



## Rule of Law Undermined: Habeas Corpus, Preventive Detention, and the Indian Response to Rowlatt

Aqib Yousuf Rather<sup>1</sup>, Peer Amir Ahmad<sup>2</sup>

<sup>1</sup> Lecturer, Govt. Degree College (Boys), Udhampur, J&K

<sup>2</sup> Lecturer, Department of Political Science, Govt. Degree College Majalta, J&K

\* Corresponding Author:

Aqib Yousuf Rather

ratheraaqib800@gmail.com

### ARTICLE INFO

#### Article History

Received 22-07-2024  
Revised 28-10-2024  
Accepted 19-11-2024  
Available Online 30-12-2024

#### ARTICLE ID

CLIO0202005

#### KEYWORDS

Rowlatt Act, colonial repression, civil liberties, preventive detention, Satyagraha, Jallianwala Bagh, Indian nationalism

### ABSTRACT

The Act extended emergency wartime powers into peacetime, authorizing preventive detention, suspension of habeas corpus, and trials without jury or appeal, thereby undermining foundational civil liberties and the rule of law. Rooted in imperial paranoia over revolutionary activities and nationalist aspirations, the Act epitomized colonial authoritarianism cloaked in legal formality. The study explores the origins of the Act through the Rowlatt Committee's findings, the rationale for its enactment, and its sweeping legal implications. It also evaluates the massive public outcry it provoked, culminating in Mahatma Gandhi's first national Satyagraha and the Jallianwala Bagh massacre—an event that galvanized Indian nationalist sentiment and delegitimized British rule. The article argues that the Rowlatt Act marked a pivotal turning point, transforming India's freedom struggle from elite constitutionalism to mass civil disobedience. It further contends that the Act's legacy continues to inform India's constitutional emphasis on civil rights and legal accountability. Through historical analysis and legal critique, this study reveals the ways in which law can become a tool of repression and resistance in colonial contexts, shaping the trajectory of national liberation.



## INTRODUCTION

The Rowlatt Act of 1919, officially titled the Anarchical and Revolutionary Crimes Act, remains one of the most controversial and consequential pieces of legislation enacted by the British colonial administration in India. Passed during a period of deep political uncertainty and unrest following World War I, the Act symbolized not only the colonial state's deep-seated anxieties but also the lengths to which it would go to suppress dissent and curtail emerging nationalist consciousness in India. Though framed as a measure to maintain public order and national security, the Rowlatt Act exposed the inherently coercive and racialized logic of colonial governance. Rather than assuage Indian hopes for political reform—hopes raised during the war years through promises of self-government and constitutional development—the Act crushed them, replacing expectation with disillusionment and moderation with mass resistance. In this context, the legislation served as a catalyst for the transformation of India's nationalist struggle, marking a decisive shift from elite constitutional agitation to mass-based civil disobedience. The Act, and its immediate and bloody aftermath, underscored the contradictions of British imperialism in India, particularly the tension between its liberal self-image and its authoritarian practices in the colonies.

The passage of the Rowlatt Act occurred in a political milieu charged with contradiction and possibility. The end of World War I had created widespread expectations among the Indian populace that Britain would reward their loyalty and sacrifices with meaningful political reforms. Over a million Indian soldiers had fought on Britain's behalf in Europe and the Middle East, and the Indian economy had been extensively mobilized for the Allied war effort. In return, Indian leaders—both moderate and radical—expected a loosening of the imperial grip and the introduction of self-governing institutions. The Montagu Declaration of 1917, promising "gradual development of self-governing institutions," seemed to validate these aspirations. Yet, even as the Government of India Act of 1919 was being prepared—introducing limited reforms like dyarchy—the colonial state initiated a parallel legislative effort to extend wartime repressive powers into the postwar period. The establishment of the

Rowlatt Committee under Justice Sidney Rowlatt in 1917 was a critical moment in this trajectory. The committee was tasked with investigating revolutionary activities and the threat of political violence in India. Its findings, which emphasized the persistence of "seditious conspiracies" in regions such as Punjab, Bengal, and Bombay, recommended the continuation of emergency powers under the expired Defence of India Act. These recommendations culminated in the Rowlatt Act—an extraordinary law that, in peacetime, allowed the government to arrest individuals without trial, suspend habeas corpus, hold in-camera trials without jury, and prohibit public gatherings and political publications.

The Rowlatt Act marked a disturbing departure from the principles of justice, due process, and rule of law that Britain claimed to uphold both at home and in its colonies. Unlike the Defence of India Act, which had been justified on the basis of wartime necessity, the Rowlatt Act represented an institutionalization of emergency powers in times of peace. This move was not only alarming in a legal sense but also deeply offensive to Indian political sensibilities. Indians were being denied the very civil liberties that British citizens enjoyed under the same imperial government. The racialized nature of this legal dualism—liberty for Britons, repression for colonial subjects—was not lost on the Indian political leadership. The passage of the Act by the Imperial Legislative Council despite near-universal opposition from Indian members, including prominent leaders like Mohammed Ali Jinnah and Madan Mohan Malaviya, further underscored the impotence of Indian voices in the legislative process. Jinnah's resignation from the Council in protest was emblematic of a growing realization among Indian leaders that constitutional methods alone would not suffice to achieve genuine political transformation. This realization would soon crystallize in the form of a new, mass-oriented nationalist strategy—civil disobedience.

It was Mahatma Gandhi's intervention that transformed the opposition to the Rowlatt Act from a political objection into a moral and civilizational crusade. Gandhi, who had already experimented with the technique of Satyagraha (truth-force or soul-force) during his struggles in South Africa and in local agitations in Champaran and Kheda, now prepared to scale up this philosophy into a nationwide movement.

Gandhi recognized in the Rowlatt Act not just a legal injustice but a spiritual affront—a betrayal of the principle of justice that demanded resistance not through violence, but through non-cooperation and peaceful non-compliance. Gandhi called for a nationwide hartal (strike) on April 6, 1919, encouraging Indians to suspend business, fast, pray, and protest peacefully. The response was overwhelming. Across the country, markets closed, students boycotted classes, workers went on strike, and peaceful processions filled the streets. The Rowlatt Satyagraha was born—India’s first truly nationwide nonviolent resistance movement.

