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# THE GREAT TRIAL

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OF

MAHATMA GANDHI & Mr. BANKER

## MESSAGE for INDIA

Strive on "until wrong and oppression have been banished from India; strive on until freedom is universal; strive on until in every nation and every climate in the East and the West, in the North and in the South, freedom for man and woman shall possess the earth, then, and not until then will your mission be accomplished then and not until then can humanity allow the flag of liberty to be furled."—

STRIVE ON

GANESH & CO.,  
Publishers, Madras.

# BOOKS by Prof. VASWANI

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INDIA ARISEN

INDIA IN CHAINS

THE GOSPEL OF FREEDOM

THE SECRET OF ASIA

SRI KRISHNA — *The Saviour of  
Humanity*

MY MOTHERLAND

THE SPIRIT & STRUGGLE OF  
ISLAM

KRISHNA'S FLUTE

APOSTLES OF FREEDOM

CREATIVE REVOLUTION

BUILDERS OF TO-MORROW

The foreign bureaucracy had made of India a prison. In place of that prison Indians will build a palace..... Conspicuous amongst these architects of our future is Prof. Vaswani. To the excellent series of books on public matters published by Messrs. Ganesh & Co., he has contributed (The Secret of Asia by Prof. Vaswani) a series of essays on Asian culture. In this as in his other writings he strikes the true note that is of an India built on Indian culture, consecrated on pure and selfless ideals, of an India taking what is best in western civilisation but rejecting its materialism and its greed.

—*Bernard Houghton.*

When Professor Vaswani loomed in the horizon of national literature we foretold a permanent place for him there. His recent works amply justify our prophecy.

—*Everyman's Review.*

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**Publishers, Madras.**

# THE GREAT TRIAL



*Gandhi, Mohandas Karamchand*

# THE GREAT TRIAL

OF

**Mahatma Gandhi & Mr. Sankarlal Banker**

**EDITED BY**

**K. P. KESAVA MENON**

**FOREWORD BY**

**Mrs. SAROJINI NAIDU**

**GANESH & CO., MADRAS**

**1922**

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## PREFACE

It has been said of Socrates that, "that which is unparalleled in him is that he is unlike and above comparison with all other men, whether those who have lived in ancient times, or those who exist now." These remarks can very well be applied to Mahatma Gandhi, the greatest living personality in the world to-day and certainly one of the most prominent characters in the world's history. Few persons have been able, as he has been, to cut down their bodily wants to such an amazing extent. None have succeeded, as he has done, in following truth with such absolute devotion. Rarely do we witness, as we do in him, such an embodiment of love and sacrifice. An uncompromising opponent of Western civilization, and an ardent devotee of Ahimsa, he preached and strived to re-construct human society on the basis of truth and non-violence. It is this rare combination of the teacher, the patriot and the Saint that made him occupy such commanding height among his fellowmen and made his

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## PREFACE

trial for sedition one of the most momentous events in the world's history.

In undertaking to publish this historical trial the Editor's intention is not only to place before the public a connected account of the whole proceedings in a permanent form, but also to carry the great message of the living Christ to other countries than his with a view to enlighten them on the meaning of the mighty struggle that is going on in India at present.

The Editor has, besides the articles which formed the subject-matter of the charges against Mahatma Gandhi, included in the appendices also his great message to his countrymen on the eve of his arrest, a description of the scene in the Asram at the time of his arrest, and an account of his life in the Sabar-mati Jail. He hopes this addition would make the book more useful and complete.

K. P. KESAVA MENON.



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## FOREWORD

A convict and a criminal in the eyes of the Law: Nevertheless the entire Court rose in an act of spontaneous homage when Mahatma Gandhi entered—a frail, serene, indomitable figure in a coarse and scanty loin cloth, accompanied by his devoted disciple and fellow-prisoner Shank erlal Banker.

“So you are seated near me to give me your support in case I break down,” he jested, with that happy laugh of his which seems to hold all the undimmed radiance of the world’s childhood in its depths. And looking round at the hosts of familiar faces of men and women who had travelled far to offer him a token of their love, he added. “This is like a family gathering and not a Law Court.”

A thrill of mingled fear, pride, hope and anguish ran through the crowded hall when the judge took his seat—an admirable judge deserving of our praise alike for his brave and resolute sense of duty, his flawless courtesy,

## FOREWORD

his just perception of a unique occasion and his fine tribute to a unique personality.

The strange trial proceeded and as I listened to the immortal words that flowed with prophetic fervour from the lips of my beloved master, my thoughts sped across the centuries to a different land and a different age when a similar drama was enacted and another divine and gentle teacher was crucified, for spreading a kindred gospel with a kindred courage. I realised anew that the lowly Jesus of Nazareth cradled in a manner furnished the only true parallel in history to this sweet invincible apostle of Indian liberty who has loved humanity with surpassing compassion and to use his own beautiful phrase, "approached the poor with the mind of the poor".

The most epic event of modern times ended quickly.

The pent up emotion of the people burst in a storm of sorrow as a long, slow procession moved towards him in a mournful pilgrimage of farewell, clinging to the hands that had toiled so incessantly, bowing over the feet that had overruled so continuously in the service of his country.

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In the midst of this poignant scene of many voiced and myriad-hearted grief he stood untroubled in all his transcendent simplicity, the embodied symbol of the Indian Nation, its living sacrifice and sacrament in one.

They might take him to the utmost ends of the earth but his destination remains unchanged, in the hearts of his people who are both the heirs and the stewards of his matchless dreams and his matchless deeds.

**BOMBAY,**  
*20th March, 1922.*

**SABOJINI NAIDU.**



## INTRODUCTION

One of the most momentous trials the world ever witnessed took place in Ahmedabad on the 18th of March, 1922. Mahatma Gandhi, the greatest personality of the world to-day, was tried, convicted and sentenced to six years' simple imprisonment for preaching disaffection towards the existing system of Government in India. No wonder the event excited the greatest interest all over the world and attracted spectators from all parts of India to witness this great trial. The personality of the accused before the court, his international reputation as a saint and patriot, the offence with which he is charged, the political situation of the country at present and the probable results of his conviction on the political future of India—all made the occasion momentous and the trial historic.

Elaborate military arrangements were made to safeguard Ahmedabad in case of any disturbances. One could see the military

marching through the main roads of Ahmedabad and occupying government buildings, banks and other places of importance. Everybody knew that it was a great day because the great man was going to be tried that day. There was absolutely no excitement in the town but the people seemed to be impressed with the solemnity of the occasion. The trial was announced to commence at 12 noon. But crowds began to wend their way towards the Government circuit house where the trial took place, much earlier than 12 noon.

At the gates and all round the court-house military were posted. Admission to the court-house was restricted by passes and only about 200 people could get in to witness the actual trial. At one end of the hall, there was a raised platform for the Judge. Below it, in front of the Judge, seats were provided for the Advocate-General and the Legal Remembrancer of the Government of Bombay. To the left two chairs were placed one for Mahatma Gandhi and another for Sjt. Banker. On the right some officers of the court were accommodated. The rest of the space in the hall was occupied by spectators including some of the well-known leaders of India.



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It was getting on to 12 noon. Everybody was anxiously waiting for Mahatmaji. Once or twice the audience stood up thinking that he was coming but they were deceived. It was 5 minutes to 12 when there was a stir in the hall. The great man had come. The whole audience stood up as one man to do reverence to the great leader and patriot. Mahatmaji in his loin cloth and with his smiling face entered the hall followed by Sjt. Banker and Pandit Madan Mohan Malaviya. A military officer who escorted Mahatmaji took him to his seat. All remained standing until Mahatmaji sat down. He put on his spectacles and was busy with some papers which he had in his hand. Hardly a minute passed before the Advocate-General entered the hall exchanged nods with Mahatmaji and took his seat in front of the Dais. Now everything was ready and everybody was waiting for the Judge. Precisely at 12-5 Mr. Broomfield, District and Sessions Judge of Ahmedabad, took his seat on the Bench and the historic trial commenced.

