

**VINAYAK DAMODAR SAVARKAR**

(FROM H. D. SPECIAL VOLUME 60 OF 1908-1909.)

The following letter gives us an idea about the arrest of Ganesh Damodar Savarkar and subsequent search of his house at Nasik : —

**Confidential.**

No. S. B./461 of 1908.

POLICE COMMISSIONER'S OFFICE :

Bombay, 21st October 1908.

My dear Bowen,

Your confidential D. O. dated 16th instant. Ganesh Damodar Savarkar was arrested on the 12th June last near the Esplanade Police Court for being a member of an unlawful assembly, during Tilak's trial in Aston's Court. Before this I was having enquiries made regarding an alleged seditious publication by Vinayak Damodar Savarkar, brother of Ganesh Damodar Savarkar. On his arrest Ganesh was searched and on his person among other papers, one copy of " How the Russians Organise a revolution " was found. Inspector Favel was sent the same day to Nasik with a note from me to the Collector, asking that the house might be searched. It was searched by the police and the books under reference were taken charge of on 13th idem, an application was made to Aston to authorise the police to investigate in the matter of the alleged seditious publication, which was granted. The books under reference were not however taken charge of under any warrant or process of any court.

Yours sincerely,

(Sd) H. G. GELL.

J. C. P. Bowen, Esq.

The District Superintendent of Police, Nasik, wrote the following letter to the District Magistrate, Nasik : —

C  
No. — of 1909.  
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From

I. G. FOARD, Esq., District Superintendent of Police, Nasik ;

To

A. M. T. JACKSON, Esquire, District Magistrate. Nasik.

Nasik, 31st March, 1909.

Sir,

I have the honour to forward copies of translation; of eight letters from Vinayak Damodar Savarkar now in England studying for a barrister to his brother Ganesh Damodar Savarkar of Nasik, in whose house the original letters and some seditious correspondence were found on the 2nd instant. Among the correspondence is a copy of the Manicktolla Bomb Formula.

2. It will be seen from these letters that Vinayak has repeatedly asked his brother Ganesh to send him the Bande Mataram Essay. The manuscript of this essay was also found among the correspondence in Ganesh's house. It is written with pencil in the Balbodh Character. It has been shown to an expert in handwriting in Bombay who says it is identical with that of Ganesh, other specimens of whose handwriting were shown to him.

3. A translation of the essay, Exhibit No. 11, accompanies from which it will be seen that the language is most violent.

4. Vinayak Damodar Savarkar is a well known rank extremist and it will be observed from one of his letters to Ganesh, that he advocated a defiant stand being made by the extremists, should Government prevent the holding of the Congress at Nagpur in December last.

5. Ganesh Damodar Savarkar is now on trial under sections 121, 121A and 124A, Indian Penal Code. But apart from the offences he

is at present charged with, the correspondence seized in his house after his arrest, fairly indicates that he has been conspiring with others to subvert British rule in India.

6. I would, therefore, beg to suggest that Government may be moved to ask the Home Authorities to have the belongings of Vinayak Damodar Savarkar, whose address is Indian House, London, thoroughly searched for incriminating documents in English and Marathi. "

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BOMBAY GOVERNMENT'S LETTER TO THE GOVERNMENT OF  
INDIA

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,  
Home Department.

Sir,

I am directed to forward for the information of Government of India copies of translations of eight letters from Vinayak Damodar Sawarkar of India House, London, to his brother Ganesh Damodar Sawarkar of Nasik. The original letters were found by the police in Ganesh's house together with some seditious literature. Among the latter was a copy of the Manicktolla Bomb Formula and the manuscript of the Bande Mataram Essay. A translation of the essay also accompanies, from which it will be seen that it is couched in most violent language.

2. Vinayak Damodar Savarkar sailed for England in June 1906, having accepted one of the lectureships of Rs. 1,000 offered by Shyamji Krishna Varma. Since his arrival in England he has translated into Marathi the autobiography and political views of Joseph Mazzini, which he sent to his brother Ganesh to have printed and published at one of the local presses at Poona, and is said to be now engaged in writing a book on the Indian Mutiny, and it is probable that the book will be of such a nature that it will be advisable immediately to suppress it.