Despite Gandhi’s clear commitment to nonviolence, the colonial government responded with excessive force. Gandhi himself was barred from entering Punjab, and numerous local leaders were arrested. In many parts of the country, protests were met with police brutality, leading to riots and further repression. Nowhere was this more devastating than in Amritsar, Punjab, where on April 13, 1919, Brigadier General Reginald Dyer ordered his troops to fire without warning on a peaceful assembly gathered in Jallianwala Bagh—a walled public garden with limited exits. The massacre left hundreds dead and over a thousand wounded. The scale of the violence, the deliberate nature of the assault, and the subsequent justifications offered by colonial authorities sent shockwaves throughout India and the world. Rabindranath Tagore renounced his knighthood in protest, and nationalist newspapers denounced the massacre as a crime against humanity. The Jallianwala Bagh massacre, more than any other single event, shattered the illusion that the British Empire could be reformed from within. It confirmed for millions of Indians that the colonial state was structurally incapable of justice and that moral persuasion alone was insufficient against entrenched imperial power.

The massacre and its aftermath prompted the colonial government to set up the Hunter Commission to investigate the incident. However, the Commission’s findings failed to satisfy Indian demands for justice. While it criticized General Dyer’s actions, it stopped short of imposing any serious consequences, and Dyer received support from sections of the British public and press. This whitewashing of colonial violence only deepened the sense of betrayal and radicalized Indian political opinion.

The Indian National Congress rejected the legitimacy of the colonial legal and administrative system, and mass mobilization gained a new momentum. The Rowlatt Act and the Jallianwala Bagh massacre, taken together, symbolized the moral bankruptcy of British rule and catalyzed a new phase of the Indian nationalist movement—marked by mass participation, civil disobedience, and the ascendancy of Gandhi as its moral and political leader.

In legal terms, the Rowlatt Act exemplified what scholars have termed “legal authoritarianism”—the use of law to legitimize and perpetuate state repression. The Act suspended fundamental civil liberties such as the right to free speech, the right to a fair trial, and the right to due process. It allowed the executive to act as both judge and enforcer, thereby undermining the independence of the judiciary and violating the doctrine of separation of powers. The use of in-camera trials, the absence of appeal, the power to censor the press, and the authority to detain individuals indefinitely without charges were all measures that contradicted even the minimal standards of natural justice. The Act also drew a sharp distinction between colonial subjects and metropolitan citizens, revealing the racial hierarchies that underpinned British rule. The fact that such legislation could be enacted under the guise of protecting public order exposed the hollowness of British claims to be civilizing and modernizing their colonial subjects.

Beyond its immediate political and legal ramifications, the Rowlatt Act had profound socio-cultural implications. It was one of the rare moments in India’s colonial history when nationalist sentiment transcended regional, linguistic, and religious boundaries. The Satyagraha movement witnessed Hindus, Muslims, Sikhs, and others marching together, praying together, and being imprisoned together. This sense of shared injustice fostered a fragile but genuine unity that would later be challenged by communal politics but remained a touchstone for future nationalist mobilization. Moreover, the role of the press, students, lawyers, and women in the movement indicated the deepening of political awareness across diverse social strata. The movement also forced the colonial government to confront the limits of its coercive power. While the Rowlatt Satyagraha

was eventually suspended by Gandhi in the face of violent outbreaks, the experience marked a decisive break from the politics of petitioning and reform. It inaugurated a new era of moral resistance, where the legitimacy of colonial rule was questioned not just legally or politically, but ethically.

The Rowlatt Act's legacy also endured in India's post-independence constitutional imagination. The memory of arbitrary arrest, preventive detention, and suppression of civil liberties informed the drafting of the Indian Constitution, especially its emphasis on fundamental rights and judicial review. The Constitution's guarantees of personal liberty, freedom of expression, and protection against arbitrary detention can be seen as a direct response to colonial laws like the Rowlatt Act. Even the inclusion of emergency provisions under Article 352 was accompanied by strict safeguards, reflecting an awareness of the dangers of unchecked executive power. The experience of colonial repression thus served as both a cautionary tale and a foundational myth for India's democratic aspirations.

### Review of Literature

The study of the Rowlatt Act and its aftermath has generated a rich corpus of scholarship within Indian political, legal, and historical discourses. As an event that marked a critical juncture in colonial India's transition from moderate constitutional agitation to mass-based civil disobedience, the Rowlatt Satyagraha and the legislative and extra-legal responses it triggered have attracted scholarly attention from various ideological and methodological perspectives. The literature spans legal critiques of colonial repression, nationalist interpretations of resistance, psychological analyses of collective trauma, and sociopolitical studies of institutional transformation. A review of existing literature thus serves not only to contextualize the current study but also to underscore the enduring significance of the Rowlatt Act in the broader historiography of colonial India.

Sumit Sarkar's seminal analysis of the political motivations underlying the passage of the Rowlatt Act is among the most referenced contributions in this domain. In his article "The Politics Behind the Rowlatt Act (1919)" (2019), Sarkar argues that the Act was less a response to

imminent revolutionary danger than a preventive legal mechanism designed to consolidate imperial control amidst a rising tide of nationalist consciousness. According to Sarkar, the colonial state used legal instruments such as the Rowlatt Act to assert its hegemony in the guise of legality. His work forms a foundational reference point for understanding the intersection of law, power, and empire in late colonial India. He reveals how the Act was deeply embedded in a colonial logic of racial superiority, whereby Indians were treated as potential threats to order rather than as citizens deserving of constitutional protections.

The legal framework and rationale of the Act are further scrutinized in the early works of B. Sobhanan. In "The Case for the Rowlatt Act in India" (1984), published in the *Panjab University Research Bulletin*, Sobhanan presents a nuanced reading of the legal argument offered by British policymakers. While critical of the authoritarian overreach, Sobhanan also notes the imperial anxiety regarding Bolshevik influence and revolutionary terrorism. His analysis highlights the colonial state's obsession with "internal security," which it interpreted through a prism of racialized paranoia and political paternalism. His balanced approach contrasts with the more polemical critiques, thereby offering an important contribution to understanding the colonial mindset.

