

UNIT 20 – UPSC - Defense of India Act

India's History : Modern India : Defense of India Act - 1915

The Cause

Action by armed revolutionaries, characterized as 'extremists' and 'terrorists', with supposed links abroad inspired new and more draconian legislation between 1905-1914, and the advent of World War I served as a pretext for strengthening the forces of the state, of course in the name of 'national security'. In 1908, the government passed the Newspapers (Incitement to Offences) Act and the Explosives Substances Act, and shortly thereafter the Indian Press Act, the Criminal Tribes Act, and the Prevention of Seditious Meetings Act.



Although these pieces of legislation have not been etched into the pre-history of anti-terrorist legislation, the purported intent was to prevent 'terrorists' from calling public meetings, publishing material inciting the people to revolt, disseminating revolutionary literature, and so forth. In actual fact, as numerous studies have shown, the legislation was of such wide scope as to render suspect all political activity that was even mildly critical of the British Government of India, and it put an effective end to whatever freedom of expression the Indian press had been allowed. The Foreigners Ordinance of 1914, which restricted the entry of foreigners into India, accomplished the exclusion from India of men harboring evil designs towards the Government of India, ♦suspects♦ in the official vocabulary. The 'foreign hand' theory, which is invoked with notorious monotony by the Indian state to the present day to account for the rise of secessionist and communal movements, owes its origins partially to this ordinance. Meanwhile, the Ingress into India Ordinance (1914) allowed the government to indefinitely detain and compulsorily domicile suspects, while the Defence of India Act (1915) allowed suspects to be tried by special tribunals sitting in camera whose decisions were not subject to

appeal. Regulation III also continued to be available for the indefinite detention of suspects.

The Legislation

1915 legislation was designed to give the government of British India special powers to deal with revolutionary and German-inspired threats during World War I, especially in the Punjab. A special legal tribunal was set up to deal with such cases without prior commitment and with no appeal. Power was also taken for the internment of suspects.