3. It is a well known fact that a considerable amount of seditious literature finds its way into India from the India House, and I am to suggest that copies of this correspondence may be

forwarded to the Indian Office for information and such action as may be found fit.

4. I am to add that Ganesh Damodar Savarkar is being prosecuted by the Bombay Government under sections 121, 121A and 124A of the Indian Penal Code and he has been committed to the Sessions by the District Magistrate, Nasik, on the following charges : —

(1) That on the 18th March 1908 he attempted to excite disaffection against the King and Government by publishing poems called " Laghu Abhinava Bharat Mala. "

(2) That he abetted the waging of war against the King.

(3) and that in December 1908 at Nasik he was concerned in a conspiracy with Luxman Vasudeo and others to wage war against the King.

I have etc.....

Ag. Secy, to Government."

The case was heard by Mr. C. B. Kennedy, Sessions Judge, Nasik. The whole case was directed against the poems published by G. D. Savarkar under the name " Laghu Abhinav Bharat Mala". 3,000 copies of the book were published. The accused was not the author of the poems but the owner of the copy right. His name appeared as publisher. The accused accepted responsibility for the contents of the documents. The poems were hymns intended to be sung at the festivals of Ganpati and Shivaji.

The Judge thought that publishing of the poems was a crime under sections 124A and 121A of the Indian Penal Code and sentenced Savarkar to undergo transportation for life and to forfeit all property to the Crown. Under section 124A he was sentenced to undergo two years' R. I., the sentence to run concurrently with that passed under section 121A. The sentence was passed on 8th June 1909.

Ganesh D. Savarkar appealed to the High Court against this sentence. The Judges were Justice Chandavarkar and Justice Heaton. Both of them concurred with the Sessions Judge and confirmed the sentence on 18th November 1909.

## V. D. SAWARKAR ARRESTED IN ENGLAND

(FROM H. D. SPECIAL FILE NO. 60-A, 1909 to 1922.)

The letters written by V. D. Savarkar to his brother G. D. Savarkar were produced as evidence against the latter during his prosecution. Government then considered how far it would be possible to prosecute V. D. Savarkar, who was then studying for the Bar in England.

The question was how to get Savarkar arrested in England. It could only be done under the Fugitive offenders' Act of 1881. The matter was referred by Government to the Advocate General for his opinion and he expressed the view that the Act could not be applied to V. D. Savarkar. The matter was then referred to the Legal Remembrancer who suggested the following : —

" The practical course on the Advocate General's opinion is as follows : —

Lay information before a Magistrate that the person whom it is sought to apprehend is a Native Indian subject of His Majesty, and has conspired to deprive the King of the Sovereignty of British India or any part, thereof, an offence punishable under section 121A of the Indian Penal Code and obtain a warrant under section 75 of the Code of Criminal Procedure directed as required by section 77. The necessary evidence available in India should be before the Magistrate under section 29 of the Fugitive Offenders' Act, preferably in the presence of the Police Officer to whom the warrant is addressed and to whom it is desired that the fugitive should be delivered. The police officer with the warrant and the evidence should then apply for an endorsement of the warrant to the Secretary of State, or a Bow street Magistrate, under section 3 of the Fugitive Offenders' Act.....".

The Evidence against V. D. Savarkar after he left India for England was as follows : —

(1) He was the Manager of the India House kept by Krishna Varma, the Editor of the Indian Sociologist.

(2) On 8th January 1909 he was present at the Guru Govind Singh meeting in London and made a speech " inciting the Sikhs to rise against the Indian Government. "

(3) He organised the meeting at which what is known as the Khalsa leaflet was distributed.

(4) Letters alleged to have been written by him to his brothers at Nasik.

(5) Certain seditious speeches delivered by him during the first five months of 1906.

Shri G. D. Savarkar was undergoing his sentence in the Yeravda Central Prison. He gave evidence that the letters found with him were written by his brother V. D. Savarkar.