A more structural and constitutional approach is offered by B. Parkash in *The Government of India Act 1935: A Way to the Responsible Government* (2017), wherein he situates the Rowlatt Act within a continuum of colonial legislative practices that oscillated between reform and repression. Parkash argues that while the Government of India Act 1935 embodied a form of constitutional evolution, earlier measures like the Rowlatt Act represented legislative regressions that undermined any semblance of democratic development. This tension between reform and repression is central to understanding the dual character of British rule—its occasional gestures toward liberalization often undermined by deep-seated authoritarian instincts.

In a legal-historical context, Sidney Rowlatt's own writings, especially *The Law of Principal and Surety* (1899), though not directly focused on the Rowlatt Act, offer insight into his

legal philosophy and conservative understanding of state power. Rowlatt's juridical perspective emphasized procedural efficiency and executive discretion—traits that became manifest in the recommendations of the Sedition Committee. His approach reflects the imperial judiciary's complicity in legitimizing exceptional laws that bypassed ordinary legal processes in the name of order.

P. Singh's work (1989) on the aftermath of the Act, especially in relation to the Non-Cooperation Movement, highlights how the legislation served as a prelude to a series of civil resistance campaigns that transformed Indian political mobilization. In "Later the Inauguration of Non-Cooperation Movement Involving Boycott of Educational Institutions," Singh illustrates how educational institutions became sites of contestation and resistance following the popular disillusionment caused by the Act and its consequences. He emphasizes the psychological rupture it produced in the minds of Indians, especially the youth, leading to mass withdrawals from colonial institutions.

Ranajit Guha's pathbreaking essay, "The Mahatma and the Mob," explores the social psychology and mass mobilization that occurred during the Rowlatt Satyagraha. Guha departs from elite-centric narratives and focuses instead on the relationship between Gandhian leadership and popular political action. According to him, the movement around the Rowlatt Act marked a crucial moment in the democratization of anti-colonial resistance, allowing the Indian peasantry and urban poor to assert themselves as political actors. Guha's Subaltern Studies framework, though occasionally critiqued for its romanticism, provides a useful lens to analyze the dynamic interplay between ideology, leadership, and crowd behavior.

The regional and communal dynamics of resistance to the Rowlatt Act have also been explored in recent literature. Fazal and Fazl (2002), in their paper "Muslims and the Rowlatt Act Satyagraha," published in the *Proceedings of the Indian History Congress*, highlight the participation of Muslims in the movement. They counter the narrative that the struggle was predominantly led by upper-caste Hindus and argue that the Rowlatt Satyagraha provided a rare moment of Hindu-Muslim unity. Their work

adds an important dimension to the literature by analyzing the ways in which cross-religious solidarities were constructed and mobilized in the early 20th century.

The catastrophic outcome of colonial repression in the form of the Jallianwala Bagh massacre is another critical theme in the literature. Irfan Habib's *Jallianwala Bagh Massacre* (2019) is a deeply researched and moving account of the massacre's causes, execution, and fallout. Habib portrays the massacre as the logical culmination of a colonial state that had long ceased to see its subjects as deserving of empathy or legal protection. He argues that the event marked the complete delegitimization of British authority in the eyes of the Indian public and galvanized the nationalist movement in an unprecedented manner.

R. Khanna's article "Transformation of British Policies in India after the First World War" (2019) also provides a macro perspective on the shift in British imperial governance. Khanna maintains that the Rowlatt Act and its fallout must be viewed as symptomatic of a broader crisis in British colonialism. The rise of revolutionary movements globally, combined with India's wartime contributions and political awakening, created an unsustainable contradiction for the Empire. Instead of embracing reform, the British government chose repression—a decision that only hastened its decline in India.

Modern scholarly interpretations have also drawn parallels between the Rowlatt Act and contemporary questions of emergency powers and civil liberties. Timothy Downs, in *Act XI of 1857: The Life and Afterlife of an Emergency Statute in Colonial and Post-Colonial India* (2024), traces how the colonial legacy of extraordinary laws continues to haunt postcolonial states, including India. The Rowlatt Act serves in this reading as a historical precedent for the use of preventive detention laws and executive overreach even in modern democracies.

The work of Ramya K. R. (2023) in *A Study of Non-Cooperation Movement: Causes, Result and Its Importance* helps link the Rowlatt agitation to the subsequent Non-Cooperation Movement. Ramya emphasizes the pedagogical function of the Rowlatt Satyagraha in teaching

the Indian populace the principles of mass mobilization, nonviolence, and civil disobedience. The foundations laid during this period became instrumental in sustaining future struggles, thereby making the Rowlatt Act not just a point of repression but a formative stage in the evolution of modern Indian political consciousness.

## DISCUSSION

The Rowlatt Act of 1919 stands as a pivotal piece of colonial legislation that encapsulates the political anxieties, administrative mindset, and repressive instincts of the British Raj in the immediate aftermath of World War I. To fully comprehend the origins and motivations behind this controversial law, it is essential to examine the broader legal and political context in which it emerged. The act was not a sudden imposition but rather the culmination of a series of developments rooted in wartime exigencies, revolutionary fears, and the imperial imperative to maintain control over a restive population. It was formulated against a backdrop of global turmoil, rising nationalist sentiment in India, and a colonial administration deeply entrenched in authoritarian methods of governance. The passage of this act, and the recommendations of the Rowlatt Committee that preceded it, represent an important chapter in the history of British colonialism and the Indian freedom struggle.<sup>1</sup>

The First World War (1914–1918) created a significant shift in the political dynamics between Britain and its colonies, particularly India. Although India remained loyal to the British Crown during the war and contributed over a million soldiers and vast economic resources to the Allied cause, the war also triggered political consciousness and demands for reform across the subcontinent. The war had a twofold effect: on the one hand, it strengthened India's case for self-governance, as Indians expected constitutional concessions as a reward for their wartime sacrifices. On the other hand, it also intensified the colonial state's fears of sedition, rebellion, and revolution, particularly in light of various conspiracy movements and revolutionary networks that became active during the war years. These included the Ghadar Movement, a revolutionary group of expatriate Indians in North America, and the so-called

Hindu-German Conspiracy, which aimed to incite rebellion in British India with German support.<sup>2</sup>