The charges against them and the three articles of *Young India* which formed the

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subject-matter of the charge were read out to Mahatma Gandhi and Sjt. Banker by an officer of the court. When the reading was over the Judge turned to Mahatmaji and asked him whether he pleaded guilty or otherwise to the charge. There was a hush in the court-house. With a dignity all his own and a serenity beyond praise Mahatmaji stood up and in clear and distinct tone pleaded guilty to the charge and sat down. The learned Advocate-General opened the case for the prosecution. His voice was not quite audible throughout the hall. Now it rose, now it fell. He did not make, nor did he attempt to make any long speech. But he was careful about his words and he gave one the impression of performing a task rather disagreeable and unpleasant. On the whole he did not take more than 20 minutes. There was again a hush when the Advocate-General sat down. The Judge asked Mahatmaji whether he wished to make a statement on the question of sentence. Mahatmaji stood up and spoke a few words complimenting the Advocate-General on his fairness and endorsing every statement he made regarding the charges, "I wish to endorse all the blame that the Advocaet-

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General has thrown on my shoulders", said Mahatmaji in pathetic earnestness, "and I have come to the conclusion that it is impossible for me to dissociate myself from the diabolical crimes of Chauri Choura or the mad outrages of Bombay." These words of confession seemed to penetrate every heart throbbing in that hall and make those present there feel miserable over the mad deeds of their thoughtless countrymen. The speech finished and Mahatmaji sat down to read his immortal statement. It is impossible to describe the atmosphere of the court-house at the time he was, and a few minutes after he finished, reading his statement. Every word of it was eagerly followed by the whole audience. The Judge and the Advocate-General, the military officer and the political leaders all alike strained their ears and were all attention to hear the memorable statement of the Great Man. Mahatmaji took nearly 15 minutes to read his statement. As he proceeded with his reading, one could see the atmosphere of the hall changing every minute. This historic production was master's own. The ennobling confessions, the convincing logic, the masterly diction, the elevated thoughts and the inspir-

ing tone all produced instantaneous effect on the audience including the Judge and the Prosecutor. For a minute everybody wondered who was on trial whether Mahatma Gandhi before a British Judge or whether the British Government before God and Humanity. Mahatmaji finished reading his statement and for a few seconds, there was complete silence in the hall. Not a whisper was heard. One could hear a pin falling on the ground. The most unhappy man present there was perhaps the Judge himself. He restrained his emotions, cleared his voice, gathered his strength and delivered his oral judgment in careful and dignified words. No one could have performed this duty better. To combine the dignity of his position with the courtesy due to the mighty prisoner before him was no easy task. But he succeeded in doing it in a manner worthy of the highest praise, of course, the prisoner before him belonged to a different category from "any person he ever tried" or is likely to try in future. And this fact influenced his whole speech and demeanour. His words almost fell when he came to the end and pronounced the sentence of simple imprisonment for six years. Tears were seen

## INTRODUCTION

in many eyes, sobbings were heard from many quarters.

But there was one man in the hall  
 who hateth nought  
 Of all which lives, living himself benign  
 Compassionate, from arrogance exempt  
 Exempt from love of self, unchangeable  
 By good or ill, patient, contented, firm  
 In faith, mastering himself, true to his word  
 who unto friend and foe  
 Keeping an equal heart, with equal mind  
 Bear shame and glory ; with an equal peace  
 Takes heat and cold, pleasure and pain ;  
 abides  
 Quit of desires, hears praise or calumny  
 In passionless restraint, unmoved by each.

A minute passed after the pronouncement of the sentence. The Judge was evidently feeling happy that the whole business was over. He got up, bowed and departed—an instinctive tribute which truth claims from justice. The throne of truth is any day mightier than the chair of justice.

Then followed the last scene of this historic trial—the farewell-friends and followers, one after another, both men and women passed before him. He had a kind word or a cutting

joke to everybody. The leave-taking nearly took one hour. The military officers with a motor were waiting for Mahatma Gandhi. They were not only courteous to him, but were even respectful and deferential. At about 2 o'clock Mahatmaji entered his car with his devoted wife, Pandit Malaviya, Banker and Mrs. Naidu. The eager crowds standing in front of the court-house attempted to shout "Mahatma Gandhiki jai", but he stopped it by his mighty finger. Thus disappeared from our midst, for a time the great saint and ancient leader, after delivering through him to the world, 'India's message of Truth and Non-violence'.

## THE GREAT TRIAL

*[The trial of Mahatma Gandhi and Sjt. Sankarlal Banker at the Government Circuit House, Ahmedabad, on Saturday, 18th March, 1922, before C.N. Broomsfield Esq., I.C.S., District and Sessions Judge, Ahmedabad.]*

The trial opened at 12 noon on Saturday, the 18th March, 1922. Hon. Sir. J.T. Strangman, Advocate-General, Bombay, assisted by A.C. Wild Esq., Legal Remembrancer to the Government of Bombay and Rao Bahadur Girdarilal, Public Prosecutor, conducted the prosecution.

The accused were undefended.

The Registrar of the Court read out the charges under S. 124-A, I.P.C., against Mr. Gandhi and Mr. Sankarlal Banker, and also the three articles—"TAMPERING WITH LOYALTY," "THE PUZZLE AND ITS SOLUTION," and "SHAKING THE MANES"—published in the "YOUNG INDIA" on 29th Sept. '21, 15th Decr. '21 and 23rd Febr. '22, respectively.

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Section 124-A of the Indian Penal Code runs thus :—

Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards His Majesty or the Government established by law in British India, shall be punished with transportation for life or any shorter term, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.

Explanation I. The expression disaffection includes disloyalty and all feelings of enmity.

Explanation II. Comments expressing disaffection of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection do not constitute an offence under this section.

Explanation III. Comments expressing disapprobation of the administrative or other action of the Government without exciting or



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attempting to excite hatred, contempt or disaffection do not constitute an offence under this section.

The Judge said that the law required that the charges should not only be read out but explained. In this case it would not be necessary for him to say much by way of explanation. The charge in each case was that of bringing or attempting to bring into hatred or contempt or exciting or attempting to excite disaffection towards His Majesty's Government established by law in British India. Both the accused were charged with the three offences under section 124-A contained in the articles read out written by Mr. Gandhi and printed by Mr. Banker. The words hatred and contempt were words, the meaning of which was sufficiently obvious. The word disaffection was defined under the section and they were told that disaffection included disloyalty and of feelings of enmity and the word used in the section had also been interpreted by the High Court of Bombay in a reported case as meaning political alienation or discontent, a spirit of disloyalty to Government or existing authority.

The charges having been read out, the Judge called upon the accused to plead to the charge. He asked Mahatma Gandhi whether he pleaded guilty or claimed to be tried.

Mahatma Gandhi: 'I plead guilty to all the charges. I observe that the King's name has been omitted from the charges and it has been properly omitted.

The Judge: Mr. Banker do you plead guilty or do you claim to be tried?

Mr. Banker:—I plead guilty.

#### ADVOCATE-GENERAL URGES TRIAL.

Sir T. Strangman said under section 271, Criminal Procedure Code, it was open to the Judge to convict the accused on their pleas or to proceed with the trial. The section says: 'If the accused pleads guilty, the plea shall be recorded, and he *may* be convicted thereon'. The words were 'may' not 'must.' He asked his honour to proceed with the trial. In the first instance the charges were of a serious character and in the second place it was highly desirable in the public interest that those charges should be fully and thoroughly investigated. He did not think it was necessary to labour further. From a further and

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narrower point of view that was in regard to the sentence it was obvious that the Judge could not adequately deal with the accused unless he had the full facts of the case before him. That was the view taken by the Bombay High Court, (19 Bombay Law Reports, page 356). That was an extreme case. [The Advocate-General then read out the case to the Court and it was in regard to a murder charge in which the accused was sentenced to be hanged.] Those remarks applied to the case, said Sir T. Strangman, and he again quoted 23 Madras 151. It would be impossible to deal with the matter satisfactorily and also other matters which he would ask the Judge to take into account. On that ground also he would ask the Court to proceed with the trial.

