
A CRIMINOLOGICAL INQUIRY OF SHAHEED BHAGAT SINGH: THE NATIONALIST-SOCIALIST DYNAMITE

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ABSTRACT

Shaheed Bhagat Singh was a revolutionary, a thinker, as well as a nationalist and a socialist. Praises of him has been sung for decades for his contributions in de-colonising India from the British rule. One aspect that is often ignored (and is worthy of study, I argue) is his criminality, that is, he was indeed a typical “terrorist” and “criminal” in the eyes of the British Colonialists. These terms if used for a universally beloved figure (on all sides of the political spectrum) will raise eyebrows in contemporary Indian society, which only serves to highlights the historically contingent nature of our ‘criminal selectivity’. Bhagat Singh’s life and his supposed ‘criminality’ leads to certain questions: -

1. Could one person’s ‘terrorist’ be another person’s ‘revolutionary’?
2. Is the ‘criminalised’ always a ‘criminal’?
3. Why were certain behaviours over-criminalised in the colonial era of India?

The historical materialist theory of ‘Criminal Selectivity’ is a radical/Marxist theory given by the author Dr. Valeria Vegh Weis¹. Like other radical theories, it treats capitalism (and colonialism) as an inherently criminogenic system. Dr. Weis’ work seeks to explain the historically contingent nature of criminal selectivity based on concepts such as ‘class struggle’, ‘economic base and superstructure’, and the Foucauldian concept of a ‘disciplinary society’. It also illustrates how certain behaviours are categorised as deviant based on disciplinary requirements of the status quo. However, this theory has not previously been applied in criminological enquiry of Indian revolutionaries and their criminalization.

This paper aims to apply the theory of ‘Criminal Selectivity’ to the colonial criminality of Shaheed Bhagat Singh. It treats both the colonial legal system and laws as well as Bhagat Singh’s ideologies and revolutionary actions as objects of academic enquiry. The significance of this paper is to point out the

¹ Dr. Weis is an Argentinian-German academic specializing in the field of criminology and serving in the Argentinian Judiciary since the year 2005.

over-criminalisation present in the colonial system inherent in the legal system we have inherited from colonial era.

1. Facts that led to Criminalisation of Bhagat Singh

In order to see what led to assigning of ‘criminality’ to a person and what led to a certain penological treatment of that person, it is important to see the person’s: -

- i. Ideological Content related with the ‘deviant’ act
- ii. Nature and expression of the ‘deviant’ act

The aim behind looking at these factors is to be able to ascertain why Bhagat Singh’s ideology and the expression of those ideologies in forms of politically organised acts led to his subsequent criminalization as a terrorist and a criminal by the colonial rule in India. The following is the story and criminological analysis of how Bhagat Singh became the most feared revolutionary of his time at the meagre age of 23.

➤ Ideological Content of Bhagat Singh: ‘Long Live Revolution’

Contrary to the popular understanding of Bhagat Singh’s ideology, wherein he is often reduced to a nationalist and an anti-colonialist, we must have a deeper understanding of his ideological content, which informed his political violence against the British. This reductionist and narrow understanding of Bhagat Singh as a good-hearted nationalist is perhaps what has led to his misappropriation by parties who have worked against his stated goals.

Bhagat Singh popularized the phrase ‘*Inquilab Zindabad*’, which means ‘Long Live Revolution’. Indeed, his political ideology could be summarized within this one phrase. However, this phrase to Bhagat Singh was not just a statement of dissent against colonialism; nor was it an endorsement of a capitalist-nationalist conception of India as it exists today. In a *Letter to Young Political Workers*, he explains the broader meaning behind ‘long live revolution’: -

“According to our definition of the term, as stated in our statement in the Assembly Bomb Case, *revolution means the complete overthrow of the existing social order and its replacement with the socialist order*. For that purpose, our immediate aim is the achievement of power. As a matter of fact, the State, the government machinery is just a weapon in the hands of the ruling class to further and safeguard its interest. We want to snatch it, and handle it, to utilize it for the consummation

of our ideal, i.e., social reconstruction on a new, i.e., *Marxist*, basis.”²

Thus, it would be a truism to say that his ideology was not simply nationalist but also *prima facie* Marxist, Socialist, and Nationalist in nature. He wanted the proletariat to seize the ‘government machinery’ from the ruling classes to employ the same for their own benefit. He looked forward to not just the ending of colonisation but an end to capitalism as a whole.

He was not simply against British-capitalist exploitation, but against capitalist exploitation as a whole regardless of the race or nationality of the exploiter group. He stated: “Indian toiling masses and the natural resources are being exploited by a handful of parasites. They **may be purely British Capitalist or mixed British and Indian or even purely Indian** ...All these things make no difference”.³ (Lal, 2019, p. 102)

➤ Expression of Bhagat Singh’s Ideology: ‘Deviant’ Acts against Colonialism

Bhagat Singh justified his political violence through the argument that it was all aimed towards the goal of the freedom of workers from exploitation and the eventual establishment of a socialist-nationalist state. He partook in certain acts for that end, using means that may have been seen to be ‘morally turbulent’ at that time by even the most fervent of nationalist leaders like Gandhi who believed in a non-violent shift of power.