Responding to these supposed revolutionary dangers, the British government set up the Sedition Committee in 1917 under the direction of Justice Sidney Rowlatt of the British High Court. Investigating "seditious conspiracies" and subversive activity in India, especially those connected to militant nationalism and revolutionary organisations, fell to the committee. Senior officials from the Indian Civil Service, police, and court made comprised the Rowlatt Committee, which reflected the colonial government's dependence on a bureaucratic and judicial method to quell opposition. Released in 1918, the committee's findings revealed that, even with the war over, there was an ongoing risk of revolutionary bloodshed in India. It found a network of radicals reportedly seeking to undermine British control by means of acts of sabotage, encouragement, and anti-state propaganda.<sup>3</sup> One of the main points of contention for the committee was that the revolutionary movement had not been destroyed even if it had been somewhat disturbed throughout the war. The committee cautioned that in several areas of India, particularly Bengal, Punjab, and Bombay Presidency, revolutionary ideas were still quite strong. This evaluation led the Rowlatt Committee to advise the continuation and even extension of some war policies implemented under the Defence of India Act of 1915—an emergency law that had given the colonial government broad authority to arrest, imprison, and try suspects without ordinary legal protections. Although the Defence of India Act had expired with the conclusion of the war, the committee urged that some form of its clauses should be kept in peacetime to protect British interests against any upheavals. Almost completely, the British colonial authority adopted the recommendations of the Rowlatt Committee. This choice emphasises the consistency in imperial policy: Britain was strengthening its coercive tool to handle opposition even as it was ready to implement modest changes under the Montagu–Chelmsford changes and the Government of India Act 1919. This paradox exposes the fundamental conflicts in British colonial policy: one hand presented a surface of liberty while the other gripped hard to

authoritarian control. Introduced in the Imperial Legislative Council in February 1919, the Rowlatt Bills These laws suggested to allow the government to arrest and imprison people without trial, limit the rights of accused people to legal counsel, and run trials without juries. Furthermore, they approved in- camera trials and preventative detention for up to two years—two clear transgressions of the fundamental ideas of justice and the rule of law.<sup>4</sup>

The British government's justification for these emergency powers was the requirement of preventative control to avoid future hazards. They maintained that the sluggish and procedural normal legal system could not adequately handle revolutionary uprisings. The administration aimed to nip such upheavals in the bud by allowing summary processes and removing habeas corpus rights. According to the colonial officials, this was prudence—a need shaped by the instability of the Indian political scene—not persecution. This defence, however, disregarded the public's developing expectations for democratic government after the war, the growing maturity of Indian political institutions, and the expanding political involvement of Indians.

Crucially, the colonial government miscalculated the degree of popular discontent and resentment the Rowlatt Act would generate. The act came to represent the disappointment of Indian dreams betrayed. Notwithstanding Indian support for the British throughout the war and general enthusiasm for constitutional change, the passing of such severe laws exposed the hollowness of British liberalism in the colonies. It revealed the racialised logic of the empire, wherein privileges given to British people living at home were methodically denied to colonial subjects elsewhere. Prominent figures like Madan Mohan Malaviya and Mohammed Ali Jinnah among Indian Legislative Council members fiercely opposed the measure, claiming it went against basic standards of fairness and fair government. Early turning point in his political life, Jinnah even resigned from the Council in protest.

The passing of the legislation underlined even more the little part Indian lawmakers play in the colonial political framework. Though Indian members vocally opposed the measure, it was carried mostly

because of the tremendous power possessed by the British majority within the Council. This eroded the Legislative Council's own legitimacy and increased Indian mistrust of constitutional approaches of transformation. Having been carefully monitoring the circumstances, Gandhi proclaimed the Rowlatt Act to be a "black law" and started his first significant national nonviolent opposition movement—the Rowlatt Satyagraha. This signalled the start of a new chapter in the Indian independence fight, in which widespread civil disobedience would become a main tactic against British control. Legally, the Rowlatt Act was a dramatic departure from accepted ideas of justice and law. It not only suspended important legal protections but also institutionalised a preventative repression system free from fair trial's application. The statute let the government operate as both prosecutor and judge, therefore blurring the line separating law from executive will. Critics noted that in peacetime, these powers were unheard of and converted the Indian criminal court system into a tool for political control. Serious questions about the rule of law in the colony were highlighted by the deterioration of judicial independence, abolition of jury trials, and establishment of secret courts.<sup>5</sup>

Thus, imperial anxiety, administrative conservatism, and the incapacity of the colonial government to change with the changing demands of the Indian people defined the political setting that moulded the passage of the Rowlatt Act. Britain found it more vulnerable in the colonies even though it had won the First World War. Along with draining British resources, the war had upended the conventional power systems supporting the empire. The conflict drove political organisations, public debate, and a more forceful civil society's development in India. An effort to turn this trend, the colonial government's emphasis on legal repression via laws like the Rowlatt Act only helped to radicalise dissent and devalue British control even more. Looking back, the Rowlatt Act may be considered as both a symptom and a factor of the deteriorating legitimacy of colonial government in India. It mirrored the imperial perspective that saw Indians as subjects to be controlled by compulsion rather than as people entitled to liberties. Simultaneously, the public reaction to the act—which culminated in demonstrations,

hartals, and finally the sad Jallianwala Bagh massacre—galvanized Indian nationalism and drove the independence struggle into a fresh stage. It showed how popular mobilisation and nonviolent opposition were displacing the period of elite petitions and constitutional arguments.<sup>6</sup>

Among the most extreme legislative actions of British colonial control in India, the Rowlatt Act of 1919—formally known as the Anarchical and Revolutionary Crimes Act—was Designed allegedly as a reaction to sedition and revolutionary activity, it sharply went against the core values of justice and civil freedoms that define contemporary legal systems. Rising in the wake of World War I, when political awareness and anti-colonial sentiment across India threatened British imperial interests, the Act institutionalised a kind of legal repression never seen in peacetime government. With an eye towards how the Rowlatt Act compromised fundamental freedoms such habeas corpus, freedom of speech, and due process, this critical study breaks apart the clauses of the Act in respect to civil liberties and judicial standards. The Act turned the judicial system into a weapon of political control and repression, therefore distorting justice rather than maintaining it.