**COURT'S REPLY.**

The Court said it could not agree with what had been said. He had full discretion to convict on the plea if he thought it proper to do so, and in this particular case nothing would be gained by going once more into the evidence recorded by the committing Magistrate. As regards the question of the charges

they would be fully investigated and as far as he was aware nothing more was needed to establish the offence going to show that Mr. Gandhi was responsible for those particular articles. In the face of the plea it seemed to him that it would be futile to raise the point.

As regards the question of sentence it went without saying that from the time he knew that he was going to try the case he had tried to consider the sentence and he was prepared to hear anything that the counsel might have to say or Mr. Gandhi wished to say on the sentence. He honestly did not believe that the mere recording of evidence in the trial which counsel has asked for would make a difference to them one way or the other. He, therefore, proposed to accept the plea.

Mahatma Gandhi smiled at this decision.

The Judge said nothing further. It remained for him, no doubt, to pass the sentence, and before doing so he liked to hear Sir T. Strangman. He was entitled to base his general remarks on the charges against the accused and on their pleas.

## THE GREAT TRIAL

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## ADVOCATE-GENERAL'S ARGUMENTS.

Sir T. Strangman : It will be difficult to do so. I ask the court that the whole matter may be properly considered. If I stated what has happened before the committing Magistrate, then I can show that there are many things which are material to the question of the sentence.

The first point, he said, he wanted to make out was that the matter which formed the subject of the present charges formed part of the campaign to spread disaffection openly and systematically, to render Government impossible and to overthrow it. The earliest article that was put in from "Young India" was dated 25th May, 1921, which said that it was the duty of a non-co-operator to create disaffection towards the Government. Counsel then read out portions of articles written by Mr. Gandhi in "Young India."

Court said nevertheless it seemed to it that the court could accept a plea on the materials of which the sentence had to be based.

Sir T. Strangman said the question of sentence was entirely for the court to decide.

The court was always entitled to deal in a more general manner in regard to the question of the sentence than the particular matter resulting in the conviction. He asked leave to refer to articles before the court and what result might have been produced if the trial had proceeded, in order to ascertain what the facts were. He was not going into any matter which involved a dispute.

The Judge said there was not the least objection to his going into the charges in a general way.

Sir. T. Strangman said he wanted to show that these articles were not isolated. They formed part of an organised campaign, but so far as "Young India" was concerned they would show that from the year 1921. Counsel then read out an extract from the paper, dated June 8 on the duty of a non-co-operator which was to preach disaffection towards the existing Government for preparing the country for civil disobedience. Then in the same number there was an article on "Disaffection, a Virtue, or something to that effect." Then there was an article on the 28th of July, 1921, in which it was stated that "we have to destroy the

system." Again on September 30, 1921, there was an article headed " Punjab Prosecutions," where it was stated that a non-co-operator worthy of his name should preach disaffection. That was all so far as " Young India " was concerned. They were earlier in date than the article " Tampering with Loyalty " and it referred to the Governor of Bombay. Continuing, he said, the accused was a man of high educational qualifications, and evidently from his writings a recognised leader. The harm that was likely to be caused was considerable. They were the writings of an educated man and not the writings of an obscure man and the court must consider to what the results of a campaign of the nature disclosed in the writings must inevitably lead. They had examples before them in the last few months. He referred to the occurrences in Bombay last November and Chauri-Chaura leading to murder and destruction of property, involving many people in misery and misfortune. It was true that in the course of those articles they would find non-violence was insisted upon as an item of the campaign and as an item of the creed. But what was the use of preaching non-violence when he preached disaffection to-

wards Government or openly instigated others to overthrow it? The answer to that question appeared to him to come from Chauri-Chaura, Madras and Bombay. These were circumstances which he asked the court to take into account in sentencing the accused, and it would be for the court to consider those circumstances which must involve sentences of severity.

As regards the second accused his offence was lesser. He did the publication and he did not write. His offence nevertheless was a serious one. His instructions were that he was a man of means and he asked the court to impose a substantial fine in addition to such term of imprisonment as might be inflicted upon. He quoted section 10 of the Press Act as bearing on the question of fine. When making a declaration, he said, a deposit of Rs. 1,000 to 10,000 was asked in many cases.

Court: Mr. Gandhi do you wish to make a statement on the question of sentence?

Mahatma Gandhi: I would like to make a statement.

Court: Could you give it to me in writing to put it on record?

Mahatma Gandhi: I shall give it as soon as I finish reading it.



## MAHATMA GANDHI'S STATEMENT

Before reading his written statement Mahatma Gandhi spoke a few words as introductory remarks to the whole statement. He said : Before I read this statement, I would like to state that I entirely endorse the learned Advocate-General's remarks in connection with my humble self. I think that he was entirely fair to me in all the statements that he has made, because it is very true and I have no desire whatsoever to conceal from this Court the fact that to preach disaffection towards the existing system of Government has become almost a passion with me. And the learned Advocate-General is also entirely in the right when he says that my preaching of disaffection did not commence with my connection with "Young India" but that it commenced much earlier and in the statement that I am about to read it will be my painful duty to admit before this Court that it commenced much earlier than the period stated by the Advocate-General. It is

the most painful duty with me but I have to discharge that duty knowing the responsibility that rested upon my shoulders.

And I wish to endorse all the blame that the Advocate-General has thrown on my shoulders in connection with the Bombay occurrence, Madras occurrences, and the Chouri Choura occurrences thinking over these things deeply, and sleeping over them night after night and examining my heart I have come to the conclusion that it is impossible for me to dissociate myself from the diabolical crimes of Chouri Choura or the mad outrages of Bombay. He is quite right when he says that as a man of responsibility, a man having received a fair share of education, having had a fair share of experience of this world, I should know the consequences of every one of my acts. I knew them. I knew that I was playing with fire. I ran the risk and if I was set free I would still do the same. I would be failing in my duty if I do not do so. I have felt it this morning that I would have failed in my duty if I did not say all what I said here just now. I wanted to avoid violence. Non-violence is the first article of my faith. It is the last

## MAHATMA GANDHI'S STATEMENT 21

article of my faith. But I had to make my choice. I had either to submit to a system which I considered has done an irreparable harm to my country or incur the risk of the mad fury of my people bursting forth when they understood the truth from my lips. I know that my people have sometimes gone mad. I am deeply sorry for it; and I am, therefore, here to submit not to a light penalty but to the highest penalty. I do not ask for mercy. I do not plead any extenuating act. I am here, therefore, to invite and submit to the highest penalty that can be inflicted upon me for what in law is a deliberate crime and what appears to me to be the highest duty of a citizen. The only course open to you, Mr. Judge, is, as I am just going to say in my statement, either to resign your post or inflict on me the severest penalty if you believe that the system and law you are assisting to administer are good for the people. I do not expect that kind of conversion. But by the time I have finished with my statement you will, perhaps, have a glimpse of what is raging within my breast to run this maddest risk which a sane man can run.

## MR. BANKER'S STATEMENT

Mr. Shankarlal Banker made the following statement :—

I only want to say that I had the privilege of printing these articles and I plead guilty to the charge. I have got nothing to say as regards the sentence.

## WRITTEN STATEMENT

I owe it perhaps to the Indian public and to the public in England to placate which this prosecution is mainly taken up that I should explain why from a staunch loyalist and co-operator I have become an uncompromising disaffectionist and non-co-operator. To the court too I should say why I plead guilty to the charge of promoting disaffection towards the Government established by law in India.

