

HISTORY SOCIETY:

BHAGAT SINGH

REPORT BY MASTER CHARLES WELCHMAN

On 3 February 2022, at a meeting of the History Society, Professor Satvinder Singh Juss, resplendent in national costume and turban, told of the turbulent times and brief life of Bhagat Singh. He was a charismatic and prominent revolutionary leader who campaigned for Indian Independence. It was Professor Juss's contention that Bhagat Singh's trial and subsequent execution were gross miscarriages of justice. On 11 February 1931 this opinion was not shared by the Judicial Committee of the Privy Council. Without calling on the Crown their Lordships summarily dismissed the petition of Bhagat Singh and two others.

Indian folklore attributes to Bhagat Singh an even more important role than that of Mahatma Gandhi. The young Satvinder Singh Juss learnt of him at the family table at dusk when the lamps were lit. His curiosity was aroused and this in due course fired an imperative to learn more. With determination and a degree of good fortune he obtained access to the Punjab archives department stored very securely at the Tomb of Anarkali. His scholarly research, embodied in his book *The Execution of Bhagat Singh – Legal Heresies of the Raj*, was shared with the History Society.

THE EVENTS THAT LED TO BHAGAT SINGH'S ARREST

We were taken back to Lahore in the 1920s. The revolutionary movement to which Bhagat Singh belonged stood apart from Mahatma Gandhi's campaign of non-violence. Bhagat Singh's group in contrast had no scruples about using violence to advance their cause. In November 1928, when Bhagat Singh was aged 21, a protest march against the report of the Simon Commission led to a police baton charge at which the revolutionary leader Lala Lajpat Rai was injured. His death a few days later was attributed to those injuries. Bhagat Singh and his associates decided to avenge Rai's death by shooting the Police Superintendent James Scott who had ordered the baton charge. They shot instead, and killed, a young British police officer, John Saunders, who was not their intended target, and in the course of their escape from the scene another policeman was killed. Bhagat Singh evaded capture and went to ground. But for the events that followed he might never have been prosecuted for the two deaths.



Bhagat Singh

In April 1929 however Bhagat Singh came to the attention of the Colonial Government in a spectacular way. He, together with B.K. Dutt, threw two smoke bombs into the Legislative Assembly in Delhi. They then cascaded leaflets onto the benches of the assembly and shouted slogans 'to make the deaf hear'. The bombs were essentially harmless, and as those who threw them made no attempt to escape inevitably they were arrested.

IMPRISONMENT AND HUNGER STRIKES

Bhagat Singh and Dutt joined other revolutionary prisoners in Lahore's jail. They were aware of European revolutionary tactics including those adopted in Ireland. Protests, hunger strikes and disruptive behaviour followed. Prisoners refused to attend court, and some were carried into court on stretchers shackled and handcuffed because they were so weakened by their hunger strike. The lack of progress resulted in

a Special Magistrate being appointed to take over the proceedings. Mayhem continued to rule. The proceedings before the Special Magistrate became protracted and complicated with hundreds of potential witnesses still to give evidence: the case had taken some nine months to reach this impasse.

THE SPECIAL TRIBUNAL

In order to circumvent the deadlocked Special Magistrate court proceedings, the Viceroy (Lord Irwin) declared a state of emergency. Using executive powers by an Ordinance under section 72 of the Government of India Act he transferred the proceedings to a 'Special Tribunal' of three High Court Judges for which there had to be an 'emergency' and the Ordinance had to be 'for the peace and good government of British India, or some part thereof'. No provision was made in the Ordinance for an appeal to the High Court in Lahore against a sentence of death. Under section 72, the Ordinance would lapse after six months.

The proceedings were known as 'The Lahore Conspiracy Case'. Two of the original three judges were replaced at early stage and only one of the Judges – Justice Hilton – was involved throughout. Most of the defendants declined to be represented or to participate. Evidence that had not been tested either before the Special Magistrate or the Special Tribunal was admitted and no cross-examination was allowed on the evidence of 457 prosecution witnesses.

The findings of the Special Tribunal were delivered on 7 October shortly before the Viceroy's Ordinance was due to lapse. In Professor Juss's opinion only Justice Agha Haider emerged with any credit. He had questioned prosecution witnesses and distanced himself from the violence meted out to the defendants. However, this judge was removed on the grounds of 'ill health'. The outcome was 12 convictions and three acquittals. Bhagat Singh, Sukhdev and Rajguru were found guilty of murder and sentenced to death. The only possible appeal lay by petition to the Privy Council.

APPEAL TO THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

Initially Bhagat Singh was opposed to an appeal but was prevailed upon to appeal in order to draw attention to the cause he held so dear. Denis Nowel Pritt KC



Master Satvinder Singh Juss

represented the three Petitioners. He argued that the Ordinance itself was unlawful and could not be justified on the basis of the Viceroy's subjective opinion. There had to be a sustainable basis for reaching the conclusion that it was necessary 'for the peace and good government of British India, or some part thereof'. Denis Pritt was given a hard time by the apparently hostile Committee and in Professor Juss's words was 'scarred by the experience'– the case was not mentioned in his memoirs.

At the hearing before the Privy Council the submissions fell on 'deaf ears' to echo what Bhagat Singh had shouted to the Delhi Assembly. The petition was summarily dismissed without calling on the Crown. Brief reasons given by Lord Dunedin followed on 27 February 1931.

EXECUTION

The date for the execution of Bhagat Singh, Sukhdev and Rajguru was fixed for dawn on 24 March 1931, but in fact the executions were carried out at dusk on 23 March. All three faced death with defiant dignity singing a revolutionary song and kissing the rope that was to hang them. Their bodies were treated without respect and taken to the banks of the Sutlej (two hours away) where an incomplete cremation took place before body parts were thrown into the river. Local people retrieved them and cremated them appropriately.

Given all that had happened, it is not surprising that the handsome, young and charismatic Bhagat Singh became a hero among the Indian population.

Our speaker contended in his talk and book that the Ordinance was unlawful and that there was an absence of due and appropriate process. The Viceroy should have simply transferred the stalled proceedings to the Indian High Court. In his view, Bhagat Singh should never have been convicted and executed. ■