The case being thus prepared, proceedings were undertaken against V. D. Savarkar in England under Fugitive Offenders' Act.

" On 20th April 1910, at Bow Street Police Court before Sir A. de Rutzen, V. D. Savarkar, 24, an Indian Law student was charged on remand as a fugitive offender with sedition and abetment of murder in India.

Mr. Bodkin and Mr. William Lewis appeared on behalf of the Director of Public Prosecutions, Mr. Reginald Vanghan defended.

The prisoner was remanded until Saturday.

The case was resumed on Saturday, Mr. Bodkin, in opening the case, said that the proceeding had been taken at the request of the Indian Government.

A provisional warrant for the prisoner's arrest was granted at the Court on February 22 upon receipt of a telegram from India, stating that a warrant had been issued by a Magistrate in Bombay.....The original warrant which was granted in India on February 8, charged the prisoner with five offences under the Indian Penal Code, all of which came within the Fugitive Offenders' Act of 1881. The first charge was of waging war or abet the waging of war against, the King in India. The second charge was to conspire to deprive the King of the sovereignty of British India or any part of it. The third charge was for collecting arms or ammunition or otherwise waging war against the King. The fourth charge was of spreading disaffection against Government established by law. The fifth charge was of abetment of murder.

It was alleged that a large number of speeches had been made at Nasik and elsewhere exhibiting a great hostility to the Government in India and inciting the people there to acts of violence for the

purpose of subverting the Government. The prisoner was represented to have said, " Are there no weapons except arms ? There are many which need not be more fully explained here."

" Though we were made armless, still we require arms when we have determined to overthrow the Government we want weapons.....Let us fight with weapons. It means that we must preserve our religion."

FROM " DAILY EXPRESS " OF 2ND MAY 1910

" The documents received from India in support of the case included the deposition of a man named Chatterbhuji, who told a striking story of happenings at India House.

" Chatterbhuji spoke of his relations with Savarkar at that address He gave the names of several persons who used to attend meetings there and described the character of the proceedings. It is made clear by the deposition that Savarkar took a prominent part in these meetings, presiding on some occasions and making speeches of a revolutionary character.

" Chatterbhuji referred at length to a book printed at India House. It was illustrated and on one occasion Chatterbhuji asked what the pictures were. Savarkar replied, ' Pictures are pictures '.

' The book was circulated by post, and Savarkar said he must not address any of the wrappers, as his handwriting was known to officials in India. He stated also that none of the books was to be posted at Highgate or in the neighbourhood.

" Chatterbhuji was made a member of a secret society of which Savarkar and one of his brothers were the founders. He described his initiation, and the objects of the society which included the levying of war.

" He declared that while he was at India House on February 14, Savarkar and another man prepared a parcel which he afterwards took to Bombay and delivered to a man whose name he gave. He made other statements of an important character, clearly indicating Savarkar's intentions.

"Mr. Bodkin included in his evidence a translation of some parts of Savarkar's book on the Mutiny and he corroborated

the statements as to Savarkar's connection with the Mitra Mela, a secret society in India. He also referred to certain visits to Krishnavarma in Paris and to the Dhingra incident."

FROM " TIMES " OF 13TH MAY 1910

" The case was completed at the previous hearing and the Magistrate now ordered the prisoner to be returned to India for trial, and said he would be allowed the usual 15 days in which to appeal, but if his advisers should require further time in which to make the necessary preparations he was sure that any application on the subject to the Home Office, would be duly considered."

FROM " TIMES " of 25TH MAY 1910

" Mr. A. Powell K. C. and Mr. J. M. Parikh moved for a writ of Habeas Corpus on behalf of Vinayak Damodar Savarkar who had been committed by Sir Albert de Rutzen for removal to India under the Fugitive Offenders' Act of 1881. This was before the High Court of Justice, King's Bench Division before the Lord Chief Justice of England, Mr. Justice Pickford, and Mr. Justice Coleridge. The Solicitor General (Sir Rufus Isaacs K. C), Mr. Rowlatt, and Mr. Bodkin showed cause ; Mr. Powell K. C. and Mr. J. M. Parikh appeared in support of the Rule.