My public life began in 1893 in South Africa in troubled weather. My first contact with British authority in that country was not of a happy character. I discovered that as a man and an Indian I had no rights. On the contrary I discovered that I had no rights as a man because I was an Indian.

But I was not baffled. I thought that this treatment of Indians was an excrescence upon a system that was intrinsically and mainly good. I gave the Government my voluntary and hearty co-operation, criticising

it fully where I felt it was faulty but never wishing its destruction.

Consequently when the existence of the Empire was threatened in 1899 by the Boer challenge, I offered my services to it, raised a volunteer ambulance corps and served at several actions that took place for the relief of Ladysmith. Similarly in 1906 at the time of the Zulu revolt I raised a stretcher-bearer party and served till the end of the 'rebellion'. On both these occasions I received medals and was even mentioned in despatches. For my work in South Africa I was given by Lord Hardinge a Kaiser-i-Hind Gold Medal. When the war broke out in 1914 between England and Germany I raised a volunteer ambulance corps in London consisting of the then resident Indians in London, chiefly students. Its work was acknowledged by the authorities to be valuable. Lastly in India when a special appeal was made at the War Conference in Delhi in 1917 by Lord Chelmsford for recruits, I struggled at the cost of my health to raise a corps in Kheda and the response was being made when the hostilities ceased and orders were received that no more recruits were wanted. In all these efforts at service I was

actuated by the belief that it was possible by such services to gain a status of full equality in the Empire for my countrymen.

The first shock came in the shape of the Rowlatt Act a law designed to rob the people of all real freedom. I felt called upon to lead an intensive agitation against it. Then followed the Punjab horrors beginning with the massacre at Jallianwala Bagh and culminating in crawling orders, public floggings and other indescribable humiliations. I discovered too that the plighted word of the Prime Minister to the Mussulmans of India regarding the integrity of Turkey and the holy places of Islam was not likely to be fulfilled. But in spite of the foreboding and the grave warnings of friends, at the Amritsar Congress in 1919 I fought for co-operation and working the Montagu-Chelmsford reforms, hoping that the Prime Minister would redeem his promise to the Indian Mussulmans, that the Punjab wound would be healed and that the reforms inadequate and unsatisfactory though they were, marked a new era of hope in the life of India.

But all that hope was shattered. The Khilafat promise was not to be redeemed. The Punjab crime was white-washed and

most culprits went not only unpunished but remained in service and some continued to draw pensions from the Indian revenue, and in some cases were even rewarded. I saw too that not only did the reforms not mark a change of heart, but they were only a method of further draining India of her wealth and of prolonging her servitude.

I came reluctantly to the conclusion that the British connection had made India more helpless than she ever was before, politically and economically. A disarmed India has no power of resistance against any aggressor if she wanted to engage in an armed conflict with him. So much is this the case that some of our best men consider that India must take generations before she can achieve the Dominion status. She has become so poor that she has little power of resisting famines. Before the British advent India spun and wove in her millions of cottages just the supplement she needed for adding to her meagre agricultural resources. The cottage industry, so vital for India's existence, has been ruined by incredibly heartless and inhuman processes as described by English witnesses. Little do town-dwellers know how



## MAHATMA GANDHI'S STATEMENT 27

the semi-starved masses of Indians are slowly sinking to lifelessness. Little do they know that their miserable comfort represents the brokerage they get for the work they do for the foreign exploiter, that the profits and the brokerage are sucked from the masses. Little do they realise that the Government established by law in British India is carried on for this exploitation of the masses. No sophistry, no jugglery in figures can explain away the evidence the skeletons in many villages present to the naked eye. I have no doubt whatsoever that both England and the town-dwellers of India will have to answer, if there is a God above, for this crime against humanity which is perhaps unequalled in history. The law itself in this country has been used to serve the foreign exploiter. My unbiassed examination of the Punjab Martial Law cases has led me to believe that at least ninety-five per cent. of convictions were wholly bad. My experience of political cases in India leads me to the conclusion that in nine out of every ten the condemned men were totally innocent. Their crime consisted in love of their country. In ninety-nine cases out of hundred justice has been denied to

Indians as against Europeans in the Court of India. This is not an exaggerated picture. It is the experience of almost every Indian who has had anything to do with such cases. In my opinion the administration of the law is thus prostituted consciously or unconsciously for the benefit of the exploiter.

The greatest misfortune is that Englishmen and their Indian associates in the administration of the country do not know that they are engaged in the crime I have attempted to describe. I am satisfied that many English and Indian officials honestly believe that they are administering one of the best systems devised in the world and that India is making steady though slow progress. They do not know that a subtle but effective system of terrorism and an organised display of force on the one hand and the deprivation of all powers of retaliation or self-defence on the other have emasculated the people and induced in them the habit of simulation. This awful habit has added to the ignorance and the self-deception of the administrators. Section 124-A under which I am happily charged is perhaps the prince among the political sections of the Indian Penal Code

designed to suppress the liberty of the citizen. Affection cannot be manufactured or regulated by law. If one has no affection for a person or thing one should be free to give the fullest expression to his disaffection so long as he does not contemplate, promote or incite to violence. But the section under which Mr. Banker and I are charged is one under which mere promotion of disaffection is a crime. I have studied some of the cases tried under it, and I know that some of the most loved of India's patriots have been convicted under it. I consider it a privilege therefore, to be charged under it. I have endeavoured to give in their briefest outline the reasons for my disaffection. I have no personal ill-will against any single administrator, much less can I have any disaffection towards the King's person. But I hold it to be a virtue to be disaffected towards a Government which in its totality has done more harm to India than any previous system. India is less manly under the British rule than she ever was before. Holding such a belief, I consider it to be a sin to have affection for the system. And it has been a precious privilege for me to be

able to write what I have in the various articles tendered in evidence against me.

In fact I believe that I have rendered a service to India and England by showing in non-co-operation the way out of the unnatural state in which both are living. In my humble opinion, non-co-operation with evil is as much a duty as is co-operation with good. But in the past, non-co-operation has been deliberately expressed in violence to the evil-doer. I am endeavouring to show to my countrymen that violent non-co-operation only multiplies evil and that as evil can only be sustained by violence, withdrawal of support of evil requires complete abstention from violence. Non-violence implies voluntary submission to the penalty for non-co-operation with evil. I am here, therefore, to invite and submit cheerfully to the highest penalty that can be inflicted upon me for what in law is a deliberate crime and what appears to me to be the highest duty of a citizen. The only course open to you, the Judge and the Assessors, is either to resign your posts and thus dissociate yourselves from evil if you feel that the law you are called upon to administer is an evil and that in reality I am innocent, or to inflict

## MAHATMA GANDHI'S STATEMENT 31

on me the severest penalty if you believe that the system and the law you are assisting to administer are good for the people of this country and that my activity is therefore injurious to the public weal.

