Japanese militarism and Indian revolutionaries, he highlights the connected dimensions of international violence during the interwar period. If the status quo maintained by the League of Nations on the one hand and the British Empire on the other can be understood in terms of Žižek's argument regarding objective violence, then the conflation of the two within Bose's political thought speaks to a larger global ordering of violence and legitimacy through which dominant powers such as Britain sought to maintain their hegemony through a language of peace. This language sought to delegitimize challengers to the status quo by labelling them as terrorists or aggressors, whose politics could be pushed aside by a universalising rhetoric that legitimized the established order through a language of humanity. This claim to humanity did not go uncontested, but was adopted by revolutionaries such as Bose who articulated his own version of Indian nationalism within a larger Pan-Asian and indeed 'Pan-Coloured' framework.

## **Conclusion**

Following the end of the Second World War, the Great Powers dissolved the League of Nations and the United Nations took its place. At the final session of the League on the 11th of April, 1946, India's representative Sir Khawaja Nazimuddin gave a tribute to India's long service within the League. An aristocratic Muslim from Dacca, Nazimuddin played an active role in Bengal politics throughout the first half of the century, serving at the education minister of Bengal from 1929 to 1934 and as a member of the Bengal Legislative Assembly on behalf of the Muslim League. He would go on to a short stint as the second Prime Minister of Pakistan from 1951 to 1953. In looking forward towards the formation of the UN, Nazimuddin pointed out that India would join other countries in collaborating with the UN, thereby demonstrating its desire to continue to play a role in international measures 'to secure those conditions of peace which alone will allow a happier and improved standard of living for the various peoples of the world.'<sup>129</sup> Nazimuddin said that he did not believe 'that we have come to the burial ceremony of the League of Nations', but rather hoped that through

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<sup>129</sup> Report on the work of the Indian Delegation to the Twenty-First (Ordinary) Session of the Assembly of the League of Nations, 1946, NLI, G.P.341.12 L47, p. 12.

the UN members could ‘look forward to the future, and avoid the mistakes of the past.’ With Indian independence only one year away, Nazimuddin remarked that the ‘nations of India are standing on the threshold of independent sovereign status.’ Despite this, his response to the question of mandates and non-self-governing territories in the aftermath of the war seems surprising, given India's long colonial past. Although Nazimuddin noted that India ‘believes in the independence of all nations, irrespective of colour or creed’, he nonetheless reiterated the UN official position that ‘until they are in a position to attain their independence, she believes in the trusteeship system of the United Nations, not only in the interest of the territories themselves, but in the larger interests of preserving world peace.’<sup>130</sup>

It seems incongruous that India, on the very cusp of its independence from almost two centuries of colonial rule, would support the notion that some states were not yet ready to govern themselves or, to use the language of the League from several decades earlier, ‘not yet able to stand by themselves under the strenuous conditions of the modern world.’<sup>131</sup> It is important to note that India’s broader policy towards the UN actively promoted the interests of anti-colonial interests around the world.<sup>132</sup> Jawaharlal Nehru warmly greeted the idea of a United Nations, and with his idealistic internationalism and preference for a One World policy, Nehru saw within the UN an essential tool for the maintenance of global peace. As a result, India would come to play an active role in the early days of the organisation, with Nehru’s sister, Vijaya Lakshmi Pandit selected as the first female president of the United Nations General Assembly in 1953. Historian Manu Bhagavan explains India’s acceptance of Chapters XI and XII of the UN Charter – those pertaining to non-self-governing territories and trusteeship – as a result of Nehru and Madame Pandit seeking to read the terms of these chapters in ‘spirit and letter’, not as props for continued imperialism but as a genuine aspiration for imminent self-government for the colonized peoples of the world.<sup>133</sup>

More importantly for the purposes of this chapter, such a stance is entirely understandable in light of the longer anomalous history of India's position within the League of Nations. The emergence of a particular international order in the aftermath of the First World War created an often contradictory relationship between empire and the international in India, wherein these two processes sometimes opposed, and sometimes reinforced each

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<sup>130</sup> Ibid.

<sup>131</sup> Quoted in Pedersen, *The Guardians*, p. 1.

<sup>132</sup> See Daniel Gorman, ‘Britain, India, and the United Nations: colonialism and the development of international governance, 1945-1960’ *Journal of Global History* 9, 3 (2014), pp. 471-90.

<sup>133</sup> Manu Bhagavan, *The Peacemakers: India and the Quest for One World* (Noida, Uttar Pradesh: HarperCollins India, 2012), p. 69.

other. By moving away from a language of formal imperialism and towards more subtle practices of coercion, the League of Nations created the space for empire to retain its hold throughout the interwar period. At the same time, however, the language of the international and particularly the popular dissemination of the idea of self-determination gave impetus to anti-colonial nationalist movements and provided a new vocabulary with which they could put their cause before world opinion.

Rather than regarding them either as two separate or interlinked processes, empire and the international must instead be thought of in relation to the global ordering of sovereignty and violence that took place over the first half of the twentieth century. In seeking to combat ideas of self-determination and delegitimize anti-colonial forces in the eyes of world opinion, imperial officials struggled to control the narrative of India that the international audience consumed, while India's position as a member of the League made this task increasingly difficult. At the same time, League officials sought to promote the work of this international organisation in places such as India by raising public awareness and thereby seeking to enhance League authority. This awareness generated petitions by a range of private individuals and groups, who sought to appeal to the authority of the League as a third party capable of circumventing the sovereignty of the imperial government. Because of the failure of the League to do so, it was easier for revolutionaries like Rash Behari Bose to argue that the international order represented by the League was nothing more than a smokescreen concealing British imperial ambitions and the preservation of a status quo of objective violence.

## **Chapter 5:** India, the League of Nations, and International Terrorism

### **Introduction**

From the 1<sup>st</sup> to the 16<sup>th</sup> of November, 1937, the League of Nations hosted a special diplomatic conference with the goal of passing the world's first international law to target terrorism as a distinct category of crime. Among a diverse range of nation-states represented at the conference, 24 signed the Convention for the Prevention and Punishment of Terrorism. This convention was the result of a three year process of drafting and debates undertaken by a Committee of Experts composed of representatives from Belgium, Britain, Chile, France, Hungary, Italy, Poland, Roumania, Spain, Switzerland, and the U.S.S.R. The Council of the League of Nations appointed this committee on December 10th, 1934, following the highly publicized assassination of King Alexander I of Yugoslavia and Louis Barthou, the French Foreign Minister, by members of the Internal Macedonian Revolutionary Organization two months earlier in Marseilles. The assassination attracted international attention, particularly because it was the first regicide ever caught on film.<sup>1</sup> The assassin, a Bulgarian named Vlado Chernozemski, was immediately apprehended by French police with such violence that he died of his injuries. His co-conspirators escaped to Italy where they were safe from extradition due to an 1870 law that deliberately omitted political crimes from the list of extraditable offences.

The assassination of Alexander I was by no means the first incident of its kind, but was situated in a long history of internationally prominent assassinations that spanned the length of the nineteenth century. From the 1870s until the interwar period, anarchism was the most popular term used to describe acts of political violence that would later come to be referred to as terrorism. Anarchism more accurately refers to an ideology originating out of radical strands of left-wing European political thought, which advocates the abolition of state-based forms of government in favour of voluntary self-governing institutions. During the late nineteenth century, anarchism came to be conflated in popular and governmental discourses with so-called 'assassinationism' or 'propaganda of the deed', referring to bombings or assassinations carried out with the intention of undermining or challenging state

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<sup>1</sup> Although the video does not capture the murder itself on camera, both the build-up and aftermath were filmed and are now readily available online. See for example <http://publicdomainreview.org/collections/live-footage-of-king-alexanders-assassination-1934/>.

authority. Richard Bach Jensen defines ‘anarchist terrorism’ as a worldwide phenomenon that was depicted in print media as a ‘powerful conspiratorial force moving throughout the world.’ Jensen, however, demonstrates that in reality there was a wide gap in perception between the myth and reality of global anarchist plots. He further argues that the many acts of violence committed by disparate groups of nationalists, radicals, police spies, and the mentally ill during this period became conflated with the catch-all categorization of ‘anarchism’.<sup>2</sup>

Such acts of political violence took place all around the world, with notable examples including the assassination of Czar Alexander II of Russia in 1882, the murder of President William McKinley in America in 1901, and – most famously – the killing of Austrian Archduke Franz Ferdinand in 1914, which served as the catalyst for the First World War. The policing of anarchism took on a variety of forms in different countries, with some governments opting for preventative measures that aimed to stop anarchist plots before they could come to fruition, while other nations favoured the repression of anarchist networks following their commission of specific crimes. In general, more despotic regimes such as czarist Russia opted for preventative measures that included the prohibition of meetings, censorship, and mass arrests of suspected anarchists, while ostensibly liberal or progressive governments sought to protect the rights of an individual until they committed an actual crime. As Jensen notes, the distinction was often not as clear cut, and preventative policies aiming to monitor anarchist networks rather than destroy them were often the most successful in preventing political assassinations.<sup>3</sup> As the case of India demonstrated throughout the first three chapters of this dissertation, supposedly liberal governments such as the British were also prone to adopt markedly less liberal policies where their colonies were concerned.

Following the assassination of Elisabeth, the Empress of Austria and Queen of Hungary by an Italian anarchist on the 10<sup>th</sup> of September, 1898, the Italian government convened the ‘International Conference for the Defense of Society against the Anarchists’ from November 24<sup>th</sup> to December 21<sup>st</sup>. This marked the first international conference to specifically target anarchism, and would set the tone for future international cooperation on this issue. A key legacy of this conference was increased cooperation among European police forces as well as the expansion of the *portrait parlé* system that deployed a complex series of

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<sup>2</sup> Richard Bach Jensen, *The battle against anarchist terrorism: an international history, 1878-1934* (Cambridge: Cambridge University Press, 2013), p. 3.

<sup>3</sup> Jensen, *Battle against anarchism*, p. 5.

measurements and recordings of identifying markers in order to facilitate the recognition of suspected criminals.<sup>4</sup>

Following the Rome Conference, the assassination of President McKinley in 1901 resulted in the St. Petersburg Protocol of 1904, in which a number of European powers came together in a second attempt to establish a concerted international response. This consisted of countries that would later stand on both sides of the First World War, including Russia, Roumania, Serbia, Bulgaria, Austria-Hungary, Germany, Denmark, Sweden-Norway, Spain, Portugal, Switzerland, and the Ottoman Empire. The protocol provided procedures for the expulsion of criminals designated as anarchists, and called for the creation of central anti-anarchist offices in member countries, as well as cooperation between member police forces. Despite the urging of Berlin, London officials were unwilling to sign on to the protocol in 1906, with the excuse that British law already carried out most of the provisions in practice. The protocol ultimately fell through due to the fact that national interests and political rivalries won out over coordination and multi-lateral cooperation.<sup>5</sup>

Many of the same concerns that animated the formulation of the St. Petersburg Protocol were shared by the Committee of Experts in drafting the international Terrorism Convention of 1937. By this time, however, the category of anarchism was definitively replaced by a new target of international concern through the concept of terrorism. The novelty of this category meant that the first difficulty in drafting a counter-terrorism convention lay in establishing a precise legal definition for what terrorism actually was. To this end, the Committee of Experts held three meetings between 1935 and 1937,<sup>6</sup> in which they examined a series of proposals made by 13 different governments, along with advice from relevant experts such as the International Criminal Police Commission based out of Vienna.<sup>7</sup> Throughout this drafting process, a number of important debates took place regarding the relationship between terrorism and politics, the problematic tautology of

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<sup>4</sup> See Jensen, *Battle against anarchism*, pp. 131-84. For more on the development of international policing itself, see Mathieu Deflem, *Policing World Society: historical foundations of international police cooperation* (Oxford:Oxford University Press, 2002).