" The Solicitor General deposed that in the affidavit of Chatterbhuj it was stated that at the meetings at India House, the means suggested for independence of India and driving the English out of India were the collection of arms and the killing of Englishmen by arms or bombs, and it was said that the deaths of 15 natives did not matter if they resulted in the death of one Englishman. Buttons inscribed " to Martyrs of 1857 " were distributed. The applicant had shown him certain books dealing with the manufacture of Bombs. At dinner one evening one of the boarders said he had assaulted Sir William Lee Warner, that the Police would probably come, and suggested that any thing against the Government should be concealed. In consequence Savarkar called the deponent into his room and gave him three bottles and two packets of powder, and asked him to pour the contents of the bottles on to the ground when nobody was watching, warning him that they were dangerous. A week before the deponent left for India the applicant persuaded him to become a member of the secret society. He took him to a room and closed the door from the inside. He then placed a lamp with ghee in it on the mantelpiece, and put a picture of Shivaji on it. He poured

water into the hollow of the deponent's palm, reciting Sanskrit sloks and translating them into Hindustani. He told him his duties were to be ready to wage war against the Government with such weapons as he might have, sacrificing life, family and possession. The deponent said he took the oath, but had now released himself from it in his own mind. The applicant gave him a parcel of 20 Browning pistols to take to India and hand it over to the addressee, which he did. The Solicitor General said that these pistols were useless for sport and could only be used for killing men. The pistol with which Mr. Jackson was shot had been ascertained to be one of these 20 pistols. These men had been executed in respect of this murder. In one of his letters Savarkar suggested that they should make India independent, and that the one who did the most to obtain that result should be made the monarch.

After some further argument the Lord Chief Justice gave his judgment, regarding the rule of *nisi* for a writ of *habeas corpus* obtained at the instance of Vinayak Damodar Savarkar, directed to the Governor of Brixton Prison. The Judge came to the conclusion that even if Mr. Powell, the Defence Counsel, was right in saying that the applicant did not come within the term of section 2 of the Act, that he came within the terms of the Act as applied by section 33 to a different set of circumstances. He, therefore, was of opinion that there were no grounds under section 10 for declining to send the applicant to India for trial.

Mr. Justice Pickford delivered judgment to the same effect. Mr. Justice Coleridge also concurred."

" TIMES " OF 17TH JUNE 1910

An appeal from the above judgment of the Divisional Court discharging a rule *nisi* for a writ of *habeas corpus* was made to the Court of appeal consisting of Lord Justice Vanghan Williams, Lord Justice Fletcher Moulton and Lord Justice Buckley. The Court dismissed the appeal on the ground that as the notice stood there could be no appeal. They gave Mr. Powell leave to serve short notice of an original motion under the Fugitive Offenders' Act, 1881, for next day morning.

FROM " TIMES " OF 22ND JUNE 1910

The Court having allowed a preliminary objection to the hearing of the appeal and having on that ground dismissed the appeal, the case was continued in the shape of an original application under the

Fugitive Offenders Act, 1881, its proper title now being " Application under the Fugitive Offenders' Act, 1881—Ex-party Vinayak Damodar Savarkar."

In concluding the judgment, Lord Justice Vanghan Williams said, " But in a case connected so much with India as this is, the *prima facie* right to trial in England is overridden by the facts of this case, which show that India is the locality of the seditious conspiracy which resulted in murder. I decline entirely to hold that Savarkar is likely to get an unfair trial before the special court of three judges. In fact, I adopt in the main the dicta as to the questions arising in the dicta of the Majority of Judges in the King's Bench Division. I conceive I may do this although we have no sort of appellate jurisdiction in respect of this matter."

Lord Justice Fletcher Moulton and Lord Justice Buckley delivered judgment to the same effect.

With the consent of the Solicitor General, it was arranged that the warrant should not issue for seven days.

### PRISONER SAVARKAR ATTEMPTS TO ESCAPE AT MARSEILLES

(FROM H. D. SPECIAL FILE No. 60 B OF 1910.)

*Reuter published the following news : —*

I

London July 11.