M. K. GANDHI.

## THE JUDGMENT

The following is the full text of the judgment :—

Mr. Gandhi, you have made my task easy one way by pleading guilty to the charge. Nevertheless, what remains namely, the determination of a just sentence is perhaps as difficult a proposition as a judge in this country could have to face, the law is no respecter of persons. Nevertheless, it will be impossible to ignore the fact that you are in a different category from any person I have ever tried or am likely to have to try. It would be impossible to ignore the fact that in the eyes of millions of your countrymen you are a great patriot and a great leader. Even those who differ from you in politics look upon you as a man of high ideals and of noble and of even saintly life. I have to deal with you in one character only. It is not my duty and I do not presume to judge or criticise you in any other character. It is my duty to judge you as a man subject to the law who has by his

## THE JUDGMENT

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own admission broken the law and committed, what to an ordinary man must appear to be, grave offences against the State. I do not forget that you have consistently preached against violence and that you have on many occasions, as I am willing to believe, done much to prevent violence. But having regard to the nature of political teaching and the nature of many of those to whom it was addressed how you could have continued to believe that violence would not be the inevitable consequence, it passes my capacity to understand. There are probably few people in India who do not sincerely regret that you should have made it impossible for any Government to leave you at liberty. But it is so. I am trying to balance what is due to you against what appears to me to be necessary in the interest of the public, and I propose in passing sentence to follow the precedent of a case in many respects similar to this case that was decided some twelve years ago. I mean the case against Mr. Bal Gangadhar Tilak under the same section. The sentence that was passed upon him as it finally stood was a sentence of simple imprisonment for six years. You will not consider it unreasonable

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I think, that you should be classed with Mr. Tilak. That is a sentence of two years' simple imprisonment on each count of the charge, six years in all which I feel it my duty to pass upon you ; and I should like to say in doing so that if the course of events in India should make it possible for the Government to reduce the period and release you no one will be better pleased than I.

The Judge, then, addressing to Mr. Banker, said :—

I assume you have been to a large extent under the influence of your chief. The sentence that I propose to pass upon you is simple imprisonment for six months each of the first two counts that is to say simple imprisonment for one year, and a fine of thousand rupees on the third count with six months' simple imprisonment in default.



## MAHATMA GANDHI'S REPLY

Mahatma Gandhi said I would say one word since you have done me the honour of recalling the trial of the late Lokamanya Bal Gangadhar Tilak. I just want to say that I consider it to be the proudest privilege and honour to be associated with his name. So far as the sentence itself is concerned I certainly consider that it is as light as any judge would inflict on me and so far as the whole proceedings are concerned I must say that I could not have expected greater courtesy.

## APPENDIX I

*[The following are the three articles published in "Young India" for which Mahatma Gandhi and Mr. Banker were charged.]*

### (A) TAMPERING WITH LOYALTY

BY M. K. GANDHI

His Excellency the Governor of Bombay had warned the public sometime ago, that he 'meant business', that he was not going to tolerate the speeches that were being made. In his note on the Ali Brothers and others he has made clear his meaning. The Ali Brothers are to be charged with having tampered with the loyalty of the sepoy and with having uttered sedition. I must confess, that I was not prepared for the revelation of such hopeless ignorance on the part of the Governor of Bombay. It is evident that he has not followed the course of Indian History during the past twelve months. He evidently does not know, that the National Congress began to tamper with the loyalty of the sepoy in September

last year, that the Central Khilafat Committee began it earlier still, for I must be permitted to take the credit or the odium of suggesting, that India had a right openly to tell the sepoy and everyone who served the Government in any capacity whatsoever, that he participated in the wrongs done by the Government. The Conference at Karachi merely repeated the Congress declaration in terms of Islam, but speaking for Hinduism and speaking for nationalism I have no hesitation in saying, that it is sinful for anyone, either as soldier or civilian, to serve this Government which has proved treacherous to the Mussalmans of India and which had been guilty of the inhumanities of the Punjab. I have said this from many a platform in the presence of sepoys. And if I have not asked individual sepoys to come out, it has not been due to want of will but of ability to support them. I have not hesitated to tell the sepoy, that if he could leave the service and support himself without the Congress or the Khilafat aid, he should leave at once. And I promise, that as soon as the spinning wheel finds an abiding place in every home and Indians begin to feel that weaving gives anybody any day an honourable liveli-

hood, I shall not hesitate, at the peril of being shot, to ask the Indian sepoy individually to leave his service and become a weaver. For, has not the sepoy been used to hold India under subjection, has he not been used to murder innocent people at Jalianwala Bagh, has he not been used to drive away innocent men, women and children during that dreadful night at Chandpur, has he not been used to subjugate the proud Arab of Mesopotamia, has he not been utilised to crush the Egyptians? How can any Indian having a spark of humanity in him and any Mussalman having any pride in his religion feel otherwise than as the Ali Brothers have done? The sepoy has been used more often as a hired assassin than as a soldier defending the liberty or the honour of the weak and the helpless. The Governor has pandered to the basest in us by telling us what would have happened in Malabar but for the British soldier or sepoy. I venture to inform His Excellency, that Malabar Hindus would have fared better without the British bayonet, that Hindus and Mussalmans would have jointly appeased the Moplahs, that possibly there being no Khilafat question there would have been no Moplah

riot at all, that at the worst supposing that Mussalmans had common cause with the Moplahs, Hinduism would have relied upon its creed of non-violence and turned every Mussalman into a friend, or Hindu valour would have been tested and tried. The Governor of Bombay has done a disservice to himself and his cause (whatever it might be), by fomenting Hindu Mussalman disunion, and has insulted the Hindus, by letting them infer from his note, that Hindus are helpless creatures unable to die for or defend their hearth, home or religion. If however the Governor is right in his assumptions, the sooner the Hindus die out, the better for humanity. But let me remind His Excellency, that he has pronounced the greatest condemnation upon British rule, in that it finds Indians to-day devoid of enough manliness to defend themselves against looters, whether they are Moplah, Mussalmans or infuriated Hindus of Arrah.

His Excellency's reference to the sedition of Ali Brothers is only less pardonable than his reference to the tampering. For he must know, that sedition has become the creed of the Congress. Every non-co-operator is pledged to preach disaffection towards the

Government established by law. Non-co-operation, though a religious and strictly moral movement, deliberately aims at the overthrow of the Government, and is therefore legally seditious in terms of the Indian Penal Code. But this is no new discovery. Lord Chelmsford knew it. Lord Reading knows it. It is unthinkable that the Governor of Bombay does not know it. It was common cause that so long as the movement remained non-violent, nothing would be done to interfere with it.

But it may be urged, that the Government has a right to change its policy when it finds, that the movement is really threatening its very existence as a system. I do not deny its right. I object to the Governor's note, because it is so worded as to let the unknowing public think, that tampering with the loyalty of the sepoy and sedition were fresh crimes committed by the Ali Brothers and brought for the first time to His Excellency's notice.

However the duty of the Congress and Khilafat workers is clear. We ask for no quarter; we expect none from the Government. We did not solicit the promise of immunity from prison so long as we remained non-

violent. We may not now complain, if we are imprisoned for sedition. Therefore our self-respect and our pledge require us to remain calm, unperturbed and non-violent. We have our appointed course to follow. We must reiterate from a thousand platforms the formula of the Ali Brothers regarding the sepoys, and we must spread disaffection openly and systematically till it pleases the Government to arrest us. And this we do, not by way of angry retaliation, but because it is our *Dharma*. We must wear *Khadi* even as the Brothers have worn it, and spread the Gospel of Swadeshi. The Mussalmans must collect for Smyrna relief and the Angora Government. We must spread like the Ali Brothers the Gospel of Hindu Muslim Unity and of non-violence for the purpose of attaining Swaraj and the redress of the Khilafat and the Punjab wrongs.

We have almost reached the crisis. It is well with a patient who survives a crisis. If on the one hand we remain firm as a rock in the presence of danger, and on the other observe the greatest self-restraint, we shall certainly attain our end this very year.

*Young India, September 29, 1921.*

## (B) A PUZZLE AND ITS SOLUTION

BY M. K. GANDHI

Lord Reading is puzzled and perplexed. Speaking in reply to the addresses from the British Indian Association and the Bengal National Chamber of Commerce at Calcutta, His Excellency said, "I confess that when I contemplate the activities of a section of the community, I find myself still, notwithstanding persistent study ever since I have been in India, puzzled and perplexed. I ask myself what purpose is served by flagrant breaches of the law for the purpose of challenging the Government and in order to compel arrest?" The answer was partly given by Pandit Motilal Nehru when he said on being arrested that he was being taken to the house of freedom. We seek arrest because the so-called freedom is slavery. We are challenging the might of this Government because we consider its activity to be wholly evil. We want to overthrow the Government. We want to



*compel* its submission to the people's will. We desire to show that the Government exists to serve the people, not the people the Government. Free life under the Government has become intolerable, for the price exacted for the retention of freedom is unconscionably great. Whether we are one or many, we must refuse to purchase freedom at the cost of our self-respect or our cherished convictions. I have known even little children become unbending when an attempt has been made to cross their declared purpose, be it ever so flimsy in the estimation of their parents.