<sup>5</sup> See Richard Bach Jensen, 'The first global wave of terrorism and international counter-terrorism, 1905-1914', in Jussi Hanhimäki and Bernhard Blumenau (eds.), *An International History of Terrorism* (New York: Routledge, 2013), pp. 16-33.

<sup>6</sup> The first session took place between April and May of 1935, the second session was in January of 1936, and the third and final session occurred in April, 1937.

<sup>7</sup> League of Nations Archives, Geneva. April 11th, 1935. Communications from International Organizations. International Criminal Police Commission. C.R.T. 2. This commission had been formed in 1923, with the aim of targeting the 'common enemy of humankind: the ordinary criminal.' See Deflem, *Policing World Society*, pp. 124-52.

defining terrorism as an action that causes terror, as well as the tensions between international law and questions of territory and sovereignty. The convention ultimately compelled signatories to criminalize terrorist offences within their borders, while recommending that such offences should be exempt from the protection from extradition provided by the existing international law with regard to political offences.<sup>8</sup> The main function of the convention, however, was its goal to establish an internationally acceptable definition for terrorism as a distinct category of crime. As such, it is the specificities of this definition that are of central importance to the current chapter.

In attempting to reach a consensus regarding an intelligible definition for ‘terrorism’, each representative came at the topic with their own ideas about political violence, usually motivated by their own national interests. Roumania proposed the idea of drafting a League of Nations treaty targeting terrorism back in 1926, and it was the Roumanian delegate, Professor M. Pella, who acted as chair of the Committee of Experts. The strong Roumanian presence in the 1937 debates can furthermore be explained by the recent assassination of Prime Minister Ion G. Duca in 1933 due to his attempt to suppress the Iron Guard, an ultra-nationalist fascist movement, which lent urgency to Roumania’s position. Representative Koukai of Czechoslovakia also played a disproportionately vocal role in the debates, likely due to Czechoslovak fears triggered by the activities of the *Ordnersgruppe*, a paramilitary organisation comprised of ethnic Germans formed in 1933, who would go on to receive Nazi backing in 1938 prior to the German annexation of the Sudetenland. Sir John Fischer Williams, the British representative, also played a key role in the proceedings, despite the fact that the British government never had any intention of signing on to the convention. An impressive scholar of international law who produced books on international law, the League, and the League’s goal of international peace, Williams consistently sought to steer the discussions in a way that reflected Britain’s commitment to the right to political asylum guaranteed by the international law of the time.<sup>9</sup> When the Indian representative Sir Denys Bray became indisposed, Williams also stood in for India and put forward India’s main contribution to the convention, a clause regarding the sale and circulation of firearms.<sup>10</sup>

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<sup>8</sup> Ben Saul, ‘The Legal Response of the League of Nations to Terrorism’, *Journal of International Criminal Justice* 4, 1 (2006), p. 3.

<sup>9</sup> For some of Williams’ earlier writings, see John Fischer Williams, *Some aspects of the covenant of the League of Nations* (London: 1934) and *International change and international peace* (London: Oxford University Press, 1932).

<sup>10</sup> International Conference on the Repression of Terrorism. Report by Sir Denys Bray, 1937. IOR: L/PJ/8/583, 223.

Despite the richness of these discussions, the Convention for the Prevention and Punishment of Terrorism has received very little scholarly attention, notwithstanding a recent outpouring of interest in the history of interwar internationalism and the League of Nations.<sup>11</sup> This is partly because with the breakdown of the League of Nations during the Second World War and its dissolution thereafter, the convention never entered into force. As a result, despite the interest it generated at the time and the fact that it attracted 24 initial signatories, the convention was only ever ratified by one country, India. In becoming signatories to the convention, the representatives of the 24 countries involved were expressing their willingness to move forward with the convention on the condition of ratification by their home governments. Because of the disruption of the Second World War, only the Government of India ever finished the ratification process signifying formal consent to abide by the terms of the convention.<sup>12</sup> Ben Saul argues that despite these apparent failings, the convention provides important insight into more recent debates regarding terrorism and international law, which have largely replicated the ideas and problematics initially laid out in the discussions of the mid-1930s.<sup>13</sup>

While this is certainly true, the more important historical significance of this convention is the insight it provides into the origins of terrorism as a legal and political idea rooted in the international context of the interwar period. The convention is particularly important for understanding the processes through which terrorism emerged as a tool of government discourse in late colonial India, as explored in previous chapters. A closer look at India's role in this convention provides new and important ways of understanding the larger context in which colonial officials framed their ideas about terrorism as a new and particularly dangerous form of criminality that threatened not only the governing structures of an existing political regime, but rather the very notion of civilization itself. In particular, India's anomalous position as the only non-self-governing member of the League makes its enthusiasm for labeling acts of political violence with the emerging internationally recognizable trope of 'terrorism' all the more intelligible. In signing on to the convention, the Government of India sought to secure international recognition for its existing domestic policies towards anti-colonial violence. In doing so, it participated within a larger international discussion regarding the relationship between terrorism and domestic authority.

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<sup>11</sup> See Chapter 4.

<sup>12</sup> The signatories were Albania, Belgium, Bulgaria, Czechoslovakia, Estonia, France, Greece, Monaco, the Netherlands, Norway, Roumania, Spain, and Yugoslavia from Europe, Argentina, Cuba, the Dominican Republic, Ecuador, Haiti, Peru, and Venezuela from the Americas, as well as Turkey, the USSR, Egypt, and India.

<sup>13</sup> Saul, 'The Legal Response of the League of Nations to Terrorism', pp. 78-102.



This chapter explores these ideas through themes of territory, politics, and sovereignty in order to better understand the legal and intellectual framework in which terrorism first came to be articulated as a category of global concern.

### **Terrorism and Territory in French Chandernagore**

From its first inception, the Convention for the Prevention and Punishment of Terrorism was a topic of ‘vital concern’ for the Government of India, whose own experience with political violence over the past 30 years reified terrorism as a distinct category of governmental interest, as the preceding chapters have indicated. In drafting the letter to be submitted to the League of Nations regarding India's position on the subject, J.A. Throne wrote that his government was ‘fully in accord with the principle of international co-operation for the prevention and punishment of terrorism.’<sup>14</sup> In particular, the Government of India was interested in the question of territory, and hoped that signing on to the convention would provide legal recourse regarding the ongoing challenge posed by the French possession of Chandernagore, which was often used as a safe haven by absconding Bengali revolutionaries including Aurobindo Ghose of the Alipore conspiracy case in 1909. Subsequently establishing an ashram in the French territory of Pondicherry, Aurobindo remained a source of irritation to colonial authorities for the remainder of his career. Despite retiring from politics and pursuing a life of spirituality, Aurobindo continued to be visited by nationalists and revolutionaries, and his presence in French territory made his activities notoriously difficult for the colonial police to properly monitor.<sup>15</sup>

A small strip of territory lying just north of Calcutta, Chandernagore was first settled by French colonists in 1673. Despite the British having twice captured this territory in the mid to late eighteenth century, the land was ceded back to the French in 1815. The French retained their colonial presence in India until 1962. With the rise of anticolonial violence in the first half of the twentieth century, Chandernagore quickly became a sore spot for British imperial officials, who viewed it as a ‘dangerous spot in the heart of Bengal’ that afforded safe passage and refuge to violent criminals.<sup>16</sup> The border lines between British and French

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<sup>14</sup> Views of the Government of India on draft conventions for the creation of an international criminal court for the prevention and punishment of terrorism, 1936, Foreign and Political Department, NAI, File No. 547-X, p. 13.

<sup>15</sup> For some of the most recent work on Aurobindo, see Wolfers, ‘Born like Krishna in the Prison-House’ and Hees, *Lives of Sri Aurobindo*.

<sup>16</sup> Letter from Governor of Bengal, 21 November 1918, Home Political A, NAI, Nos. 137-139, p. 1.

Indian possessions were all the more difficult to police due to their ‘arbitrary and administrative nature’, as Akhila Yechury phrases it. As Yechury points out, these lines ‘did not break social, cultural or economic ties with contiguous regions’ and as such created a messy jurisdictional morass that was difficult for police investigators to navigate. Such issues were not limited to political absconders, but encompassed a wide range of criminalized activities, such as the marriage of children under the age of 14 following the passage of the Child Marriage Restraint Act throughout British India in 1929.<sup>17</sup>

Frustration over the perceived inefficiency of the administration of Chandernagore led the Government of India to push for the cession of the territory by France at the Paris peace talks of 1919. By 1918, Sir Henry Wheeler and other officials concluded that the cooperation of the French Government was insufficient, due to ‘the deplorable condition of the executive in Chandernagore, which was practically represented by Bengalis and was inadequate and inefficient.’<sup>18</sup> During the war, the Government of India demanded that French authorities pass emergency legislation similar to the Defence of India Act that would provide executive powers to deal summarily with seditionists and revolutionaries, including Rash Behari Bose. The French government agreed to a more mild form of punitive legislation, which was enough to placate the Government of India for the duration of the war, but the hope remained that after the war Chandernagore could be ceded to British India ‘possibly as an element in general territorial adjustments all over the globe as a result of the war.’<sup>19</sup> In the lead up to the peace negotiations, officials in Bengal insisted that if Chandernagore retained its position as a French colony, it would remain a constant threat to broader Indian interests, urgently warning the Government of India, ‘as long as this town is not under British control so long it must continue to furnish a refuge for revolutionary murderers and robbers ... and a starting point for fresh plots against the British Government.’<sup>20</sup>

Despite this, other priorities won out in Paris, leaving Chandernagore as a constant source of frustration for British officials throughout the interwar period. The issue of Chandernagore became particularly important in the early 1930s, when political violence in Bengal reached its peak with regular murders in and around Calcutta and the raid on the Chittagong armoury in 1930, discussed in Chapter 3. Despite the initial help offered by

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<sup>17</sup> Akhila Yechury, *Empire, nation and the French settlements in India, c.1930-1954*. University of Cambridge. Faculty of History. 2012. Dissertation. PhD.34946, p. 16.

<sup>18</sup> Note by Sir Henry Wheeler, 4 October 1913, Home Political A, NAI, Nos. 137-139, p. 1.