Firstly, Bhagat Singh conspired with an associate to kill the then police chief named James Scott who was responsible for the demise of Lala Lajpat Rai (a prominent political activist, writer, and politician). However, due to misidentification, another Britisher by the name of J.P. Saunders was killed instead. For this act, he had to flee from Lahore lest he be given death penalty.⁴

Secondly, he organised and participated in the bombing of the British Parliament in order to protest against two Acts (and their related amendments) passed, namely: -

1. Defence of India Act, 1915
2. Trade Disputes and Trade Unions Act 1927

He agitated in such manner because the Defence Act gave the British arbitrary powers to imprison Indian dissenters and protestors without so much as a trial. And one of the stated

² Lal, C. (2019). The Bhagat Singh reader. Harper Collins India.

³ *Ibid.*

⁴ The Editors of Encyclopaedia Britannica. (2012, May 29). Bhagat Singh | Biography, Death, & Facts. Encyclopaedia Britannica. <https://www.britannica.com/biography/Bhagat-Singh>

purposes of the act was to penalise ‘Revolutionaries’⁵, who were the creed of Bhagat Singh and his party HSRA (Hindustan Socialist Republic Association). Thus, the Act posed a threat to dissenters and revolutionaries alike.

Further, the Trade Disputes and Trade Unions Act 1927 was introduced due to an ensuing general workers’ strike of 1926. The intention behind this Act was to criminalise workers’ strikes and curb all political activities in favour of labour class. H.A. Millis points out the changes brought forth by the Act: -

“(1) by placing restrictions upon the right to strike, and to lock out; (2) by imposing further restrictions upon "picketing"; (3) by striking at the financial support of the political activities of labor; (4) by requiring the organizations of civil servants to divorce themselves from, and to remain out of, affiliation to other trade unions and the Labour party, and also to refrain from political activities; and (5) by placing limitations on pro-labor local governments and other public authorities.”⁶

Bhagat Singh being an aggressively pro-labour socialist, nationalist, and a revolutionary was agitated by such anti-labour reforms and therefore he decided to take drastic measures which were deemed as the British as worthy of the punishment of Death Penalty.

2. Criminal Selectivity Theory: Criminalization of Bhagat Singh

*“The mode of production of material life conditions the general character of the social, political, and intellectual life. It is not the consciousness of humans that determines their existence, but their social existence that determines their consciousness”.*⁷ - Karl Marx

➤ Marxist Basis of Criminal Selectivity Theory

Dr. Valeria Weis, in her 2017 work titled ‘Marxist Criminology: A History of Criminal Selectivity’ traces the history of criminality from 13th Century to the Present times, i.e., 21st Century. Her historical-materialist theory elucidates a historical pattern of ‘over-criminalisation’ and ‘under-criminalisation’ of certain behaviours by different economic and social groups in different time periods, and that even now our criminal justice systems have biases that lead to continuity of the same. Being a radical criminologist, she uses Marxism

⁵ The Editors of Encyclopaedia Britannica. (1998, July 20). Defence of India Act | Indian Rebellion, Martial Law & Emergency Powers. Encyclopedia Britannica. <https://www.britannica.com/topic/Defence-of-India-Act>

⁶ Millis, H. A. (1928). The British Trade Disputes and Trade Unions Act, 1927. The Journal of Political Economy, 36(3), 306.

⁷ Marx, K. (1959). Economic & Philosophic Manuscripts of 1844. Moscow: Progress Publishers.

“...to clarify the functionality of law in general and of the criminal field in particular, with regard to the existing social relationships and the underlying economic structure.”⁸ (Weis, 2017, p. 12).

She discusses the second disciplining phase of criminalization (From late 18th to late 20th Century which composes of the two features given below in the form of Table 1 and Table 2.