Lord Reading must clearly understand that the non-co-operators are at war with the Government. They have declared rebellion against it in as much as it has committed a breach of faith with the Mussalmans, it has humiliated the Punjab and it insists upon imposing its will upon the people and refuses to repair the breach and repent of the wrong done in the Punjab.

There were two ways open to the people, the way of armed rebellion and the way of peaceful revolt. Non-co-operators have chosen, some out of weakness, some out of strength, the way of peace, *i.e.*, voluntary suffering.

If the people are behind the sufferers, the Government must yield or be overthrown. If the people are not with them they have at least the satisfaction of not having sold their freedom. In an armed conflict the more violent is generally the victor. The way of peace and suffering is the quickest method of cultivating public opinion, and therefore when victory is attained it is for what the world regards as Truth. Bred in the atmosphere of law Courts, Lord Reading finds it difficult to appreciate the peaceful resistance to authority. His Excellency will learn by the time the conflict is over that there is a higher court, than courts of justice and that is the court of conscience. It supersedes all other courts.

Lord Reading is welcome to treat all the sufferers as lunatics, who do not know their own interest. He is entitled therefore to put them out of harm's way. It is an arrangement that entirely suits the lunatics and it is an ideal situation if it also suits the Government. He will have cause to complain if having courted imprisonment, non-co-operators fret and fume or 'whine for favours' as Lalaji puts it. The strength of a non-co-operator lies in

his going to gaol uncomplainingly. He loses his case if having courted imprisonment he begins to grumble immediately his courtship is rewarded.

The threats used by His Excellency are unbecoming. This is a fight to the finish. It is a conflict between the reign of violence and of public opinion. Those who are fighting for the latter are determined to submit to any violence rather than surrender their opinion.

*Young India, December 15, 1921.*

## (C) SHAKING THE MANES

BY M. K. GANDHI

How can there be any compromise whilst the British Lion continues to shake his gory claws in our faces? Lord Birkenhead reminds us that Britain has lost none of her hard fibre. Mr. Montagu tells us in the plainest language that the British are the most determined nation in the world, who will brook no interference with their purpose. Let me quote the exact words telegraphed by Reuter :—

“If the existence of our Empire were challenged, the discharge of responsibilities of the British Government to India prevented and demands were made in the very mistaken belief that we contemplated retreat from India—then India would not challenge with success the most determined people in the world, who would once again answer the challenge with all the vigour and determination at its command”.

Both Lord Birkenhead and Mr. Montagu little know that India is prepared for all the hard fibre that can be transported across the seas and

that her challenge was issued in the September of 1920 at Calcutta that India would be satisfied with nothing less than Swaraj and full redress of the Khilafat and the Punjab wrongs. This does involve the existence of the 'Empire' and if the present custodians of the British Empire are not satisfied with its quiet transformation into a true Commonwealth of free nations, each with equal rights and each having the power to secede at will from an honourable and friendly partnership, all the determination and vigour of 'the most determined people in the world' and the 'hard fibre' will have to be spent in India in a vain effort to crush the spirit that has risen and that will neither bend nor break. It is true that we have no 'hard fibre'. The rice-eating, puny millions of India seem to have resolved upon achieving their own destiny without any further tutelage and without arms. In the Lokamanya's language it is their 'birthright', and they will have it in spite of the 'hard fibre' and in spite of the vigour and determination with which it may be administered. India cannot and will not answer this insolence with insolence, but if she remains true to her pledge, her prayer to God to be delivered from such a scourge

will certainly not go in vain. No empire intoxicated with red wine of power and plunder of weaker races has yet lived long in this world, and this British Empire, which is based upon organised exploitation of physically weaker races of the earth and upon a continuous exhibition of brute force, cannot live if there is a just God ruling the universe. Little do these so-called representatives of the British nation realise that India has already given many of her best men to be dealt with by the British 'hard fibre'. Had Chauri Chaura not interrupted the even course of the national sacrifice, there would have been still greater and more delectable offerings placed before the Lion, but God had willed it otherwise. There is nothing, however, to prevent all those representatives in Downing Street and Whitehall from doing their worst. I am aware that I have written strongly about the insolent threat that has come from across the seas, but it is high time that the British people were made to realise that the fight that was commenced in 1920 is a fight to the finish, whether it lasts one month or one year or many months or many years and whether the representatives of Britain re-enact all the indescribable orgies of

the Mutiny days with redoubled force or whether they do not. I shall only hope and pray that God will give India sufficient humility and sufficient strength to remain non-violent to the end. Submission to the insolent challenges that are cabled out on due occasions is now an utter impossibility.

*Young India, February 23rd, 1922.*

## APPENDIX II

### IF I AM ARRESTED

BY M. K. GANDHI

The rumour has been revived that my arrest is imminent. It is said to be regarded as a mistake by some officials that I was not arrested when I was to be, *i.e.*, on the 11th or 12th of February and that the Bardoli decision ought not to have been allowed to affect the Government's programme. It is said, too, that it is now no longer possible for the Government to withstand the ever-rising agitation in London for my arrest and deportation. I myself cannot see how the Government can avoid arresting me if they want a permanent abandonment of civil disobedience whether individual or mass.

I advised the Working Committee to suspend mass civil disobedience at Bardoli because that disobedience would not have been civil, and if I am now advising all provincial



workers to suspend even individual civil disobedience, it is because I know that any disobedience at the present state will be not civil but criminal. A tranquil atmosphere is an indispensable condition of civil disobedience. It is humiliating for me to discover that there is a spirit of violence abroad and that the Government of the United Provinces has been obliged to enlist additional police for avoiding a repetition of Chauri Chaura. I do not say that all that is claimed to have happened has happened, but it is impossible to ignore all the testimony that is given in proof of the growing spirit of violence in some parts of those provinces. In spite of my political differences with pandit Hridayanath Kunzuru, I regard him to be above wilful perversion of truth. I consider him to be one of the most capable among public workers. He is not a man to be easily carried away. When, therefore, he gives an opinion upon anything, it immediately arrests my attention. Making due allowance for the colouring of his judgment by reason of his pro-Government attitude, I am unable to dismiss his report of the Chauri Chaura tragedy as unworthy of consideration. Nor is it possible to ignore letters received from Zamin-

dars and others informing me of the violent temperament and ignorant lawlessness in the United Provinces. I have before me the Bareilly report signed by the Congress Secretary. Whilst the authorities behaved like madmen and forgot themselves in their fit of anger, we are not, if that report is to be believed, without fault. The volunteer procession was not a civil demonstration. It was insisted upon in spite of a sharp division of opinion in our own ranks. Though the crowds that gathered were not violent, the spirit of the demonstration was undoubtedly violent. It was an impotent show of force wholly unnecessary for our purpose and hardly a prelude to civil disobedience. That the authorities could have handled the procession in a better spirit, that they ought not to have interfered with the Swaraj flag, that they ought not to have objected to the use of the Town Hall which was town property as Congress offices in view of the fact that it had been so used for some months with the permission of the Town Council, is all very true. But we have ceased to give credit to the authorities for common or reasonable sense. On the contrary, we have set ourselves against them because we

expect nothing but unreason and violence from them and knowing that the authorities would act no better than they did, we should have refrained from all the previous irritating demonstrations. That the U. P. Government are making a mountain out of a mole-hill, that they are discounting their own provocation and the provocation given by the murdered men at Chauri Chaura is nothing new. All that I am concerned with is that it is not possible for us to claim that ; we have given them no handle whatsoever. It is therefore as a penance that civil disobedience has been suspended. But if the atmosphere clears up, the people realise the full value of the adjective 'civil' and become in reality non-violent both in spirit and in deed, and if I find that the Government still do not yield to the people's will, I shall certainly be the first person to advocate individual or mass civil disobedience as the case may be. There is no escape from that duty without the people wishing to surrender their birthright.