Justice Sidney Rowlatt led the Rowlatt Committee's recommendations that formed the basis of the Rowlatt Act. Comitted to look at revolutionary activity, the Committee advised that exceptional wartime powers be extended into peacetime. Originally approved under the Defence of India Act 1915, the Act guaranteed the continuance of emergency measures previously approved that had expired after the end of World War I. Most importantly, the Rowlatt Act let the government censor press freedom and public events without court control, approved trials without juries, and sanctioned indefinite preventive detention without trial. These clauses created a parallel, arbitrary system of justice that was essentially incompatible with both common law ideas and growing democratic ambitions inside India, therefore straying at the very core of civil rights.<sup>7</sup>

The Rowlatt Act included one of the most important infractions: the suspension of habeas corpus, the legal defence against illegal confinement. Foundation of English common law and democratic judicial systems all around

is habeas corpus. It lets a prisoner question the legitimacy of their detention before an impartial court. The Rowlatt Act essentially eliminated this vital safeguard by allowing preventative detention free from any need to submit the imprisoned person before a court. Just on suspicion of affiliation with seditious activity, someone can be detained and imprisoned for an unlimited duration without being prosecuted, notified of the grounds for their detention, or given access to legal counsel. This clause brought a system wherein liberty was subject to presidential whim rather than judicial review, therefore deviating from accepted legal standards.<sup>8</sup>

The Rowlatt Act also made in-camera trials—secret court processes carried out without public or press access easier. It allowed special tribunals made of judges chosen by the executive branch, whose decisions were not subject to appeal to higher courts. These covert trials removed the openness and responsibility that underlie a fair court system. Particularly with regard to the right to a fair and open trial, the Act violated natural justice by barring jury participation and eliminating appellate processes. Within such courts, the consolidation of judicial and executive authority blurring the division of powers seriously damaged judicial independence.

Under the Rowlatt Act, another pillar of democratic societies—freedom of expression—was also limited. It gave the colonial authorities authority to regulate the press, prohibit the distribution of pamphlets and publications, and forbid public gathering organisation. Such broad limitations helped the administration to stifle opposing opinions and control the dissemination of nationalist concepts. Targeted to pre-empt resistance, the press—a vital forum for political expression and public opinion mobilization—was under attack. Under the cover of national security, editors and publishers opposed to British policy experienced censorship, arrest, and jail. The Act's clauses allowed any statement judged disruptive to the colonial government to be suppressed, not just seditious speech. It therefore destroyed the forum for nonviolent political communication and protest, forcing many into more extreme kinds of opposition.<sup>9</sup>

The Rowlatt Act's departure from due process—the legal mandate that the state must

honour all legal rights owing to a person—was another important factor. Under the Act, suspects were denied their rights to legal counsel, to be notified of accusations, to challenge accusers, or to cross-examine witnesses. Preemptive detention based only on executive suspicion instead of clear proof or court order might be used. This procedural collapse turned the judicial system from a check on executive will into an extension of it. Moreover, the Act approved the internal exile and limited travel without court supervision, therefore undermining personal freedom.<sup>10</sup>

The Rowlatt Act essentially established a two-legal system for colonial subjects and British nationals. Although the British judicial system at home maintained habeas corpus and civil liberty, Indian people living under British control were deprived of these same privileges. This revealed the racial double standards and hypocrisy ingrained in colonial control. The British government sought to defend the Act by framing it as essential to fight terrorism and revolutionary dangers. But this justification was dubious, particularly given the lack of general uprising at the time. The Act was really meant to stifle political activity and stop the rising movement for self-rule. It was more about the retention of imperial power than it was about law and order.<sup>11</sup>

Public response to the Act was sharp and quick. Previously endorsing British efforts throughout the war, Mahatma Gandhi deemed the Rowlatt Act to be a "black law" and started his first significant nonviolent campaign—the Rowlatt Satyagraha. From students and attorneys to peasants and shopkeepers, Gandhi's plea for non-cooperation mobilised many spheres of Indian life. Nationwide rallies, hartals (strikes), and demonstrations against the Act ensued. From elite constitutionalism to popular civil disobedience, this movement announced a dramatic change in Indian political opposition. Crucially, the moral indignation aroused by the Rowlatt Act was crucial in bringing together many regional and sectarian groupings under a common sense of injustice.<sup>12</sup>

The Act had disastrous immediate effects. Reacting to demonstrations with violence and repression, the government carried out the Jallianwala Bagh massacre on April 13, 1919. British forces opened fire on an unarmed

gathering in Amritsar under General Dyer, killing hundreds and wounded thousands. The killing highlighted the perils of unbridled emergency powers and revealed the terrible underbenezz of colonial administration. Far from reflecting dissent, the Rowlatt Act and its implementation radicalised Indian sentiment against British control and undermined the moral authority of the colonial government.

Comparatively legalistically, the Rowlatt Act may be categorised as a kind of legal authoritarianism—where legislation is used to stifle rather than to defend rights. It shows how under attack the judicial system turns into a tool for political repression. Modern legal theory links such legislation to totalitarian governments, not liberal democracies. Especially in its denial of fair trial rights and free expression, the Act broke international conventions even by the standards of its day. It is still a classic illustration of how emergency rules could undermine democratic institutions when discretion is unbridled and responsibility is absolved. India's legal community suffered similarly from the Rowlatt Act's established legal architecture. Lawyers discovered they were straddling political conscience with professional responsibilities. Many boycotted the courts in protest, therefore compromising the authority of the colonial court. Long after the Act was formally repealed, its impact lingered and significant mistrust of British legal systems resulted from which the need for court reforms in independent India sprang. In fact, in part in response to colonial-era abuses like the Rowlatt Act, India's 1950 post-independence Constitution offers a strong framework for the preservation of civil freedoms and due process.<sup>13</sup>

Introduced by the British colonial authority in India, the Rowlatt Act of 1919 was among the most inflammatory legislative acts of the early twentieth century and signalled a turning point in India's independence fight. Approved amid general anticipation of post-war changes and Indian political progress, the Act disappointed Indian aspirations and set up a national riot. Although the repressive clauses of the Act—such as the suspension of habeas corpus, trials without juries, and preventative detention without due process—generated immediate criticism among political elites—the real turning point came when opposition to the

Act moved outside elite politics to become a popular mass movement. From polite petitions to mass nonviolent opposition, the national and regional reactions to the Rowlatt Act—especially the founding of the Rowlatt Satyagraha, the participation of Mahatma Gandhi, and the consequent mobilisation of civil disobedience—signified a dramatic change in Indian political resistance.