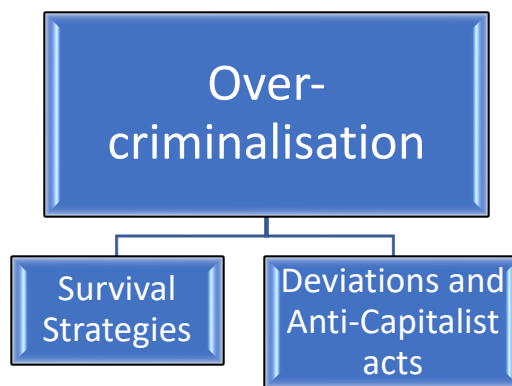


Table 1: Over-criminalisation in Second Disciplining Phase

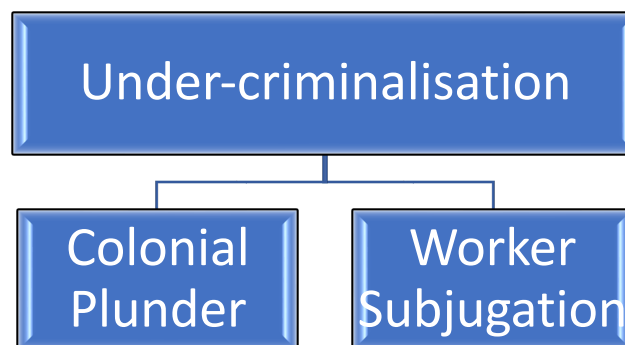


Table 2: Under-Criminalisation in Second Disciplining Phase

Thus, there was a prevalent bias in criminalization mechanism from late 18th Century of late 20th Century that defined and penalised crime such that activities of the colonial rulers for capitalist accumulation such as relentless plunder and worker exploitation were not punished with the same rigor as the survival strategies of the paupers and anti-capitalist acts of resistance against such as those done by the likes of Sukhdev and Bhagat Singh.

➤ **Bhagat Singh as ‘Social Dynamite’**

As discussed in the previous chapter, we can see that Bhagat Singh’s Nationalist-Socialist ideology was entirely anti-thetical to the way British wanted the State machinery to work. His

⁸ Weis, V. V. (2017). *Marxism and Criminology: A History of Criminal Selectivity*. Brill.

actions based on those ideologies disrupted the British Colonial machinery in such a manner that Bhagat Singh was penalised with a death penalty for his “terrorist” actions.

Nirmal Singh in his 2009 article titled ‘Bhagat Singh and His Ideas’ points out how colonialists criminalised Bhagat and his comrades: -

“The British imperialists, the enemies of Indian freedom, labelled them as ‘terrorist’ or ‘anarchist’ in order to defame them...”⁹

The mistake that analyses such as this make is that they do not take into account the historical context of the event. During that time, actions such as bombing a parliament (colonial or not) was viewed as a terrorist action worthy of assigning of exceptional criminality. In a positivist sense, Bhagat Singh indeed was a so-called ‘terrorist’ of that time. Was he a revolutionary or a terrorist? Could he have been a terrorist in the eyes of the colonialists and a ‘revolutionary’ in the eyes of the colonized? It is this kind of criminological question that led to him being called a ‘Revolutionary-Terrorist’¹⁰ in recent times.

Dr. Weis’ analysis of the inherent criminogenic tendencies of class society when applied here brings an interesting conclusion through which we can categorize Bhagat Singh as a ‘social Dynamite’, i.e., the people who she describes as: -

“... ‘bad’ or ‘false’ poor... those who resist being incorporated into the shameful conditions of available employment, and that question the existing order with their disruptive behavior... The rebel attitude of the social dynamite distances them from the institutions and agents that mediate among potential recipients and the state.”¹¹

Weis (2017) in her analysis has classified the over-criminalised sections of social order into two categories of: -

1. Perceived-Good poor: ‘Social Junk’: Those who resort to petty and coarse crimes for survival and are hence over-criminalised.
2. Perceived-Bad Poor: ‘Social Dynamite’: Those who do not play by the rules of the social order and whose actions are disruptive to the machinery of the status quo.

⁹ Singh, N. (2009). Bhagat Singh and His Ideas. *The Indian Journal of Political Science*, 70(4), 1122.

¹⁰ *DU book calls Bhagat Singh a “revolutionary terrorist”, courts controversy.* (2016, April 27). The Hindu. <https://www.thehindu.com/news/national/du-book-calls-bhagat-singh-a-revolutionary-terrorist-courts-controversy/article8528456.ece>

¹¹ *Supra*, note 8, p. 231.

It is clear that Bhagat Singh's life fits the description of a 'social dynamite' near perfectly as his ideology and actions as an anti-colonial and anti-capitalist revolutionary disrupted the colonial machinery, and hence he had to be over-criminalised to deter the emergence of more 'bad poor' among the colonised population of India.

Conclusion

The life of Bhagat Singh shows the dual standards of the colonial criminal system, what Dr. Weis calls as 'over-criminalisation' of anti-capitalist and anti-colonialist acts and 'under-criminalisation' of systemic colonial atrocities such as the Defence Act and Trade Unions Act. Though both kinds of actions were political acts of violence, one was done by a socialist individual and the other was done legally-systemically by the colonialists. The socialist individual was criminalised, penalised, and executed, whereas the colonialist system was legitimised by criminal law.

It is because of this over-criminalisation that Bhagat Singh was executed by the British through Death Penalty, despite his wish to be shot to death as an individual in war against colonial system of British India.