I doubt the sincerity of Englishmen who are born fighters when they declaim against civil disobedience as if it was a diabolical crime to be punished with exemplary severity.

If they have glorified armed rebellions and resorted to them on due occasions, why are many of them up in arms against the very idea of civil resistance? I can understand their saying that the attainment of a non-violent atmosphere is a virtual impossibility in India. I do not believe it, but I can appreciate such an objection. What, however, is beyond my comprehension is the dead set made against the very theory of civil disobedience as if it was something immoral. To expect me to give up the preaching of civil disobedience is to ask me to give up preaching peace, which would be tantamount to asking me to commit suicide.

I have now been told that the Government are compassing the destruction of the three weeklies which I am conducting, *viz.*, "Young India," Gujarati "Nava Jivan" and Hindi "Nava Jivan." I hope that the rumour has no foundation. I claim that these three journals are insistently preaching nothing but peace and good will. Extraordinary care is taken to give nothing but truth, as I find it, to the readers. Every inadvertent inaccuracy is admitted and corrected. The circulation of all the weeklies is daily growing.

The conductors are voluntary workers in some cases taking no salary whatsoever and in the others receiving mere maintenance money. Profits are all returned to the subscribers in some shape or other, or are utilised for some constructive public activity or other. I cannot say that I shall not feel a pang if these journals cease to exist. But it is the easiest thing for the Government to put them out. The publishers and printers are all friends and co-workers. My compact with them is that the moment Government asks for security, that moment the newspapers must stop. I am conducting them upon the resumption that whatever view the Government may take of my activities they at least give me credit for preaching through these newspapers nothing but the purest non-violence and truth according to my lights.

I hope, however, that whether the Government arrest me or whether they stop by direct or indirect means the publication of the three journals, the public will remain unmoved. It is a matter of no pride or pleasure to me but one of humiliation that the Government refrain from arresting me for fear of an outbreak of universal violence and awful

slaughter that any such outbreak must involve. It would be a sad commentary upon my preaching of, and upon the Congress and Khilafat pledge of, non-violence, if my incarceration was to be a signal for a storm all over the country. Surely, it would be a demonstration of India's unreadiness for a peaceful rebellion. It would be triumph for the bureaucracy, and it would be almost a final proof of the correctness of the position taken up by the Moderate friends, *viz.*, that India can never be prepared for non-violent disobedience. I hope therefore that the Congress and Khilafat workers will strain every nerve and show that all the fears entertained by the Government and their supporters were totally wrong. I promise that such act of self-restraint will take us many a mile towards our triple goal.

There should therefore be no *hartals*, no noisy demonstrations, no processions. I would regard the observance of perfect peace on my arrest as a mark of high honour paid to me by my countrymen. What I would love to see, however, is the constructive work of the Congress going on with clock work regularity and the speed of the Punjab Express. I would love to see the people who have hitherto kept

back voluntarily discarding all their foreign cloth and making a bonfire of it. Let them fulfil the whole of the constructive programme framed at Bardoli, and they will not only release me and other prisoners, but they will also inaugurate Swaraj and secure redress of the Khilafat and the Punjab wrongs. Let them remember the four pillars of Swaraj: Non-violence, Hindu-Moslem-Sikh-Parsi-Christian-Jew unity, total removal of untouchability and manufacture of hand-spun and hand-woven *khaddar* completely displacing foreign cloth.

I do not know that my removal from their midst will not be a benefit to the people. In the first instance, the superstition about the possession of supernatural powers by me will be demolished. Secondly, the belief that people have accepted the non-co-operation programme only under my influence and that they have no independent faith in it will be disproved. Thirdly, our capacity for Swaraj will be proved by our ability to conduct our activities in spite of the withdrawal even of the current programme. Fourthly and selfishly, it will give me a quiet and physical rest, which perhaps I deserve.—*Young India, 9th March, 1922.*

## APPENDIX III

### THE SCENE AT THE ASRAM WHEN MAHATMA GANDHI WAS ARRESTED

On Friday night at 10-30 when those in Sabarmathi Asram were preparing to retire, Mr. Hailey, Superintendent of Police, Ahmedabad, arrived in a motor-car with a warrant of arrest under section 124-A. Mr. Hailey waited at the gate of the Asram sending word to Mr. Gandhi that he had come with a warrant for his arrest and Mr. Gandhi was allowed to take his own time for preparation to leave the Asram with Mr. Hailey.

Mr. Shankerlal Banker who was the right-hand man of Mr. Gandhi and publisher of *Nava Jivan* and *Young India* and keeper of the press, had then just left the Asram for the town. He was met by Mr. Hailey on the road. The latter told him that he was also to be arrested. Mr. Banker immediately gave himself up.

The news that the expected had happened went quickly round the Asram and all



**SCENE AT THE ASRAM****59**

collected near Mr. Gandhi, paid obeisance to him and asked for his blessing. Mr. Gandhi's favourite hymn describing the qualities of an ideal Vaishnava was sung in chorus. The final leave-taking was of a touching nature but did not occupy more than a few minutes.

Mr. Gandhi then came out and got into Mr. Hailey's car accompanied by Mr. Banker. Mrs. Gandhi and Srimati Anusuya Bahen Sarabhai were allowed to escort the prisoners as far as the Sabarmathi Jail which is in the neighbourhood of the Asram. His parting words to the Asram people were that all who bore patriotism and love for India should strain every nerve to propagate peace and good will all over India, among all communities.

## APPENDIX IV

### PRELIMINARY ENQUIRY BEFORE THE MAGISTRATE

At Saturday noon Messrs. Gandhi and Banker were placed before Mr. Brown, Assistant Magistrate, the Court being held in the Divisional Commissioner's Office at Sahibag. The prosecution was conducted by Rao Bahadur Girdharilal, Public Prosecutor.

The Superintendent of Police, Ahmedabad, 1st witness, produced the Bombay Government's authority to lodge a complaint for four articles published in *Young India* dated 15th June 1921 entitled "Disaffection a Virtue," dated the 29th September, "Tampering with Rcyalty," dated 15th December, "The Puzzle and its Solution," dated 23rd February, 1922, "Shaking the manes." He stated that the warrant was issued on the 6th instant by the District Magistrate, Ahmedabad and the case was transferred to the file of Mr. Brown. Meanwhile

## PRELIMINARY ENQUIRY IN COURT 61

warrants were also issued to the Superintendents of Police of Surat and Ajmere as Mr. Gandhi was expected to be at those places. The original signed articles and issues of the paper in which these appeared were also produced as evidence.

Mr. Gharda, Registrar, Appellate, Side, Bombay, High Court, second witness, produced correspondence between Mr. Gandhi as the Editor of *Young India* and Mr. Kennedy, District Judge, Ahmedabad. Mr. Chatfield, Magistrate of Ahmedabad was the next witness. He testified to the security deposited by Mr. Gandhi and the declaration of Mr. S. Banker as printer of *Young India*.

Two formal police witnesses were then produced.

Accused declined to cross-examine the witnesses.

Mr. M. K. Gandhi, 53, farmer and weaver by profession, residing at Satyagraha Asram, Sabarmati, said :—

“I simply wish to state that, when the proper time comes, I shall plead guilty so far as disaffection towards Government is concerned. It is quite true that I am the Editor

of *Young India* and that the articles read in my presence were written by me and the proprietors and publishers had permitted me to control the whole policy of the paper."