<sup>19</sup> Foreign and Political Department Note, 10 December 1918, Home Political A, NAI, Nos. 137-139, p. 3.

<sup>20</sup> C. Tindall (Additional Secretary to the Government of Bengal) to Secretary to Government of India, Home Department), 21 November 1918, Home Political A, NAI, Nos. 137-139, p. 6.

French authorities in the apprehension of absconders from the Chittagong raid, the overall perception of British officials at this time was that the actions of the Chandernagore authorities in suppressing revolutionary crime ‘cannot by any means be described as vigorous.’<sup>21</sup> The French were extremely reluctant to take action against criminals with political motives that were protected under international law. Even when the authorities were willing to cooperate with the British Indian police force, however, the specificities of French law provided a source of great frustration for the Government of India, who argued that ‘the legal procedure obtaining in that territory is unsuitable to the success of any operation there.’<sup>22</sup> In one example cited by the Superintendent of Police for Hooghly, a series of French legal restrictions including the prohibition of night raids and the necessity of formal warrants listing the owner of any houses that were to be searched stymied an attempt to apprehend the murderers of the Police Commissioner, Mr. Garlick.<sup>23</sup> In comparison to the executive authority granted by the laws of exception implemented in British Bengal that have been outlined throughout this dissertation, the Government of India viewed the legal safeguards of French procedure as unnecessary and unwieldy impediments to the swift and secret detention of dangerous terrorists.

The longer history of Britain’s relationship with the French territories, including Chandernagore, provides important context for understanding the priorities of the Government of India regarding the Convention for the Prevention and Punishment of Terrorism in 1937. The main instructions that the Government of India provided for its representative, Sir Denys Bray, were to push for the inclusion of a provision within the convention that would regulate and monitor the circulation of firearms in signatory nations. Bray proposed this measure at the convention using the argument that the experience of terrorism in India, and particularly in Bengal, demonstrated that ‘the potential danger of a terrorist would be reduced very considerably if steps could be taken to prevent him from arming himself with revolvers and pistols’ and that to this end ‘the fullest co-operation should exist among contracting States to prevent the smuggling of such weapons from one State to another.’<sup>24</sup> Bray proposed an amendment that resulted in Article 12 of the convention – Article 13 in the final version – being reframed to require gun retailers and manufacturers to maintain a register of the names and addresses of all fire-arm purchasers. The other

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<sup>21</sup> C.E.S. Fairweather to R.N. Reid, 14 March 1933, Home Political, NAI, File 45/19/1933, p. 1.

<sup>22</sup> Note by Fairweather, 11 March 1933, Home Political, NAI, File 45/19/1933, p. 14.

<sup>23</sup> Report by the Superintendent of Police, Hooghly, 18 January 1933, Home Political, NAI, File 45/19/1933, pp. 6-12.

<sup>24</sup> Replies from Governments, 16 April 1935, LNA, C.R.T.1(b), p. 1.

members of the convention accepted Bray's proposal without discussion, although his illness on the day of the formal proposal meant that the amendment was put forward by the British representative Sir John Fischer Williams on Bray's behalf, a fact indicative of the intimate relationship between British and Indian interests and personnel at Geneva.<sup>25</sup>

The Government of India's emphasis on the firearm clause, and particularly its interest in preventing the smuggling of weapons between contracting states, was a direct response to concerns regarding the potential danger that French Chandernagore posed to the maintenance of British India's territorial integrity. Following the passage of the convention, members of the Government of India expressed disappointment that although France was a signatory, its colonies including Chandernagore were exempted from the terms of the convention under Article 25, which stated that signatories would assume no obligations on behalf of colonies, territories, or mandates.<sup>26</sup> This, combined with the unwillingness of the British government to sign on to the convention at all, significantly dampened the Government of India's enthusiasm for the new measures, as 'one of the chief advantages which (they) hoped to gain from the Convention was the prevention of the smuggling of arms into British India from the French possessions.'<sup>27</sup> The Government of India's preoccupation with Chandernagore, and with the transnational circulation of firearms, indicates the central role of territory in shaping colonial anxieties towards terrorism. More particularly, it points towards reading the Convention for the Prevention and Punishment of Terrorism as more than simply a failed exercise in international legislation. Instead, the convention should be regarded as an attempt to compensate for the territorial limits of the modern nation-state through the formulation of a standardized script by which challengers to state sovereignty could be made legible and punishable irrespective of their circulation or relocation within an increasingly bounded global arena.

## **Territory and Responsibility**

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<sup>25</sup> International Conference on the Repression of Terrorism, Report by Sir Denys Bray, 1937, IOR: L/PJ/8/583, p. 223. Bray and Williams both stayed in the Carlton Parc Hôtel throughout the duration of the conference and there is every reason to believe that they were in close communication throughout. Liste des Délégués, LNA, C.R.T./P.V.1-10.

<sup>26</sup> See Convention for the Prevention and Punishment of Terrorism, 16 November 1937, LNA, C.R.T./P.V. 18.

<sup>27</sup> International Conference on the Repression of Terrorism, Report by Sir Denys Bray, 1937, IOR: L/PJ/8/583, p. 181.

Of central importance to this project was the responsibility of states to effectively exert sovereign control within their own territory. David Armitage argues that ‘(p)erhaps the most momentous but least widely understood development in modern history is the long transition from a world of empires to a world of states.’<sup>28</sup> While Armitage locates the intellectual origins of this process within the revolutionary moment of the American War of Independence, which contributed to world history the radical proposition that states could be conjured out of colonies,<sup>29</sup> it was not until the formation of the League of Nations that this process came to be institutionalized in the formal structures of international relations. Whereas nineteenth century imperialisms retained a dynamic and expansive quality that allowed for shifting territorial claims and balance of power politics, the international system inaugurated at Versailles sought to legitimize an inter-state system wherein sovereignty rested within the fixed territoriality of geographically contiguous nation-states situated within a bounded global space. This process has also seen an increasing international regulation of movement through the creation of passports and other forms of documentary identification. In addition to the monopoly on violence claimed by emerging nation-states, modern governments have also claimed a ‘monopoly of the legitimate means of movement’, making themselves the final arbiters for determining who or what may cross these fixed borders.<sup>30</sup>

As Matthieu Deflem asserts, in the international system of the interwar, national interests remained of primary importance to governments in the planning of international policing initiatives. In other words, while nation-states worked increasingly towards cooperation with one another, their primary focus remained the maintenance of their own monopoly on legitimate coercion within their own national borders.<sup>31</sup> Central to this system was the concept of responsibility, whereby the sovereignty of a state was made contingent upon its ability to uphold a certain ‘standard of civilization’ by replicating the structures and technologies of Western government. As Susan Pedersen demonstrates in her comprehensive account of the League of Nations' mandate system, the transformation of former German colonies into mandates provided the means by which empire in the interwar period could be simultaneously reinvigorated and contested.<sup>32</sup> The mandates system was premised on the argument that certain people or cultures ‘not yet able to stand by themselves under the strenuous conditions of the modern world’ required the supervision and guidance of

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<sup>28</sup> Armitage, *Foundations of International Thought*, p. 191.

<sup>29</sup> *Ibid*, p. 215.

<sup>30</sup> Torpey, *Invention of the Passport*, pp. 1-2.

<sup>31</sup> Deflem, *Policing World Society*, p. 27.

<sup>32</sup> Pedersen, *The Guardians*.

‘advanced nations’ in order to progress to a stage at which self-government and international recognition could be made possible.<sup>33</sup>

The relationship between sovereignty and responsibility was not limited to the mandates, but was also important for international law more broadly. In 1935, the Roumanian delegation to the Terrorism Convention's Committee of Experts circulated a study by Thomas Givenovitch, a Professor in the Faculty of Law at Belgrade. In it, Givenovitch argued that in order to properly prohibit the proliferation of terrorism, ‘it would be necessary to make the States themselves ... penally responsible for the preparatory acts’ carried out within their own territory. Givenovitch stated, ‘While a State cannot, of course, be a legal-domestic delinquent, that is to say, itself declare itself delinquent in its sovereign territory, it can be declared a possible delinquent in the eyes of the law of the international legal community, personified in the League of Nations.’<sup>34</sup> According to Givenovitch, this would even include a state's failure to communicate to the international community information regarding a terrorist attack planned within its own territory and carried out elsewhere. For Givenovitch, ‘political terrorist crimes’, as he referred to them, were *delicta juris gentium*, or crimes against international law. Terrorists proclaimed this international nature, according to Givenovitch, both through their selection of public targets which increased the likelihood of foreign citizens being injured, as well as their tendency to transgress state borders in the process between their preparation and their commission. More importantly, Givenovitch asserted that the ‘property attacked by acts of political terrorism is thus *international property*, since it is attacked in an *internationally dangerous manner*, even if that property is not actually international property.’ For Givenovitch, this meant that states should adopt the principle of universality in policing terrorist crime, entailing that acts contemplated or carried out in one state's territory should be regarded as directed against that state itself, even if the actual intended target was a foreign government.<sup>35</sup> This reflects a particular concern with the public nature of political assassinations. Unlike ‘ordinary’ murder which typically occurred behind closed doors, either within the domestic sphere or otherwise obscured from public view, ‘terrorism’ represented not only an attack against an individual but an attack carried out within the public sphere where the state was particularly responsible for maintaining security.

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<sup>33</sup> Ibid, p. 1.

<sup>34</sup> Study by Thomas Givenovitch circulated to the Committee at the request of the Roumanian delegation, 3 May 1935, LNA, C.R.T.9, p. 6.

<sup>35</sup> Study by Thomas Givenovitch circulated to the Committee at the request of the Roumanian delegation, 3 May 1935, LNA, C.R.T.9,, pp. 7-9.

Although Givenovitch's suggestion that states be made penally responsible for acts of terrorism planned or executed within their territory was unsurprisingly omitted in the drafting of the convention, the convention retained the broader notion of territorial responsibility. In an amendment to the draft convention submitted in 1936, the Soviet representative pushed for the inclusion of an article that stipulated that each High Contracting Party must take appropriate measures 'to prohibit and suppress the existence in their territories of associations avowedly engaged in international terrorism ... including the organisation of armed bands for the purpose of infringing the inviolability of the frontiers of the contracting States.'<sup>36</sup> The U.S.S.R. was particularly concerned about the possibility of states exploiting terrorist activities as a means for disguised intervention in the political affairs of other states, a fact that was both understandable in light of the early history of the Bolshevik revolution, as well as deeply ironic given Soviet sponsorship for subversive political organizations around the world in the early interwar period.<sup>37</sup> This proposal was agreeable to Sir John Fischer Williams of the British delegation, who suggested that such a stipulation was entirely consistent with the existing law in Britain, which in his view already took sufficient measures towards this end.<sup>38</sup>

India's self-presentation within these discussions provides important insight into the balancing act that government officials sought to achieve in affirming the need for legislation to curb the problem of terrorism, while simultaneously conveying to the international community that the Government of India was living up to its responsibilities as a legitimate sovereign. India's anomalous position within the League made this balancing act all the more important. Although the 1935 Government of India Act dissolved some sovereignty to local Indian authorities, ultimate executive authority still rested in the hands of the British Viceroy and the Secretary of State, and therefore the British parliament. India was not a state among states, despite the efforts of the Indian delegation to present it as such, which explains why the Government of India was particularly eager to categorize anti-governmental protest as terrorism and thus claim international support for its repression. Despite the fact that domestic legislation tackling the problem of terrorism was always justified through the argument that the ordinary law was insufficient and thus extraordinary powers were needed,

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<sup>36</sup> Draft Convention. Amendments proposed by the Government of the Union of Soviet Socialist Republics, 7 January 1936, LNA, C.R.T.18(a), p. 1.