At the national level, Indian politicians from all political backgrounds immediately and strongly objected to the Rowlatt Act. Prominent members of the Imperial Legislative Council like Mohammad Ali Jinnah, Madan Mohan Malaviya, and others denounced the Act as unfair, autocratic, and in breach of the fundamental ideas of British law. By resigning from the Council, Jinnah symbolised the great feeling of betrayal experienced by Indian moderates who had backed Britain during World conflict I in search of political concessions after conflict. Many Indians were informed by the Act that the British were more concerned in strengthening their hold over colonial people than in providing actual autonomy. Strong resistance was expressed by the Indian press, academics, attorneys, political groups, and others calling the Act the "Black Act" for its authoritarian character.

But Mahatma Gandhi's participation in the demonstrations against the Rowlatt Act changed the political climate totally. Gandhi, who had participated in past local efforts as the Kheda Satyagraha and the Champaran agitation, saw that the Rowlatt Act presented a chance to bring the nationalist struggle to a really all-India level. Gandhi's method had revolutionary power. Instead of responding with militant agitation or violence, he suggested the adoption of Satyagraha—a peaceful resistance movement anchored in the ideas of truth, love, and civil disobedience. Gandhi exhorted Indians to cease business, fast, pray, and gently oppose the unfair legislation by calling for a national hartal (strike) on April 6, 1919. This signalled the start of India's Rowlatt Satyagraha, a landmark in its liberation effort. Rising from religious, geographical, and socioeconomic boundaries, the Rowlatt Satyagraha became the first pan-Indian movement. It inspired hitherto unheard-of degrees of political participation among the people. People answered fervently as the demand for hartal rang throughout Indian cities

and villages. Shops shuttered, students protested, workers quit industries, and nonviolent marches were planned all around. Huge numbers of people registered their dissatisfaction with the colonial authorities in cities like Delhi, Bombay, Calcutta, Lahore, and Amritsar. The movement's broad-based character—Hindus, Muslims, and Sikhs marching side by side singing chants of unity and freedom—was especially remarkable.<sup>14</sup>

Gandhi's advocacy of nonviolence notwithstanding everything else the colonial government reacted with terror and persecution. Acknowledging general discontent, the British government resorted to mass arrests and restrictions. Gandhi himself was arrested while attempting to enter Punjab, and numerous local officials were taken without explanation. In many places, despite Gandhi's constant exhortations for moderation, the colonial police's heavy-handedness set to bloody conflicts. The oppressive policies of the government failed and peaceful demonstrations became violent conflicts. Violence broke out in Delhi and Bombay that claimed lives and injuries on both sides. The Satyagraha movement therefore evolved as a reflection of the great worry of the colonial state about losing control as well as a show of the strength of peaceful opposition.<sup>15</sup>

During the Rowlatt Satyagraha, Punjab became among the most important venues of resistance and persecution. In terms of resources as much as personnel, the area had been a vital source of British war effort contribution. Still, the post-war era saw extreme economic suffering, increased unemployment, and growing political consciousness. Punjab reacted with general indignation when the Rowlatt Act was passed. Following the capture of prominent nationalist leaders Dr. Saifuddin Kitchlew and Dr. Satya Pal in Amritsar, 13 April 1919 saw a large-scale demonstration. The Jallianwala Bagh Massacre turned out to be one of the worst episodes in Indian colonial history. Brigadier General Reginald Dyer, acting on his own authority, gave orders for soldiers to shoot on an unarmed gathering of people in a closed garden for a nonviolent protest. The ten-minute merciless fire claimed over a thousand lives or injuries; it proceeded without any notice or provocation.<sup>16</sup>

The Jallianwala Bagh massacre profoundly affected national consciousness and changed popular view of India. Although British authorities rationalised the slaughter as a necessary reaction to sedition, Indian leaders overwhelmingly denounced it. Returning his knighthood as a symbolic protest, Rabindranath Tagore The tragedy of Amritsar revealed the cruelty of colonial control and the degree the British will go to in order quell opposition. More significantly, it destroyed any residual hope among Indian moderates about political collaboration with the British bringing about significant change. The slaughter thereby hastened the radicalisation of Indian nationalism and stoked general hostility against the colonial government. Gandhi discontinued the Satyagraha movement in June 1919 in reaction to the killing and ongoing persecution of nonviolent demonstrators. Though motivated by British cruelty, he thought the violent breakouts violated Satyagraha's ethical standards. Gandhi's pull out from the campaign exposed his strong dedication to nonviolence as well as the difficulties in managing big demonstrations. Still, the Rowlatt Satyagraha had achieved some very important success. It had for the first time politicised the Indian people nationally. It had first proposed that common people—peasants, workers, students—could question imperial authority by group action. And it had bestowed to India Gandhi, a new moral leader whose Satyagraha approach would become the pillar of next independence movements. Given their reflection of the localised dynamics of opposition, the regional reactions to the Rowlatt Act also merit study. In Bengal, a long history of political unrest, the Act was perceived as a continuation of prior harsh policies adopted by the colonial government to stifle revolutionary nationalism. Gandhi's demand for Satyagraha attracted some support, but Bengal's reaction was more patchy because already-existing revolutionary networks favoured direct action over peaceful protest. Response in Bombay and Gujarat was more fervent. Among the most enthusiastic participants in the hartals and marches were these areas, where Gandhi had before spearheaded effective campaigns.<sup>17</sup>

Though demonstrations were staged in major cities such Madurai and Madras, the reaction to the Rowlatt Satyagraha in Madras Presidency was more restrained. Khan Abdul