Mr. Shankarlal Banker, landed proprietor, Bombay, second accused stated that at the proper time he would plead guilty to the charge of having published the articles complained of. Charges were framed on three counts under Section 124-A, accused were committed to the Sessions.

Mr. Gandhi asked his associates present in the Court to carry on the publication of his papers.

## APPENDIX V

### MAHATMAJEE IN PRISON

Satyagrahasram is situated on the banks of the Sabarmati river, about four miles from the city of Ahmedabad. One mile further up, to the north of the Asram, is located the Ahmedabad Central Jail where Mahatmajee was kept before his trial. The usual restrictions imposed on prisoners, though only under-trial, were not strictly enforced in his case. Friends and fellow-workers were allowed to see him every evening between 3 and 5. The eager public crowded in numbers on Thursday (16th March) evening in front of the Subarmati Jail to pay homage to their beloved chief. Jamnalal Bhajaj, Mrs. Naidu, Dr. Choitram, Sarala Devi Chowdharani—all were there as if they had assembled in front of a temple to offer worship to the idol inside. The burning sun of an Ahmedabad afternoon did not prevent a host of others from reaching there in time after walking long distances. It just struck three. It had evidently a meaning

for the people standing there. The sound did not strike their ears with the melancholy dulness of a prison bell. It stirred their hearts with the thrilling joy of a temple Ghanta. The door was opened and devotees were let in.

Two minutes' walk from the prison gate brought us to the place where Mahatmajee was. It was a secluded part separated from the rest of the prison, perfectly clean and absolutely quiet. There was a row of buildings with a wide verandah and a beautiful lawn in front. Two rooms in that building were set apart for Mahatmajee and his fellow-prisoner Sjt. Banker. We walked in, entered the compound, and got up on the verandah, 'Hush,' said Mrs. Naidu, 'He is sleeping'. Yes, he was sleeping. Resting his weary head on a Khadi pillow there he lay on a Khadi sheet enjoying sound sleep as if he were in his own Asram. The jailer walked slowly and stealthily lest he should wake the mighty prisoner. The visitors hesitated to proceed further fearing they might disturb Mahatmajee. The very flies buzzing near the jail verandah seemed instinctively to adjust their movements without disturbing his peaceful slumber. We stood by his side and said to ourselves :

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MAHATMAJEE IN PRISON 65

O'man who has passed through the furnace,  
Assayed like the gold, and as pure !  
By your strength can the weakest gain firmness,  
The strongest may learn to endure.

He woke up, opened his eyes, saw the host of friends and followers around him and with that radiant, toothless smile, so familiar to those who have come in contact with him welcomed us and made us sit down on his Khadi bed. One would have thought that Mahatmajee was entertaining his friends in his own place. There were a few books lying here and there. The inevitable spinning wheel, his mute companion in freedom and in confinement—was, of course, by his side. He looked round and had something to say to everybody—‘ Well, what news you bring from Lahore’, he smilingly asked Sarala Devi. “ The people are sorry you asked them not to observe hartal. You restrain their emotions’. ‘ Yes,’ came the ready reply, ‘ they should not observe hartal. If they feel about my arrest they must use Khadi.’ ‘ Well, how is Bombay,’ he asked Mrs. Naidu. ‘ O, you too are here’, he addressed a third person. Crowds came in continuously—school boys, merchants, old women and young girls. Most of them remained there for a few minutes,

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looked at him and went away. Pride and pathos mingled in our hearts as we saw that picturesque crowd of devoted pilgrims paying spontaneous homage to their saintly leader. Some fell before his feet; others touched them in reverence, while a third set offered their respect by mute salutation alone. Mothers put their young babies in his hands; old ladies touched the ground by his side as a mark of respect to this modern Rishi.

He looked healthy and cheerful. He talked and laughed with all the unrestrained joy of a school-boy beginning to enjoy his holidays. Palace or prison, freedom or confinement, company or solitude—it is all the same to this noble soul who thinks, says, acts and lives in the presence of his maker. Standing by his side and looking at his hopeful face we felt that we nearly ceased to be slumbering slaves, that our spirit increased, that our liberty was not far off and that Swaraj was coming quite close. We felt ourselves encouraged, ennobled and elevated in his presence. Seeing his spiritual face we could almost guess what is passing in that mighty mind. He seemed to address us in the inspiring words of a great Irish patriot.



**MAHATMAJEE IN PRISON 67**

“My race has been one long struggle, a record of never ceasing struggle against oppression and against defeat and a consciousness of slavery. Glancing back with the eye of memory I see the men of my race carrying on their never ceasing, ever-beginning struggle for freedom, on the mountains and the plains, by the rivers and sea, in faithful fields and the bogland. I see a people who have never been deaf to their country's call. In misery and want and oppression and pain one cry has always been able to raise the Indian heart. “It is for India,” and the strong man hesitates not. “It is for India” and the wife bids her husband go. “It is for India” and the mother kisses and blesses her son as he stands upon the threshold. “It is for India” and the maiden waves a farewell to her lover as he tops the distant hill. Children in arms throughout the land have learned love of country as they learned love of God. Tell me, does not this race deserve to be free?”

We spent nearly two hours with him in the prison. The prison bell struck five and it was time for us to depart. We bid him a reluctant good-bye and followed the jailor to the prison-gate.

As we left the prison we could dimly hear his message to his countrymen in the words of the same patriot.

Strive on "until wrong and oppression have been banished from India; strive on until freedom is universal: strive on until in every nation and every climate in the East and the West, in the North and in the South, freedom for man and woman shall possess the earth, then, and not until then will your mission be accomplished, then and not until then can humanity allow the flag of liberty to be furled."—*Hindu*.

## APPENDIX VI

### (A) HOW TO RELEASE MAHATMAJI BY ANASUYA SARABHAI

By convicting Mahatma Gandhi, the Government has challenged our right to live as free and self-respecting human beings. The action of the Government is an open threat not only to the liberties of India but to the liberties of the world. Will Imperialism be permitted to keep humanity in chains of slavery? India must supply the answer. The eyes of the world are turned towards us and the souls of our ancestors are anxiously watching us. Every Indian worth the name must proclaim the truth from house tops and withdraw his or her support from this unjust and wicked Government. The honour of the country and the liberties of the generations yet unborn are at stake and every person, whether Indian or Englishman, who remains in the service of this Government, whether military or civil, is guilty of most heinous crime against humanity. Let all resign their posts under this Government, for, then alone can t

prove that they are true to their God. Let us all discard foreign cloth and take to khaddar. Let us close all cloth-importing houses. Let us organise our ranks by enlisting one crore new members of the congress and ensuring perfect Non-violence and real and sincere Hindu-Moslem unity; and God willing, within six months, we shall bring out of prison Mahatma Gandhi and thousands of other brave and distinguished sons of India, both Hindus and Mussalmans, who are suffering for their country and for their faith.—*Young India*.

## (B) DWIJENDRANATH TAGORE'S IMPRESSIONS

“The present Government appears to be bound hand and foot by the evil precedence of the high-handed British rulers of the past and the short-sighted ill-advisers of the present times, so that it is incapable of doing towards the people of India anything that is wise, good, just and humane. On the contrary, it is always ready to do anything that is unwise, evil, unjust and inhuman at the bidding of a handful of mercantile adventurers and those favourite priests of Jehova whose God is the merciless God of Joshua and his gang rather than the Heavenly Father of Jesus Christ, so far as it can do so with impunity. Hence it is useless to expect anything good or great at the hands of the present Government. The only way which is open to us is to choose from amongst ourselves a resolute and capable man for our captain who is endowed by Providence with sufficient wisdom, goodness, energy and divine grace to steer the storm-tossed vessel—India as we to-day—to a safe harbour. And this man is, I doubt not, MAHATMA GANDHI.”

*Young India, March 30th, 1922.*

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