<sup>37</sup> See Definition of terrorist offences. Criticism of the general scope of Article 2 in Criticisms and Suggestions made by the Governments upon the draft conventions annexed to the Committee's Second Report, LNA, C.R.T.25, p. 3.

<sup>38</sup> Reports by the UK delegation. Sir John Fischer Williams to Foreign Office, 7 June 1935, PRO, HO 189/1.

the Government of India presented an entirely different argument at the level of the international. In addressing the proposed inauguration of an International Criminal Court, which was being discussed in tandem with the Terrorism Convention, J.A. Throne of the Government of India wrote in the statement to be delivered by Sir Denys Bray at Geneva, 'Terrorism in India has very little connection at present with that in European countries; the Governments in India have adequate legal powers to deal with it and it appears most unlikely that they would ever wish to resort to the proposed Court.'<sup>39</sup> In fact, the most obvious factor differentiating terrorism in India from its European manifestations was India's lack of political independence, and its status as the only non-self-governing member of the League.

Despite enthusiasm for the Terrorism Convention itself, the Government of India regarded participation in the International Criminal Court as an expensive venture that would provide little benefit to India, due to the great distances which would be involved in transferring prisoners and personnel back and forth from Europe. Privately, Government of India officials were quite blunt about their feelings towards the proposed court, with M.G. Hallet writing, 'This is one of the activities of the League of Nations which makes me feel tired; the suggestion that an expensive criminal court should be established is a half baked idea and the sooner it is killed the better.'<sup>40</sup> As such, the Government of India sought to present itself in a way that made it clear that the need for new international legislation that targeted transnational terrorism was not a reflection of the colonial government's inability to maintain law and order within its own territory. To this end, Throne noted that although alterations to local law would be required in some cases, 'the existing law is likely to be found to be adequate to implement the more essential provisions of the Convention.'<sup>41</sup>

Informing this insistence was the concern shared by many Government of India officials that existing measures for preventing foreign nationals from printing seditious materials were in fact woefully inadequate. In an official note, O.K. Caroe mentioned the many complaints received by the Government of India from foreign governments regarding activities carried out in India that sought to subvert or damage their states. Although Caroe noted that these complaints were primarily directed against newspaper propaganda and other forms of dissent that would fall within the purview of sedition, rather than terrorism, he expressed concern that 'the liberty of the Indian Press in this regard is too often extremely

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<sup>39</sup> J.A. Throne, draft letter to be submitted to the League of Nations, 1936, NAI, File No. 547-X, p. 12.

<sup>40</sup> M.G. Hallet, 29 June 1936, NAI, File No. 547-X, p. 11.

<sup>41</sup> J.A. Throne, draft letter to be submitted to the League of Nations, 1936, NAI, File No. 547-X, 13.



embarrassing.’<sup>42</sup> As Stuart Elden argues in the context of the twenty-first century’s ‘War on Terror’, a state that is unable to maintain its own territorial integrity by controlling the actions of non-state actors within its borders finds itself in a position where its sovereignty may be called into question.<sup>43</sup> While Elden locates this process within the global circumstances of the late 1990s and early 2000s, referring to the idea that states exercise control within their own territories as ‘the sovereign fiction on which the United Nations is constructed’,<sup>44</sup> this analysis neglects the particular historical contingencies of the early interwar period where this idea originated. It was in the particular moment, following the cataclysm of the First World War and the initial collapse of Western narratives of civilization and progress, that European imperialism sought to reconstitute itself through a new interstate system that reframed nineteenth century ideas of empire as tutelage into a mandates system that instead positioned tutelage as development. This system rested on a new discourse of progress and historical time in which state sovereignty was positioned as a universally attainable goal that, in practice, maintained European hegemony through a new set of exclusionary restrictions. Because sovereignty under this system was thus made contingent upon ideas of territorial responsibility, a state’s claim to legitimacy could be undermined by a number of factors, including an inability to control or prevent the proliferation of terrorism within its territory. It is for this reason that the narrative projected by the Government of India at Geneva - that ‘adequate legal powers’ existed to deal with terrorism - stands in such stark contrast to domestic speeches and publications that emphasize the law’s inadequacy and the need for increasingly drastic emergency powers.

### **Political Terrorism or Terrorism as Politics?**

Although the Convention for the Prevention and Punishment of Terrorism stimulated a great deal of debate, one item that was accepted with relatively little discussion was the definition of terrorism as violence directed against the state. In the final convention, terrorism was defined as ‘criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons, or a group of persons or the general public.’<sup>45</sup> Within this definition, the possible targets of terrorism included heads of state, their

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<sup>42</sup> Note by O.K. Caroe, 23 June 1936, NAI, File No. 547-X, p. 9.

<sup>43</sup> Elden, *Terror and Territory*, p. 64.

<sup>44</sup> Ibid.

<sup>45</sup> Convention for the Prevention and Punishment of Terrorism, Article 1, 16 November 1937, IOR: L/PJ/8/583, p. 43.

descendants or spouses, and persons acting in a public capacity.<sup>46</sup> This definition is key to understanding the function of the ‘terminology of terrorism’, to use Philip Deery's expression.<sup>47</sup>

As Mikkel Thorup argues, the emergence of terrorism as a distinct category of crime had its roots in the French Revolution, and specifically in the execution of King Louis XVI. What made Louis' execution such a significant turning point, according to Thorup, was the fact that while previous acts of tyrannicide were based on the principle of upholding justice through the murder of an unjust ruler, Louis was killed not for his specific actions but for his symbolic position as king. This means that what made terrorism a historically new form of violence was the fact that ‘even though actual persons are being targeted, and perhaps their killing is being legitimated by specific actions they have committed, the real target of the attack is not the person but the abstraction of the system.’<sup>48</sup> In other words, terrorism is understood by Thorup as an action that is significant, not for what it does, but for what it represents through its symbolic use of violence. This is why ideas of terrorism came to be so closely coupled with violence directed against the state, because terrorism, in the structural position of both its perpetrator and its victim, was an inherently political crime.

In *The Foundations of Modern Terrorism*, Martin Miller persuasively argues that the distinction between state ‘terror’ and non-state ‘terrorism’ must be set aside if ‘terrorism’ as a form of political violence is to be understood within a properly historical context.<sup>49</sup> While this is absolutely correct in the context of academic work that seeks to locate the origins of a distinct phenomenon called terrorism, it is less relevant for the current project, which seeks to understand the political uses of the term terrorism and its legal articulation as it was defined by state powers, and particularly the Government of India, during the interwar.

Defining terrorism in political terms posed immediate difficulties regarding the right of political asylum, an important aspect of twentieth century international law. The right of asylum was a particular concern for British officials, who prided themselves on liberal traditions of free speech and political freedom. Although it is true that British law maintained stronger protections for political refugees than most continental powers, and that Britain was a relative latecomer to the kinds of racially exclusionary laws that were common throughout

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<sup>46</sup>Convention for the Prevention and Punishment of Terrorism, Article 2, 16 November 1937, IOR: L/PJ/8/583, p. 43.

<sup>47</sup> See Philip Deery, ‘The Terminology of Terrorism: Malaya, 1948-52’, *Journal of Southeast Asian Studies* 34, 2 (2003), pp. 231-247.

<sup>48</sup> Thorup, *Intellectual History of Terror*, pp. 9-10.

<sup>49</sup> Martin Miller, *The Foundations of Modern Terrorism* (Cambridge: Cambridge University Press, 2013), p. 2.

its colonies and the Dominions, it was never the free political haven that it purported to be.<sup>50</sup> Still, as one official noted in a memorandum to the Home Office, public opinion in Britain would surely condemn many acts of a 'specifically 'terrorist' character', but might likewise regard others as being legitimate forms of protest against a tyrannical government. According to this logic, if a country lacked constitutional means for redressing the wrongs of a bad Government, 'it can only be changed by measures involving force or the display of force; and public opinion might not support legislation which would make it a crime ... to concert measures in this country ... for carrying out an armed insurrection in a foreign country.' As such, the British government instructed Williams to make it clear that the 'object of the proposed Convention is not to make it more difficult to change existing Governments by revolutionary methods, but to discountenance the use for political purposes of methods which all civilised opinion must condemn.'<sup>51</sup>

In an attempt to address these concerns, the convention provided an exception from the obligation of extradition in the case of crimes that fell within the definition of political offences of a given country. Ultimately a great deal of discretion was left to member states to determine according to their own laws 'whether the terrorist aspect of the extraditable act outweighed its political aspect or vice versa.'<sup>52</sup> This was partly a result of the insistence of the British delegation, who viewed defining the political character of an offence as outside of the scope of an international convention.<sup>53</sup> British officials further maintained that British and continental definitions of political crime were legally incompatible.<sup>54</sup> Most European states judged that 'the political character of an offence may be established solely by the motive of the offender'<sup>55</sup> whereas under British law the political nature of a crime was determined by whether or not the perpetrators committed in the course or furtherance of a political rising.<sup>56</sup>

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<sup>50</sup> See Alison Bashford and Jane McAdam, 'The Right to Asylum: Britain's 1905 Aliens Act and the Evolution of Refugee Law', *Law and History Review* 32, 2 (2014), pp. 309-50 and Alison Bashford and Catie Gilchrist, 'The Colonial History of the 1905 Aliens Act', *The Journal of Imperial and Commonwealth History* 40, 3 (2012), pp. 409-37.

<sup>51</sup> Memorandum by the Home Office, 1937, PRO, HO 189/9, p. 3.

<sup>52</sup> Proceedings of the International Conference on the Repression of Terrorism, 1-16 November 1937, LNA, C.R.T./P.V.18, p. 86.

<sup>53</sup> Draft Convention on Terrorism. Notes as to Legislation, April 1937, PRO, HO 189/2, p. 2. John Fischer Williams believed that this disagreement over what constituted a political crime had severely damaged the practical utility of the Convention. John Fischer Williams to Leslie Brass, 29 March 1937, PRO, HO 189/11, p. 1.

<sup>54</sup> The third dimension to this conversation, missing due to the absence of the United States from the League of Nations, is extradition law in America, which by 1900 had established more extradition laws than any other country. See Katherine Untarman, *Uncle Sam's Policemen: The pursuit of fugitives across borders* (Cambridge, Mass.: Harvard University Press, 2015).