Ghaffar Khan and his supporters, who would later become significant players in the nonviolent struggle for independence, helped the Rowlatt agitation get acceptance in the North-West Frontier Province (now Pakistan). But language, cultural, and infrastructure constraints somewhat restricted the movement's pan-Indian popularity. Though Gandhi stressed national unity, the Satyagraha did not fully reach the most far-off rural regions. Still, it signalled a vital beginning—a model for future national mobilisation that would only become more powerful in the years to come. An other crucial component of the national reaction was the major part the Indian press performed. Newspapers started to provide venues for popular awareness and political education. Editorials, stories, and opinion pieces denounced the Rowlatt Act, revealed the atrocities of the colonial authority, and exhorted readers to join in nonviolent demonstrations. The British government responded by ramping up censorship and punishing many editors under sedition statutes. Still, the press stayed strong and turned into a potent tool for influencing public opinion and harmonising voices of opposition around the continent. Long-lasting effects of the Rowlatt Satyagraha and the nationwide protest against the Act for India's independence fight included Though the movement was called off, it provided a training ground for next civil disobedience movements, especially the Non-Cooperation Movement in 1920 and then the Salt March in 1930. It also signalled the beginning of the loss of British moral authority in India. The knowledge that constitutional remedies were insufficient to address colonial injustice caused nationalists leaders and the Indian National Congress to reassess their approaches. Notwithstanding its constraints, the mass movement involvement set the stage for a broad-based independence fight motivated by grassroots support. Apart from a legislative legislation, the Rowlatt Act of 1919 was a crisis that changed the course of colonial government in India and the development of the Indian nationalist movement. Introduced as a continuation of the wartime Defence of India Act, the Act—formally known as the Anarchical and Revolutionary Crimes Act—gives the British colonial authorities the authority to arrest and imprison people without trial, curtail liberties, and evade due process. Though written in the

language of law and order, the Act exposed the oppressive character of colonial control, therefore setting off both immediate and long-lasting sociopolitical effects. From the popular indignation and the terrible events of the Jallianwala Bagh massacre to the acceleration of anti-colonial unity and the change of nationalist methods, the Rowlatt Act marked a turning point in the Indian fight for freedom.<sup>18</sup>

In the short term, the Rowlatt Act catalyzed an unprecedented wave of public anger and resistance across India. Having been led to believe that their support of the British Empire during the First World War would be rewarded with political concessions and greater autonomy, Indians saw the Act as a betrayal. Instead of moving toward self-rule, the British government chose to reinforce imperial dominance through legislation that undermined civil liberties and violated established legal norms. This sense of betrayal was widespread, cutting across regional, religious, and class divides. The reaction was not confined to political elites or urban intellectuals; it resonated among students, workers, farmers, merchants, and even some loyalists to the Raj. The Act became known as the "Black Act," a term that conveyed the profound moral and political outrage it provoked.<sup>19</sup>

Mahatma Gandhi's call for Satyagraha (non-violent resistance) in response to the Rowlatt Act elevated the movement from protest to mass civil disobedience. Gandhi, who had previously advocated for moderate reform and cooperation with the British, was deeply disturbed by the implications of the Act. His decision to initiate a nationwide hartal on April 6, 1919, marked the beginning of the Rowlatt Satyagraha and served as the first attempt to coordinate an all-India protest based on non-violent principles. The short-term impact of this movement was immediate and powerful. Hartals, processions, and demonstrations broke out in cities and towns throughout the country. The colonial government, unprepared for such widespread resistance, responded with violence and mass arrests. In many regions, protests escalated into violent clashes, partly due to police provocations and repressive tactics.

Nowhere were the consequences of this repression more tragically evident than in Punjab, particularly in the city of Amritsar. On

April 13, 1919, British troops under Brigadier General Reginald Dyer fired without warning on an unarmed crowd gathered at Jallianwala Bagh, killing hundreds and wounding over a thousand men, women, and children. The crowd had assembled to protest peacefully against the arrest of local leaders and the imposition of martial law. Dyer's justification for the massacre—that it was necessary to "produce a moral effect"—shocked the Indian population and the world. The Jallianwala Bagh massacre became the most horrific immediate consequence of the Rowlatt Act, exposing the full brutality of British imperialism and the utter disregard for Indian lives and rights.

The massacre had significant socio-political ramifications. In the short term, it extinguished any lingering faith Indians had in British justice and reform. The colonial administration's response—offering Dyer praise in conservative circles and only mild censure from officialdom—further inflamed nationalist sentiment. Rabindranath Tagore, India's most respected cultural figure, returned his knighthood in protest. The massacre became a rallying point for Indian nationalists and symbolized the moral bankruptcy of colonial rule. It also led to the formation of the Hunter Committee to investigate the incident, but the committee's conclusions—essentially exonerating the British government and merely criticizing Dyer—deepened Indian disillusionment. The episode underlined the reality that peaceful protest under colonial rule was met not with dialogue but with bullets and bloodshed.<sup>20</sup>

In the longer term, the Rowlatt Act and its aftermath had a transformative impact on the Indian independence movement. First and foremost, the episode discredited the moderates within the Indian National Congress and galvanized the shift toward mass-based resistance. The Indian political landscape prior to 1919 was largely dominated by constitutionalists who believed in working within the colonial framework to secure gradual reforms. However, the combination of the Rowlatt Act and the Jallianwala Bagh massacre revealed the futility of this strategy. The colonial government's intransigence and reliance on brute force convinced even cautious politicians that a more assertive and confrontational approach was necessary. This led to the

Congress adopting a more radical and activist posture in subsequent years.

Mahatma Gandhi's stature as a national leader was solidified during this period. Although the Rowlatt Satyagraha was eventually called off due to outbreaks of violence, it introduced Gandhi's principles of non-violence, truth, and civil disobedience to the broader Indian public. More importantly, it created a template for future movements, including the Non-Cooperation Movement (1920–22), Civil Disobedience Movement (1930–34), and the Quit India Movement (1942). Gandhi's leadership redefined the independence movement as a mass struggle, involving millions of ordinary Indians rather than a small elite. The Rowlatt agitation was thus a precursor to the democratization of anti-colonial resistance in India.<sup>21</sup>

Another important long-term consequence of the Rowlatt Act was the deepening of Hindu-Muslim unity—at least temporarily. The Satyagraha against the Act was one of the rare moments in Indian political history when people of different faiths united for a common cause. Both communities participated in protests, shared platforms, and organized joint processions. Gandhi's inclusive appeal and emphasis on unity across religious and caste lines were instrumental in achieving this solidarity. Though this unity would later be tested by communal tensions and political rivalries, the Rowlatt movement demonstrated the potential for a unified Indian identification anchored on common values of freedom and fairness.

