

# Defence of India Act, 1915

The Defence of India Act also referred to as the Defence of India Regulations Act, was an emergency criminal law enacted in 1915 by the Governor-General of India. Its main intention was to curtail the nationalist and revolutionary activities of the Indian Independence Movement during and in the aftermath of World War I.

## Overview of the Defence of India Act, 1915

A cursory detail of the act is given in the table below:

<b>Defence of India Act, 1915</b>	
<b>Long Title</b>	An Act to provide for special measures to secure the public safety and the defence of British India and for the more speedy trial of certain offences.
<b>Territorial Extent</b>	The whole of British India
<b>Enacted by</b>	The Governor-General in Council
<b>Enacted</b>	19 March 1915
<b>Commenced</b>	19 March 1915
<b>Status</b>	Succeeded by the Defence of India Act, 1939

## Historical Background of the Defence of India Act, 1915

Punjab, Bengal and Maharashtra became a hotbed of the revolutionary movement in India during the first decade of the 20th century.

The 1905 partition of Bengal and the colonisation bill in Punjab only fed the growing discontent in these provinces. A number of attacks on prominent figures in the administration as well as on police were linked to revolutionary groups like Anushilan Samiti and Jugantar.

The First World War began with an unexpected show of support towards Britain from the mainstream political leadership of the Indian Independence Movement, in contrast to British fears of a revolt. India contributed massively to the British war effort by providing men and resources. About 1.3 million Indian soldiers and labourers served in Europe, Africa and the Middle East. After the onset of World War I, rising grain prices, dissatisfaction with British

immigration policies and rumours of British defeats on several fronts had led to a new round of popular unrests against the British.

Although India was far away from the fighting in Europe, British fears were animated by a possible alliance of the Central Powers with Afghanistan. A combination of Afghanistan invading the North-West Frontier and internal unrest fomented by the revolutionary network was at the top of the minds of the British. As such, they realised that a new act to at least stabilise the domestic front was needed in order to maintain their grip over India.

## The Implementation of the Defence of India Act

British intelligence in North America indicated early in the war that the Ghadr Party, co-ordinating with the Berlin Committee in Germany, and the Indian revolutionary underground was attempting to transport men and arms from the United States and East Asia into India, intended for a revolution and mutiny in the British Indian Army.

From August 1914, a large number of Sikh expatriates began leaving Canada and USA under the plans of the Ghadr leadership for fomenting a mutiny in India, whilst in Bengal nationalist crime also increased.

Thus pressure mounted on the British authorities in India to pass an act that would stem such revolutionary activities. Thus the Defence of India Act came to pass.

The law was to be valid for the duration of the war and for six months thereafter "for public safety" and "the defence of British India". The main object of the law made it illegal to communicate with the enemy, obtaining information, spreading false reports, as well as any activities that the government saw prejudicial to the war effort. The act allowed local governments to make rules detain indefinitely, without representation, and to try by special tribunals persons "reasonably suspected" of being of hostile origin or acting in a manner prejudicial to the safety of the empire. committing or conspiring to commit crimes either described in the act or crimes which may be punishable by death, transportation or at least seven-year imprisonment

The act gave powers to local government to appoint three commissioners for trials who may be below the status of high-court judges. At least two would be Sessions judges or additional sessions judges for at least three years, were qualified for appointment as Judges of a High Court, or advocates of a Chief Court or pleaders of ten years' standing. A majority verdict was acceptable.

The act allowed the commissioners to accept as evidence statements recorded by a magistrate without scrutiny to cross-examination and superseded the standards of evidence proscribed in the Indian evidence act 1872. Further, the act allowed commissioners to accept such recorded evidence where the witness was unavailable or dead. This measure was intended to secure and

safeguard against intimidation and assassinations by revolutionaries of approvers. There was no right to trial by jury. The act excluded from appeal or judicial review the decisions of the commissioners appointed under the Defence of India act.

Although designed to maintain order and curtail revolutionary movement, the law was in practice used in widespread scale from limiting revolutionaries, through arresting perpetrators of religious violence, to curtailing the voice of moderate political leaders.

## The Impact of the Defence of India Act

At the time of its enactment, the Defence of India act received universal support from Indian non-officiating members in the Governor General's council, from moderate leaders within the Indian Political Movement.

The British war effort had received popular support within India and the act received support on the understanding that the measures enacted were necessary for the war-situation. Its application saw a significant curtailment in revolutionary violence in India. However, the wide scope and widespread use amongst the general population and against even moderate leaders led to growing revulsion within the Indian population.

The enactment of the law saw 46 executions and 64 life sentences handed out to revolutionaries in Bengal and Punjab in the Lahore Conspiracy Trial and Benares Conspiracy Trial, and in tribunals in Bengal, effectively crushing the revolutionary movement. The power of preventive detention was however applied more particularly to Bengal.

By March 1916 widespread arrests helped Bengal Police crush the Dhaka Anushilan Samiti in Calcutta. Regulation III and Defence of India act were applied to Bengal from August 1916 on a wide scale. In Bengal, revolutionary violence in Bengal plummeted to 10 cases in 1917. By the end of the war, there were more than eight hundred interned in Bengal under the act.