<sup>55</sup> Account of the Third Session by John Fischer Williams, 21 May 1937, PRO, HO 189/12, p. 12.

<sup>56</sup> Memorandum by the Home Office, 1937, PRO, HO 189/9, p. 4.

This meant that, from the British point of view, in order to maintain sufficient precision to defend political freedoms, the convention would need to make a clear distinction between ‘cold-blooded assassinations or isolated incendiarism’ as opposed to acts that constituted or led up to a legitimate civil war. As noted in a memorandum on the subject, ‘Acts intended to cause death or grievous bodily harm ... are the normal incidents of any revolt or rising even before it has reached the stage of civil war’ and co-operating with or assisting such acts was not necessarily unlawful, depending on the nature of the foreign insurgents. For the British, it was thus not political violence itself, but rather ‘the drawing of the line between acts which everyone would condemn and political movements attended by violence ... which is ... the real difficulty in framing legislation on the lines of the Convention.’<sup>57</sup>

For some commentators, the political distinction between legitimate and illegitimate forms of violence was inherently misguided. T.W.H. Inskip, the British Attorney General, argued in 1935 that adhering to such a distinction went too far towards granting potential legitimacy for rebellions conducted against foreign governments. Although Inskip, like his contemporaries, acknowledged that a political uprising could be justified in cases where no mechanism existed for constitutional change, he nonetheless maintained that the potential pitfalls of including such a stipulation outweighed the benefits. Remarking on the difficulty of drawing a distinction between legitimate and illegitimate forms of rebellion, Inskip wrote that it was ‘not only illogical but unreasonable to prohibit ... the preparation of an insurrectionary expedition to proceed against a friendly State and at the same time to make it possible for a body of foreign revolutionaries or of British sympathisers to conspire to subvert a foreign Government by acts of violence.’<sup>58</sup>

The question of legitimate versus illegitimate forms of rebellion was also intimately connected to Britain’s historical relationship with Europe. Many British officials viewed political violence as essentially a continental problem, with G.B. McClure remarking at one point that it ‘seems a little unreal that the word terrorism should be used or defined in an Act of Parliament in this country.’<sup>59</sup> However, there were also those who recognized the utility of the Terrorism Convention for helping to solve colonial difficulties. In November of 1937,

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<sup>57</sup> Notes by the Home Office DPP, Mr McClure, and Sir Norman Kendal, July 1935 and April - June 1937, PRO, HO 189/2, p. 1.

<sup>58</sup> Memorandum by the Attorney General, T.W.H. Inskip, 12 April 1935, PRO, HO 189/2, p. 1.

<sup>59</sup> G.B. McClure, Memorandum, 17 June 1937, PRO, HO 189/2, p. 4. It is surprising that in all of these discussions, no reference was made to Ireland, which must surely have factored into British officials’ understanding of political crime and ‘terrorism’ given the predominance of Irish revolutionaries within the domestic history of political violence in Britain. Houen, *Terrorism and Modern Literature*, pp. 21-30.

while the final version of the convention was being debated, J.G. Hibbert of the Colonial Office sent a message to the Home Office pointing out that although there was little desire for the colonies to be brought within the scope of the convention, it may nonetheless be of value in dealing with territories such as Palestine.<sup>60</sup> The British delegation at Geneva was also approached in confidence by the delegate for Egypt, who asked whether Britain intended to sign the convention on behalf of Palestine or Sudan in order to simplify the task of managing insurgency in these locations.<sup>61</sup> As Martin Thomas argues, this concern with policing dissent within the British Empire cannot be understood purely through the lens of managing existential threats to a colonial regime, but must also be considered from the standpoint of political economy. While coding itself in a language of protecting imperial security, imperial policing often sought to manage industrial disputes within British colonies, something that the Terrorism Convention explicitly excluded from its mandate.<sup>62</sup> As such British interest in potentially applying the terms of the convention to these territories should be read within the context of imperial attempts to manage the economic and political aspirations of colonized subjects.

Recognition of the right of revolt as a legitimate political weapon against tyranny thus raised problematic concerns for British imperialism, as these narratives of legitimization were central to the project of many anti-colonial activists, who claimed that their actions were an expression of legitimate politics. When British intelligence services discovered Rash Behari Bose's presence in Japan during the summer of 1915, his extradition posed major legal challenges because of the political nature of his crime.<sup>63</sup> A message to Lord Hardinge from the British Embassy in Tokyo explained, 'The position is that the Japanese Government will

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<sup>60</sup> J.G. Hibbert (Colonial Office) to Dowson (Home Office), 3 November 1937, PRO. HO 189/7, p. 1. For more on the contested nature of Britain's relationship with the mandate of Palestine, see Zeina Ghandour, *A Discourse on Domination in Mandate Palestine: Imperialism, Property, Insurgency* (London: Routledge, 2009), Weldon Matthews, *Confronting an Empire, Constructing a Nation: Arab Nationalists and Popular Politics in Mandate Palestine* (London: I.B. Tauris, 2006), and Jacob Norris, *Land of Progress: Palestine in the age of colonial development, 1905-1948* (Oxford: Oxford University Press, 2013).

<sup>61</sup> Leslie Brass, Draft Report, 10 December 1937, PRO, HO 189/8, p. 12.

<sup>62</sup> Martin Thomas, *Violence and colonial order: police, workers and protest in the European colonial empires, 1918-1940* (Cambridge; New York: Cambridge University Press, 2012), p. 2.

<sup>63</sup> Political crimes were exempted from extradition in many countries during this period, including both Britain and Japan. The case of Bose was made even more challenging by the fact that despite attempts made in 1905 and 1915, British and Japanese officials had not been able to come to terms on an extradition treaty. Proposed extradition treaty between the United Kingdom and Japan, 1926, Foreign and Political Department, NAI, File No. 476-I. Efforts were renewed by the British government in 1927 and 1937, but still with no progress. See also Proposed Anglo-Japanese Extradition Treaty, External Affairs Department, NAI, File No. 321-X.

not arrest persons, Indians or others, accused of merely political crimes such as 'sedition'.<sup>64</sup> Hardinge was forced to admit that, 'although the offences were punishable in India under ordinary Criminal Law we could not say that the motives for the crimes were entirely free of political character.' Despite this, Hardinge stressed that this was a case of great importance and urged the embassy to 'press most strongly for his deportation to India or to a British Territory under effective arrest.'<sup>65</sup> After a flurry of diplomatic correspondence in which Hardinge presented Bose's actions as neither political nor criminal but as part of a larger German plot to undermine the Allied war effort, the Japanese government finally agreed to issue a deportation order against Bose. Aided by friends linked to the Kokuryūkai and the Gen'yōsha, Bose went into hiding in a small studio at Nakamura in Shinjuku, where he remained until the deportation order was withdrawn in March 1916, following the firing upon the Japanese ship *Tenyō-maru* by a British naval vessel and the forcible seizure of seven Indians traveling on board.<sup>66</sup>

There is no denying the fact that Bose saw his own work in political terms that were not limited to India alone but were connected to global anti-imperial politics. Writing to Sachindranath Sanyal in 1922, Bose explained his new vision of the revolutionary struggle:

Hitherto our knowledge of international situation was very meagre. We mostly confined our attention to India. But now I have come to understand a bit of international politics. This has greatly altered my former ideas. Please remember that we shall have to - rather we are destined to - tackle the problem of the world. It is India's mission to usher in a new era of real peace and happiness in the world. India's freedom is but a means to this end and it is not an end in itself.<sup>67</sup>

Bose's participation in Pan-Asian conferences throughout the 1920s and 1930s illustrates how his own project of anti-colonial nationalism was linked to a broader narrative of international justice. Although Bose's primary focus was on the impact that India's

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<sup>64</sup> British Embassy to Hardinge, 9 October 1915, Home Political-B, November 1915, NAI, File No. 72-83, p. 17. The right to asylum for political refugees was a well-established principle of international law by this time, which was also reflected in British legislation such as the Extradition Act, 1870, which exempted political criminals from extradition.

<sup>65</sup> Hardinge to British Embassy, 15 October 1915, Home Political-B, NAI, File No. 72-83, p. 20.

<sup>66</sup> For a detailed account, see Nakajima, *Bose of Nakamura*, pp. 78-111. For the full diplomatic correspondence, see Proposed deportation from Japan of one Thakur (Rash Behari Bose), November 1915, Home Political-B, NAI, File No. 72-83.

<sup>67</sup> Rash Behari Bose, Letter to Sachin Sanyal, 12.4.22, in Das (ed.), *Collected Works*, p. 391.

freedom would have for the people of Asia,<sup>68</sup> his eschatology was global in its ultimate ambitions. This is best demonstrated in one particularly evocative passage of *New Asia*, in which Bose wrote, ‘After a history of millennia ... India ... the Crucified among the Nations, now stands on this her Resurrection morning the Immortal, the Glorious, the Ever-Young, and India shall soon be ... the radiant Splendour of Asia, as the Light and the Benediction of the world.’<sup>69</sup>

Following his marriage to Toshiko Sōma, Bose became a naturalized citizen of Japan in June of 1923, as discussed in Chapter 4. With the rights afforded by his new citizenship, Bose was able to move much more freely around Japan, and even contemplate trips to other parts of Asia. When the Secretary of State for India, Lord Olivier, received intelligence that Bose was contemplating a visit to Shanghai, he immediately sent orders to the Consul General in Shanghai to effect Bose's arrest should his boat enter Chinese territorial waters. The Consul General wrote back stating that, having consulted with a Supreme Court Judge, he determined that such a course of action was illegal given Bose's new status as naturalised Japanese. Bose was aware that this status gave him significantly more freedom to travel, and wrote to a friend in Chandernagore explaining that, ‘Hitherto he was practically shut up in a cage and could not travel freely, even in Japan. The British Government always kept a vigilant eye upon him wherever he was but now he was no longer under the control of the British Government, and it could take no action against him under the law.’<sup>70</sup>

All that the British government was able to accomplish was to ensure that Bose would never again set foot on Indian territory. In 1921, Bose met with the British Consul General in Tokyo to enquire into the possibility of being granted a pardon for his revolutionary activities in India consistent with the policy of the imperial government, which sought to assuage public opinion following the conclusion of the First World War by granting pardons to other revolutionaries. The Government of India denied Bose's request, as well as a subsequent request for amnesty in 1931 when his family requested that he return to visit his dying father. In response to a question posed in the Council of State in 1938, the Government of India denied that they permanently prohibited Bose or any other Indian from entering India.

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<sup>68</sup> For just a few examples, see his lecture at Keio University Medical College, IOR: L/P&J/12/163, p. 57, his article in *Kyoson*, the organ of the Shin Nippon Kyokai (New Japan Association), 1924, Home Political, NAI, F. 76, p. 10, and *New Asia*, No. 4, 1933.

<sup>69</sup> *New Asia*, Nos. 35 - 36, 1936, p. 1.

<sup>70</sup> IOR: L/PJ/12/163, pp. 9-15.