The Act has had a long-lasting effect on India's legal awareness and the evolution of civil rights as a political top priority. Experiences haunting Indian political memory were the arbitrary arrest, censorship, and lack of legal remedy introduced by the Rowlatt Act. The focus on constitutional rights—especially the right to personal liberty and fair trial—in independent India may be partially ascribed to the abuses under legislation such as the Rowlatt Act. Having seen the misuse of emergency powers during the colonial government, post-independence political leaders and law academics were resolved to uphold safeguards that would stop such injustice from resurfacing. With its thorough clauses on basic rights, the writ of habeas corpus, and judicial

independence, the Indian Constitution clearly rejects the colonial legal system enforced by policies such as Rowlatt.

More generally, one should also pay attention to the worldwide ramifications of the Rowlatt Act and associated policies. At a period when the British Empire was seeking to present itself as a shining example of democracy and freedom in the post-World War I world, the slaughter at Jallianwala Bagh and the following persecution humiliated the British Empire and attracted worldwide criticism. The events in India exposed the flaws of Britain's colonial policies and weakened its claims of moral leadership. Inspired by the Indian struggle, anti-colonial movements throughout the British Empire—including Africa and the Caribbean—were Beginning with the Rowlatt Satyagraha, Gandhi's nonviolent opposition gained international attention that helped link India's fight with more general decolonising currents in the twentieth century.

When one looks at the long arc of Indian nationalism, one finds that the Rowlatt Act and the events it set off served as a political and moral furnace. Though the Act itself was finally revoked and is now a historical artefact, its effects have reverberated over decades. It was the turning point when Indian nationalism started to have a more grassroots character, when the distance between rulers and ruled became firmly ingrained, and when colonial aggression lost any illusion of legality. Particularly the pain of Jallianwala Bagh remained imprinted in communal consciousness, often mentioned in speeches, books, and public celebrations as a reminder of the sacrifices done for independence.

## CONCLUSION

The Rowlatt Act of 1919 was a watershed moment in colonial India's political and legal history. Enacted under the guise of maintaining public order, it revealed the British Empire's deep-seated insecurities and exposed the fundamental contradictions in its proclaimed commitment to justice and democratic values. By legalizing preventive detention, suspending habeas corpus, and permitting in-camera trials, the Act dismantled essential civil liberties and transformed the legal system into an instrument of authoritarian control. Its enactment sparked unprecedented national resistance, culminating

in the Rowlatt Satyagraha and the tragic Jallianwala Bagh massacre—events that forever altered the trajectory of India's freedom struggle. The public outrage it provoked unified Indians across religious, regional, and class divides, giving rise to a mass movement that replaced elite negotiations with collective civil disobedience. Moreover, it marked the political ascendancy of Mahatma Gandhi and nonviolence as central strategies. The Rowlatt

Act's legacy is evident in independent India's constitutional safeguards for civil rights and the enduring caution against unchecked state power. As both a symbol of colonial oppression and a catalyst for nationalist awakening, the Act remains a powerful reminder of how legal frameworks can either uphold liberty or serve as tools of domination. Its aftermath galvanized India's march toward independence.

## REFERENCES

1. Sarkar, Sumit. "The Politics Behind the Rowlatt Act (1919)." *Academia.edu*, 2019.
2. Sobhanan, B. "The Case for the Rowlatt Act in India." *Panjab University Research Bulletin: Arts*, vol. 12, 1984, pp. 45–62.
3. Parkash, B. "The Government of India Act-1935: A Way to the Responsible Government." 2017.
4. Rowlatt, S. A. T. *The Law of Principal and Surety*. London, Butterworth & Co., 1899.
5. Singh, P. "Later the Inauguration of Non-Cooperation Movement Involving Boycott of Educational Institutions." *Indian Archives*, vol. 34, 1989, pp. 112–130.
6. Guha, Ranajit. "The Mahatma and the Mob—Essays on Gandhian Politics: The Rowlatt Satyagraha of 1919." *South Asia: Journal of South Asian Studies*, vol. 1, no. 2, 1973, pp. 134–152.
7. Seng-Low, B. "Was the Amritsar Massacre a Turning Point for the Indian Independence Movement?" *HIST*, 1910.
8. Gopi, M. "British Colonial Repression and Resistance in the Madras Presidency." *History Research Journal of Humanities and Arts*, vol. 10, 2024.
9. Singh, P. "Chhotu Ram and the Indian National Congress." *Indian Archives*, vol. 34, 1989, pp. 213–230.
10. Bose, S. "Home Rule for India." *The Open Court*, vol. 33, no. 7, 1919, pp. 450–460.
11. Khanna, R. "Transformation of British Policies in India after the First World War." *International Journal of Social Science and Economic Research*, vol. 4, no. 3, 2019, pp. 89–104.
12. Lee, E. D. "Upon the Agitation for the Repeal of the Rowlatt Act and Upon Indian Aspirations." *Fortnightly Review*, vol. 105, 1919, pp. 15–28.
13. Singh, H. "Punjab's Response to Rowlatt Bills' Agitation." In *History and Culture of Panjab*, edited by A. Singh, Punjabi University, 1988, pp. 87–105.
14. Kaur, S. "Jallianwala Bagh Massacre & Rowlatt Act: A Historical Understanding of the Colonial Mindset." *Journal of Contemporary Historical Studies*, vol. 11, no. 2, 2019, pp. 197–209.
15. Fazal, D. A., and A. Fazl. "Muslims and the Rowlatt Act Satyagraha." *Proceedings of the Indian History Congress*, vol. 63, 2002, pp. 56–72.
16. Thomas, R. "Sir Sidney and Sir John: The Rowlatts and Tax." *British Tax Review*, no. 3, 2010, pp. 251–267.
17. Ibid.
18. Ibid.
19. Habib, Irfan. "Jallianwala Bagh Massacre." *Social Scientist*, vol. 47, no. 1, 2019, pp. 3–18.
20. Downs, Timothy. "Act XI of 1857: The Life and Afterlife of an Emergency Statute in Colonial and Post-Colonial India." *Modern Asian Studies*, vol. 58, no. 2, 2024, pp. 300–330.
21. Ramya, K. R. "A Study of Non-Cooperation Movement: Causes, Result and Its Importance." *Journal of Sustainable Value Creation in B2B*, vol. 5, no. 1, 2023.