Officials claimed that Bose discarded his Indian nationality upon taking up Japanese citizenship in 1923, and that it was for this reason that his re-entry was prohibited.<sup>71</sup>

As tensions between Britain and Japan continued to mount in the build up to the Second World War, British diplomatic and imperial officials found themselves increasingly powerless when it came to convincing the Japanese government to place any kind of limit on Bose's activities. In March 1938, Sir Robert Craigie tried one last time to convince the Japanese government to curtail Bose's political activities following Bose's publication of *Indo no sakebi*, a scathing denunciation of imperial rule in India. In a letter to the Japanese Minister for Foreign Affairs, Craigie wrote, 'As I know that the Japanese Government are sincerely anxious to promote good relations with Great Britain, I find it somewhat difficult to understand why the Japanese authorities should apparently turn so tolerant an eye on the activities of a professional agitator whose sole purpose appears to be to sow discord between our two countries.'<sup>72</sup> The Intelligence Branch in Delhi was less equivocal in its assessment of Bose's relationship to the Japanese government, 'It is now definitely known that R.B. Bose is a Japanese agent and engaged in spreading propaganda both Japanese and terrorist.'<sup>73</sup>

What actually made Bose's propaganda so threatening to Britain's imperial project was the way it articulated its anti-colonial message in universalist language similar to the League of Nations itself. In 1930, a number of the insurgents responsible for the Chittagong armoury attack fled to Chandernagore where British authorities, with the permission of the French police, stormed the house where these revolutionaries were taking refuge and apprehended them. This incident drew the condemnation of the Directors of the Pan-Asiatic League, including Rash Behari Bose, who petitioned the League of Nations to condemn this 'gross breach of the international laws.' In their petition, the Directors pointed out that as a French possession, Chandernagore was considered to be a foreign country under international law. They further argued that India was at war with Britain due to the resolution of national independence passed at Lahore by the Indian National Congress on the 1<sup>st</sup> of January, 1930, and that the arrested persons took refuge in Chandernagore 'in the capacity of belligerents.' Citing other historical examples where belligerents received the right of asylum in foreign countries, the Directors declared that in ceding to the demands of the British authorities, the

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<sup>71</sup> Question in the Council of State by the Hon'ble Mr. Brijlal Biyani regarding the return to India of Rash Behari Bose, 1938, Home Political, NAI, File No. 8/11/38-Poll, pp. 2-6.

<sup>72</sup> Sir Robert Craigie to Kensuke Horinouchi, 25 March 1938, IOR: L/P&J/12/163, p. 93.

<sup>73</sup> Amendment of the Sea Customs Act notification of the 1st July 1933 so as to prevent the entry into British India of matter published, written or composed by Rash Behari Bose, 1938, Home Department Political Section, NAI, File No. 41/11/38- Political, p. 1.



French government ‘abdicated its sovereign rights when it permitted the British police to enter its territory and exercise police rights there.’ For the Directors, this incident was nothing short of naked British imperialism, making their actions a violation of international law, referred to as ‘not the cause of India ... (but) the cause of humanity.’<sup>74</sup>

In this declaration, Rash Behari Bose and the other Directors were deploying the category of humanity in a manner that was familiar to their international interlocutors. In charging the British colonial police with violating the cause of humanity through their violation of international law, this declaration made use of the same logic through which British officials expressed concerns regarding European and Oriental despotism. Although the French delegation wanted assassination excluded entirely from the list of offences that could be considered political,<sup>75</sup> a note drawn up for the British representative indicated that although homicide was a ‘most heinous crime’, it could nonetheless be justified in rare circumstances in which ‘no other method exists of protecting the final rights of humanity.’<sup>76</sup> Thus, the category of humanity provided a potential source of critique for laws that sought to repress terrorism through the repression of political rights. In addition to discussions surrounding the legitimacy versus illegitimacy of certain forms of insurgency, this also carried implications for broader political freedoms such as the freedom of workers to conduct a legitimate strike.<sup>77</sup> These concerns regarding the potential misuses of the convention in being deployed to curb the ‘rights of humanity’ also included left-leaning political organizations.<sup>78</sup> International groups such as the International Women's League for Peace and Freedom, also cautioned against ‘the present tendency of governments to assume that the maintenance of order and stability is possible only under a regime of suppression of liberty and normal rights.’<sup>79</sup>

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<sup>74</sup> Declaration of the Pan-Asiatic League in regard to the unlawful arrest of Indian revolutionists by the British police in French territory. Received in registry 6 October 1930, LNA, 1A/19516/19516, p. 1.

<sup>75</sup> Preliminary Draft Convention drawn up by the Executive Bureau of the International Criminal Police Commission, 11 April 1935. C.R.T.3, p. 25.

<sup>76</sup> Meaning of ‘political crime’: Note by the British expert, 1 May 1935, C.R.T.8, p. 3.

<sup>77</sup> The British government worried that the Convention could potentially be applied in non-terrorist contexts, such as tramway workers staging a strike, if aspects of the strike became violent and entailed damage against public tramway lines. Correspondence with the Foreign Office on the UK observations during the Assembly, July - October 1936, PRO, HO 189/5, p. 2.

<sup>78</sup> The Threat to the Right to Asylum. The International Convention against Terrorism. Article in Communications on the Conditions of Political Prisoners, 30 December 1937, Labour History Archive and Study Centre. LP/WG/REF/24.

<sup>79</sup> International Repression of Terrorism Correspondence with the International Women's League for Peace and Freedom, Geneva, LNA, 3A/17788/15085, p. 1.

## Terrorism, Humanity, Civilization

The concept of humanity also played another important function within international discourses of terrorism as a means of universalizing the particularities of local insurgencies into a more global narrative that maintained the interests of the state governments of whom the international community was composed. In crafting this universally oriented discourse, the convention made three key interpretive moves. First, it distinguished terrorism from forms of political violence that targeted a particular government or state. Second, this version of terrorism - not regional or local, but global in its supposed ambitions - was reframed as an attack upon international order and peace, as embodied by the international society of Geneva. Third, the convention narrated this attack upon international order through existing discourses of civilization and humanity in a way that set terrorism apart as a particularly reprehensible moral crime. This rhetorical strategy sought to shore up the conflation of the international with the category of humanity in a way that reinforced the role of nation-states in representing the collective interests of a global humanity, which could be more effectively envisioned through its juxtaposition against the global threat of terrorism. While accepting Faisal Devji's intervention regarding late twentieth and early twenty-first century terrorism as a project in search of a global politics, this chapter seeks to probe how such a politics should be understood in the period before atom bomb and space age rendered humanity as a singular global category through its understanding of its own destructibility. In the interwar period, humanity as a category bore a different set of stakes and assumptions, that must be understood in their particular context if we are to situate the ideological provenance of the more Arendtian notion of humanity that emerged after the Second World War.<sup>80</sup>

First, it is important to note the repeated emphasis of delegates to the convention that terrorism was not to be understood as political violence directed towards a particular political system or government. At the final conference in November, the Roumanian delegate Mr. Pella admitted that there was a great deal of difficulty in drawing a distinction between acts of terrorism and political crimes, because it was almost universally agreed that political offences were not 'of an anti-social character and did not shake the foundations of social life.' Because political offences were of a specifically anti-governmental character, 'they conflicted only with the principles of a quite special morality - namely, principles which were often connected with the form of government of each State and varied from one country to

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<sup>80</sup> See Devji, *Terrorist in Search of Humanity*.

another ... It was therefore advisable that other States should not intervene in questions which concerned the political life of a given State.’ According to Pella, if a state aided in the repression of political offences directed against the interests of another state, that participation would be regarded as an interference within the latter state's internal affairs and hence an infringement on its sovereignty. For Pella, however, state sovereignty was not a sufficient justification for non-interference when it came to repressing acts of terrorism, precisely because these acts ‘did not merely endanger the order of a given State but social order in general.’ When a political offender or movement expressed their will ‘in acts of barbarity and terrorism’, the non-collaboration of states in suppressing these acts constituted for Pella ‘the most flagrant repudiation of the duties of international solidarity.’<sup>81</sup>

Pella’s argument reflected the belief in a shared set of state concerns and responsibilities at the level of the international that cut across national or regional divisions. Mr Chatelain of Haiti argued at the third meeting of the conference that ‘no Government worthy of the name’ could afford to remain indifferent to such a cause, because the interdependence of states rested not only in economic, social, and intellectual matters but also in the principle of collective security.<sup>82</sup> The legal advisors to the British government shared this concern and worried that the particular danger of acts of terrorism was their ability to transgress national boundaries, thus containing within them an inherent potential for damaging relations between friendly states and undermining a key goal of the League; the maintenance of international peace.<sup>83</sup> More important, however, was the fear that terrorism was an action that sought to ‘undermine the credit of the State’ by ‘destroying discipline, increasing poverty and suffering, and ... paralysing the State's powers of reaction.’ This imperiled not only the sovereignty of a given state, but also the mutual recognition of sovereignty upon which the international order of Geneva rested its authority and legitimacy. Because the existing international law was, according to some, structured in such a way as to safeguard the rights of national subjects, while doing nothing to guarantee the ‘highly valuable legal rights of the State itself’, international criminal law was deemed insufficient for preventing or punishing crimes that violated the ‘universal conscience of mankind’ by simultaneously injuring the interests of all states.<sup>84</sup>

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<sup>81</sup> Provisional Minutes. Eighteenth Meeting, 16 November 1937, C.R.T./P.V.18, p. 66.

<sup>82</sup> Third Meeting, 2 November 1937, C.R.T./P.V.18, p. 56. This concern was shared by the Polish representative, Mr. Beckerman, who referred to terrorism as ‘a scourge and a danger to peace and international relations.’ Fifth Meeting, 3 November 1937, LNA, C.R.T.1(a), p. 100.

<sup>83</sup> Legal aspect and definition of terrorism, 16 April 1935. C.R.T.1(a), p. 2.

<sup>84</sup> *Ibid*, pp. 3-4.

The idea of a ‘universal conscience of mankind’ was enshrined in the international order of the interwar through the concept of civilization. Prior to the First World War, and particularly in the late nineteenth century, the universal language of civilization held a powerful appeal for non-Western peoples seeking to enter the international society centered around Europe. In Cemal Aydin’s work on Japan and Ottoman Turkey, he argues that European military and technological dominance on the world stage greatly impressed intellectuals in Asia, who sought to replicate European power through the development of their own societies along European lines. While Aydin notes earlier setbacks to European hegemony, and particularly Japan’s victory against Russia in 1905, it was the First World War that truly ‘confirmed the moral crisis of the European world order.’<sup>85</sup> The apocalyptic scale of the war, as well as its destruction of ideas of European civilizational superiority caused nationalist groups in Asia such as the Kokuryūkai of Japan to declare ‘the Great European War was their suicide as a civilisation ... (and) ... the great opportunity for an Asian revival.’<sup>86</sup> While the nineteenth century saw the deployment of civilization as a barrier to the legitimacy and sovereignty of non-European states seeking to enter international society, as Gerrit Gong demonstrates,<sup>87</sup> the crisis of the First World War refracted this challenge back onto European states, which were themselves forced to uphold the theory, if not the practice, of a particular standard of civilization.

To this end, political violence that challenged state sovereignty through its subversion of the governmental monopoly on violence within a given territory needed to be described in a way that would not jeopardize international society’s larger claim to represent a global standard of civilization. While earlier narratives juxtaposed civilization with barbarism through a notion of historical time that trapped certain cultures or practices in the ‘waiting room of history’, as Dipesh Chakrabarty argues,<sup>88</sup> terrorism was instead viewed as not simply an antithesis of modernity, but also as modernity’s product. In the opening speech of the international conference on terrorism, the conference president, Court Carton de Wiart argued that although the progressive march of European civilization succeeded in many instances ‘in toning down the savagery and brutality of primitive times’, the sinister companion to this

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<sup>85</sup> Aydin, *Politics of Anti-Westernism in Asia*, p. 93.

<sup>86</sup> Uchida Ryōhei (1918), ‘Jo’. Kokuryūkai Shuppanbu (ed.), *Ajia Taikan*. Kokuryūkai Shuppanbu, 1918), pp. 1--4. In Sven Saaler and Christopher Szpilman (eds.), *Pan-Asianism: A Documentary History, Volume 1: 1850-1920* (Plymouth: Rowman & Littlefield Publishers, 2011), p. 128.

<sup>87</sup> Gerrit Gong, *The Standard of 'Civilization' in International Society* (Oxford: Clarendon Press, 1984).

<sup>88</sup> Chakrabarty, *Provincializing Europe*.

progress was the way that, 'advancing knowledge and improved communications have served in their turn ... to promote acts designated by that new term 'terrorism.''<sup>89</sup>

The conflation of terrorism with modern technology and progress served an important function in setting it apart as a new form of criminality that sat in inherent contradistinction to the civilization of advanced society. In other words, terrorism was a new form of barbarism that, despite its trappings of modernity, remained fundamentally incompatible with the functioning of a civilized international order. While barbarism carried historical connotations of a 'primitive' culture that failed to live up to the standard of civilization, terrorism threatened civilization through a deployment of entirely modern scientific tools of destruction, such as the bomb. For Mr. Koukai of the delegation from Czechoslovakia, terrorism threatened the 'common heritage of the whole civilised world'<sup>90</sup> and constituted a particular moral crime, or 'world crime', on par with other targets of global concern from this period such as human trafficking, piracy, counterfeiting currency, and the illegal drug trade.<sup>91</sup> What connected these 'world crimes' was not only their transnational scope, but also their immoral or 'uncivilized' nature, which carried within it an innate threat to an international order that sought to buttress its legitimacy on the claim to uphold and enforce a universal standard of civilization.

### **Terrorism and International Authority**

Terrorism as a 'world crime' must be understood within the context of an emerging alignment of international interests that was, at the level of violence and sovereignty, more united than historians have previously recognized. Most of the scholarship that looks at interwar internationalism assumes a clear divide between the competing ideologies of Wilsonian and communist internationalisms. In 1917, the same year as the Bolshevik Revolution in Russia, Vladimir Lenin wrote *Imperialism, the Highest Stage of Capitalism*, a book that rejected and condemned European economic and imperial practices. In response, American president Woodrow Wilson issued his famous Fourteen Points in 1918, spelling out an alternative vision for a post-war settlement that would seek to address some of the roots causes of the First World War.<sup>92</sup> The exact importance of Bolshevism in shaping the

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<sup>89</sup> Proceedings of the International Conference on the Repression of Terrorism, 1 November 1937, IOR: L/P&J/8/583, p. 77.

<sup>90</sup> Third Meeting, 2 November 1937, C.R.T./P.V.18, p. 60.

<sup>91</sup> Provisional Minutes, Eighteenth Meeting, 16 November 1937, C.R.T./P.V.18, p. 14.

<sup>92</sup> See Mazower, *Governing the World*, p. 127.

Paris peace talks is the subject of some debate with Margaret Macmillan viewing Germany, not Russia, as the primary object of concern in 1919.<sup>93</sup> On the other hand, Anthony Read argues that the peacemakers at Versailles held the spectre of Bolshevism constantly at the back of their minds.<sup>94</sup> Because Lenin's political vision gave rise to the Third International, or Comintern, and Wilson's formed the basis of the Versailles Treaty and the League of Nations, most historians regard the two as envisioning conflicting ideas of international order that competed throughout the interwar period to win over European and global public opinion.<sup>95</sup>

Still, the Convention for the Prevention and Punishment of Terrorism illustrates one way that the stark divide between Wilsonian and communist internationalisms is traditionally overemphasized in understanding the category of the international during the interwar period. As Mark Mazower notes, the entry of the U.S.S.R. into the League of Nations in 1934 signalled a shift in priorities for the Soviets, who became increasingly conciliatory towards the League as hopes of a world revolution declined and the two previously competing internationalisms aligned themselves against the emerging anti-internationalism of fascism.<sup>96</sup> More than this, however, the broad alignment of priorities between disparate nation-states including the U.S.S.R. regarding the danger posed by terrorism illustrates the ways that the international system of the interwar stimulated new concerns that transcended particular ideological or political orientations. This was the product of an increasing normalization of 'vertebrate' structures of statehood, which sought to bulwark themselves against the threat posed by new 'cellular' forms of political organization.<sup>97</sup> As Ben Saul notes, 'criminalizing terrorism was not designed to protect only democracies from political violence, but to protect all forms of political organization from violence.'<sup>98</sup> The international criminalization of terrorism rested on the notion that there was a 'feeling of solidarity and cooperation which exists between the States in the campaign against the activities of terrorists, who are enemies of the human race, and must be relentlessly tracked down and prevented from injuring their

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<sup>93</sup> Macmillan, *Peacemakers*, p. 73.

<sup>94</sup> Read, *World on Fire*, p. 79.

<sup>95</sup> See Arno Mayer, *Wilson vs. Lenin: Political origins of the new diplomacy, 1917-1918* (Cleveland: World Publishers Co., 1964). See also Sebastian Conrad and Dominic Sachsenmaier, 'Introduction', in Conrad and Sachsenmaier (eds.), *Competing Visions of World Order: global moments and movements, 1880s-1930s* (New York: Palgrave Macmillan, 2007), p. 7, and Manela, *The Wilsonian Moment*.

<sup>96</sup> Mazower, *Governing the World*, pp. 177-79. For a different version of this argument, see Brigitte Studer, *The transnational world of the Cominternians* (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2015), p. 7.

<sup>97</sup> This language is drawn from Arjun Appadurai's analysis of terrorism in *Fear of small numbers: an essay on the geography of anger* (Durham: Duke University Press, 2006), pp. 87-114.

<sup>98</sup> Saul, 'The Legal Response of the League of Nations', p. 5.

fellow creatures.’<sup>99</sup> The diplomats at Geneva spoke of an international solidarity, or ‘le système de la solidarité des États’,<sup>100</sup> that existed between the disparate states of the world, and that ensured that the threat of terrorism should be dealt with through a unified and concerted response at the level of the international.

International solidarity was, of course, not without limits. The political gulf between Britain and the U.S.S.R., as well as the emerging threat posed by fascist regimes in Germany and Italy, remained a source of tension, particularly for British security services as Calder Walton and Christopher Andrew demonstrate.<sup>101</sup> When the British government consulted the superintendent of the Special Branch regarding the advisability of signing on to the convention, he pointed out that the new legislation would cause a great deal more work for Special Branch, as it would obligate them to take action against alien refugees plotting against authoritarian regimes, such as that of Mussolini.<sup>102</sup> In June of 1937, Norman Kendall wrote to Leslie Brass of the League of Nations delegation, reiterating that the convention would likely result in many requests for the deportation of subversive elements from Germany, Italy, and Yugoslavia, with little benefit in return for the British government.<sup>103</sup> Other officials said that it was ‘fundamentally absurd’ to believe that a Russian or German Court would hold to the convention with good faith in prosecuting Russians or Germans who plotted terrorist outrages against England.<sup>104</sup> These concerns, among others, ultimately outweighed British interest in the convention, meaning that when the convention was passed later that year in November, the United Kingdom was not a signatory.

Despite the practical limitations of the convention, the concerns animating it are instructive in understanding the emergence of terrorism as a category of international interest. As argued above, the threat of terrorism provided a common enemy against which all forms of government could unite, regardless of their particular political systems. Thus, the category of terrorism provided a new language whereby international authority could assert itself as representing the interests and security of a common civilization. Such a categorization occurred not only at the level of law and rhetoric but also through the pooling of information regarding suspected terrorists, as well as fingerprinting, photographing, the collection and

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<sup>99</sup> C.R.T./P.V.18, p. 23.

<sup>100</sup> Liste des Délégués, C.R.T./P.V.1-10, p. 8.

<sup>101</sup> Walton, *Empire of Secrets*. See also Andrew, *Defence of the Realm*, pp. 139-87.

<sup>102</sup> Proposed convention for the suppression of Terrorism, 6 July 1935, PRO, Mepo 3/2048, p. 22.

<sup>103</sup> Norman Kendal to Leslie Brass, 18 June 1937, PRO, HO 189/2, p. 1.

<sup>104</sup> Observations of His Majesty's Government furnished to the League of Nations, 27 March 1937, PRO, HO 189/9, p. 1.

circulation of history sheets, and the ‘constant supervision of all bodies ... which cannot establish their bona fide character and ... the detention and careful identification of the members of such organisations without prejudice to the appropriate legal penalties.’<sup>105</sup> Although Britain was not a signatory in November of 1937, the British representative Sir John Fischer Williams played a key role in drafting the convention, and the definition of terrorism upon which it relied. Despite being reluctant to formally commit itself to the laws of the convention, the British government nonetheless bore the ‘greatest sympathy with the object of the Conference’ and claimed that they would uphold in practice all necessary measures for preventing and punishing any acts of terrorism carried out or planned within the United Kingdom.<sup>106</sup>

The states that did ultimately sign on to the convention reflect a wide political and geographical diversity, including France, Yugoslavia, Spain, Argentina, the U.S.S.R., Turkey, Egypt, and India, among others. This diversity reflects the broad concerns shared by members of the international system of the interwar, regarding the threat that non-state violence posed to their own sovereignty and, by extension, the legitimacy of an international order premised upon the mutual recognition of this sovereignty. By framing terrorism as a ‘world crime’ or a ‘crime against civilisation’, the governmental representatives at Geneva sought, in their own words, to ‘ensure the safety of all States, regardless of their social or political organisation, and to protect international order as such.’<sup>107</sup> The purpose of this convention was not simply to prevent and punish a set of politically motivated crimes, but rather to shore up international authority with the articulation of a new threat that could be described in universally intelligible terms through the category of terrorism. In this way, terrorism can be understood, not as a universal category, but as a universalisable trope capable of transcending national boundaries precisely because of the ease with which it could be applied to describe a wide range of acts of anti-state political violence.

## **Conclusion**

The Convention for the Prevention and Punishment of Terrorism provides an important window into understanding the emergence of terrorism as a category of

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<sup>105</sup> Replies from governments (Argentine Republic), 8 August 1935, PRO, HO 189/4, p. 13.

<sup>106</sup> Instructions for United Kingdom delegation at diplomatic conference, 5 October 1937, PRO, HO 189/4, p. 2. Even the United States expressed sympathy with the motives of the convention, despite not being a League member. Replies from Governments, 28 February 1935, LNA, C.R.T.1, p. 2.

<sup>107</sup> Legal aspect and definition of terrorism, 16 April 1935, LNA, C.R.T.1(a), p. 3.



international concern during the interwar period. As the first international law to target terrorism as a distinct category of criminality, the convention sheds light on the definitions and debates that informed interwar ideas about political violence, territory, and sovereignty. The convention is particularly useful for understanding the context within which colonial officials framed their understanding of revolutionary violence in India, as well as the ways that their own experiences of anti-colonial politics shaped the Indian delegate's concerns and priorities at Geneva. The emphasis placed on terrorism as a problem of territory, the relationship between terrorism and political crime, and the framing of terrorism as a threat to civilization itself all serve to highlight the importance of situating India's colonial laws of terror within a larger contextual framework. The convention also indicates the highly contingent nature of modern understandings of terrorism, and the ways that they were produced through a particular set of local and international circumstances. By reading India's laws of terror alongside its participation in a larger international discussion regarding the challenge that non-state violence posed to state actors, it becomes possible to locate terrorism as a form of violence intimately linked to questions of authority and state formation. If terrorism and international authority are to be understood as competing yet complementary aspects of modern governance, the question of terrorism then becomes an important entry point not only into issues of political violence, but also into the very nature of the modern international system itself.

## **Conclusion:** Postcolonial Legacies

On the 30<sup>th</sup> of January, 1948 the newly independent nation-state of India suffered an act of patricide. At a multi-faith prayer meeting at Birla House in New Delhi, Mohandas Gandhi was shot three times at close range by a young member of the Hindu Mahasabha and RSS. Mortally wounded, Gandhi was carried back to his room but was declared dead within half an hour. His killer, a young Hindu radical by the name of Nathuram Godse, was apprehended on the spot and beaten with sticks by the angry crowd before being taken into custody by the police. Just as had been the case approximately four decades earlier following the assassination of Curzon-Wylie by Madan Lal Dhingra, V.D. Savarkar fell under suspicion as the alleged mastermind behind the plot, although he ultimately escaped conviction. A Hindu nationalist, Godse blamed Gandhi for the partition of India and saw his murder as revenge for the chaos inflicted by this partition upon the Hindu community. However, as Yasmin Khan demonstrates, the assassination and the mourning rituals that followed it ironically served only to consolidate the sovereignty of the Nehruvian state dominated by the secular Indian National Congress.<sup>1</sup>

Following the murder of Gandhi, different newspapers referred to Godse as a ‘Hindu fanatic’<sup>2</sup> or simply an ‘assassin’,<sup>3</sup> while Jawaharlal Nehru referred to him as ‘a madman’.<sup>4</sup> The question of whether Godse should be regarded as an assassin, terrorist, or even patriot is a hotly contested political issue in contemporary India. A 2013 article in *Mainstream Weekly* referred to Godse as the ‘First Terrorist of Independent India’,<sup>5</sup> while in 2014 an MP for the Bharatiya Janata Party named Sakshi Maharaj controversially referred to Godse as a nationalist who ‘did a lot for the nation.’<sup>6</sup>

Such controversy is not limited to the Mahatma’s assassin. Ongoing separatist movements in India’s northeast, a Kashmiri resistance movement increasingly inflected by jihadist idioms, and a ‘Red Corridor’ across eastern India held by Maoist insurgents all contribute to an ongoing politically charged public conversation in independent India

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<sup>1</sup> Yasmin Khan, ‘Performing Peace: Gandhi’s assassination as a critical moment in the consolidation of the Nehruvian state’, *Modern Asian Studies* 45, 1 (2011), pp. 57-80.

<sup>2</sup> *The Manchester Guardian*, 31 January 1948, p. 1.

<sup>3</sup> *The Hindu*, 31 January 1948, p. 1.

<sup>4</sup> *The New York Times*, 31 January 1948, p. 1.

<sup>5</sup> *Mainstream Weekly*, Vol. LI, NO. 49, 25 November 2013. Retrieved 24 April 2017. <https://mainstreamweekly.net/article4603.html>

<sup>6</sup> *India Today*, 11 December 2014. Retrieved 24 April 2017. <http://indiatoday.intoday.in/story/gandhi-killer-nathuram-godse-nationalist-bjp-mp-sakshi-maharaj-assassin-parliament-rajya-sabha/1/406344.html>

regarding the relationship between ‘terrorism’ and the state. Continued debates regarding emergency laws, freedom of expression, and the scope of permissible political dissent all carry echoes of the colonial prose of counter-insurgency that formed the topic of this dissertation. At the time of writing, a Maoist attack in Chhattisgarh recently resulted in the deaths of at least 24 Indian police, demonstrating that these questions have lost none of their resonance in the present day, but rather linger in the cultural and political mind of modern nation states.<sup>7</sup>

This dissertation set out to trace an evolving prose of counter-insurgency in late colonial India centred around the emergence of the legal category of ‘the terrorist’. It examined the late nineteenth century origins of sedition law in Britain and India, and demonstrated the impact of a new ‘politics of the bomb’ in forcing an adaptation and expansion of these laws at the beginning of the twentieth century. This analysis went on to examine the strategies of legitimization adopted by the colonial state in passing emergency war measures from 1914 to 1918, and the failure of the government in securing the extension of these measures into peacetime following the disastrous massacre at Jallianwala Bagh, Amritsar. Following the Montagu-Chelmsford legislative reforms after the end of the war and the failure of Mohandas Gandhi’s non-co-operation campaign, the re-emergence of revolutionary violence in Bengal prompted the introduction of new emergency measures that established ‘terrorism’ as a distinct legal category in India. This genealogy of terrorism as a politico-legal category in India was supplemented by two chapters that connected the domestic history of political violence in India with the broader international landscape within which this prose of counter-insurgency emerged. The first of these chapters told the largely ignored story of India’s relationship to the League of Nations from 1919 to 1945, demonstrating the role of the international as a site that simultaneously allowed the reinforcement and the contestation of British imperialism over the first half of the twentieth century, with a particular focus on the internationalist and Pan-Asian engagements of the Bengali revolutionary Rash Behari Bose. The final chapter explored India’s participation in the largely forgotten League of Nations’ Convention for the Prevention and Punishment of Terrorism that took place in 1937, in which terrorism acquired an official status within international law while simultaneously coming to serve as a trope by which international authorities defined internal threats to their own sovereignty.

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<sup>7</sup> *BBC News*, 24 April 2017. Retrieved 24 April 2017. <http://www.bbc.com/news/world-asia-india-39696186>

The assassination of Gandhi and the proliferation of low-intensity insurgencies across India in the decades that followed independence clearly demonstrate that governmental attempts to define terrorism were not limited to a problem of the colonial state, but maintain their relevance for issues of law and sovereignty in the post-colonial nation-state as well. Unfortunately, an investigation into the continuities and discontinuities through which a colonial prose of counter-insurgency reproduces itself through the postcolonial era to the present lies outside the scope of this dissertation. As such, this dissertation does not claim to offer a comprehensive *longue durée* genealogy of terrorism as such, but rather provides a window into the evolution of a particular prose of counter-terrorism that developed in colonial India during the first four decades of the twentieth century. Future research will be needed to trace a longer genealogy that stretches back into the nineteenth century and forward into the twenty-first in order to provide a richer understanding of the deep history of political violence and the state in modern India.

More work is also needed that will trace the cross-imperial and, indeed, trans-imperial trajectories of the prose of counter-insurgency. While this dissertation illustrated the relationship between colonial law in India and the international law of the League of Nations, it has not had space to analyze the wider imperial context within which these discourses of terrorism emerged. The first half of the twentieth century saw budding insurgencies break out in far-flung colonies that included Ireland, Malaya, Burma, East Africa, Iraq, and Palestine. British imperial officials often borrowed personnel and tactics from different colonial possessions in responding to these insurgencies. But what is less understood by scholars, or even remarked upon, is the extent to which an emerging imperial prose of counter-insurgency, and perhaps of counter-terrorism, became consolidated throughout this period. Such an investigation need not limit itself to the British case alone, but would provide a fertile lens of comparison for understanding how events within the French empire – notably Algeria and Indochina – and the Dutch empire – notably Indonesia – contributed to an imperial prose of counter-insurgency that was truly global in character.

Despite these temporal and geographical limitations, this dissertation provides a fresh conceptual framework for approaching the question of ‘terrorism’ in South Asia, and contributed new empirical information to the history of revolutionary violence in colonial India, and to the relationship between India and the League of Nations. While much of the existing conceptual literature on terrorism and exception privileges theory at the expense of the archive, and much of the empirical work on ‘terrorism’ in India lacks a rigorous conceptual examination of terrorism as a category of politico-legal analysis, this dissertation

set out to provide a fresh conceptual approach to the topic through the use of thick archival documentation. This approach is valuable not only for deepening current understandings of the relationship between terrorism, law, and sovereignty in late colonial India, but also in providing a richer perspective on the broader history of legislative reform, exception, and international engagement by the British colonial state. Another important contribution of this project is that it has shed light on the revolutionary career of Rash Behari Bose, an important radical and nationalist from the early twentieth century who is largely forgotten in the historiography of Indian independence.

Given the polarized nature of contemporary global debates on terrorism today and the strategies of legitimization through which current governments justify the imposition of harsh emergency laws in both domestic and international circumstances, a deeper context for these discussions is sorely needed. Limited in both temporal and geographical scope to the particular case study of late colonial India, this dissertation nonetheless provides important context for rethinking ‘terrorism’ as the product of a particular set of historical circumstances and concerns, rather than a natural category of international criminality. In fact, by examining the 1937 League of Nations convention on terrorism, this project illustrated the ways in which a normative acceptance of terrorism as the default category of analysis for understanding global manifestations of political violence was itself shaped by a range of particular concerns tied to issues of territory, politics, sovereignty, and authority. Thus, the concerns of this research are neither purely historical or wholly contemporary, but rather seek to explore the origins of ‘terrorism’ at a particular historical conjuncture. This purview is valuable both for the insights it provides into the nature of colonial rule in India during the first four decades of the twentieth century, as well as for its broader contribution to what Foucault refers to as ‘a history of the present.’<sup>8</sup> As future research continues to build upon this terrain by expanding beyond the temporal and geographical limits of the current project, insight into the origins and legacy of terrorism as a political and legal category of analysis will render possible a deeper understanding of both past and present.

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<sup>8</sup> Michel Foucault, *Discipline and Punish: The birth of the prison* (New York: Vintage Books, 1995), p. 31.

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