It transpires that Savarkar made a desperate attempt to escape from the " Morea " at Marseilles. He squeezed himself naked through the bathroom porthole and fled along the quay. He was caught by a gendarme.

II

London July 19.

Paris telegrams state that as a result of an official enquiry into Savarkar's escape at Marseilles, the French Government, in view of

the fact that he was actually on soil, have requested the British Government to suspend the trial till full report of the case is received. It is stated that according to International law it may be necessary to bring Savarkar back to France for extradition.

### "POSTPONE SAVARKAR'S TRIAL"

*Telegram dated 20th July 1910 from Secretary of State to Governor of Bombay :—*

" A very awkward point has been raised by the French Government as to the recapture of Savarkar on French soil. We shall promise to examine their arguments, but meanwhile, during the examination, these circumstances point to your judicial proceedings being temporarily suspended. This might be done as quietly as possible, without any reasons being publicly given."

*Telegram dated 22nd July 1910 from Secretary, Bombay Government to Nasik :—*

" You are directed not to proceed with complaint against Savarkar pending further orders. Please inform Montgomerie and Davar. Warn them not to discuss the matter."

*Telegram from Secretary of State to Governor of Bombay, dated 22nd July 1910 : —*

" With reference to the case of Savarkar, I am advised that, under the Indian Criminal Law, it rests with the Court that issued the warrant to determine the course of trial. I have therefore to request that you will cause an application for the postponement of the trial to be made, on the ground that an international question has been raised which it is desirable to settle before the commencement of the trial."

*Telegram from Governor of Bombay to Secretary of State, dated 23rd July 1910.*

" Savarkar. Your telegram dated 22nd instant. The proceedings in the Magistrate's Court at Nasik will be postponed. I trust, however, that an early settlement may be possible, as delay will be inconvenient legally and gravely disadvantageous politically."

## HAPPENINGS OF THE ESCAPE AND RECAPTURE

How Savarkar tried to escape at Marseilles can be gathered from the statements of —

(1) C. J. Power, Esquire, Deputy Superintendent of Police, on Special Duty to the Deputy Inspector General of Police, C.I.D.

(2) Head Constable Mahomed Siddik of the C.I.D., Poona.

(3) Amarsing Sakharamsing, Head Constable, IV Grade, Nasik Police States.

(4) Inspector Edward Josh Parker, Detective Inspector of Police. New Scotland Yard, London.

*The following summarises the above Statements: —*

Inspector Parker was deputed by the Commissioner of Metropolitan Police, at the request of Government of India to accompany Mr. Power to Bombay and to assist him in looking after Prisoner V. D. Savarkar. Although provided with First Saloon Passage, Parker travelled in the Second Saloon so as to help Mr. Power in looking after the prisoner. There were two native Head Constables named Siddick and Sing to form part of the escort. Mr. Power, Savarkar and Parker occupied the same Cabin. It was a four berthed cabin. Savarkar and Parker occupied the lower berths and Mr. Power the one above Savarkar's. The party left Tilbury in s. s. Morea on the 1st July, 1910. They touched at Gibralter on the 5th July and stopped there about four hours from noon to 4 p.m. They reached Marseilles about 10 a.m. on 7th July. The vessel was moored alongside the quay in the dock. As soon as the party arrived a French Police official, " Henri Leblais, Commissarie Adjoint de "Emigration, 37, Boulevard des Dames—Marseilles " went on board and met Parker. He produced an official letter addressed by the Commissioner of Police, London, to the Chief of Police, Paris, representing that precautions be taken to prevent, any demonstration or attempt on the part of Savarkar's friends resident in France, to interview him or to facilitate his escape during the time the Morea remained at Marseilles. The Commissarie promised Parker every assistance. He took him ashore and introduced Parker to the Police officials stationed on the Quay whom he directed to render Parker any assistance that might be found necessary. Parker spoke French and could converse in that language.

The morning after the arrival at Marseilles (8th July) at about six o'clock, Savarkar got out of his berth. Parker sat up in his berth and asked him to see what time it was by his watch which was lying on a cabinet in the cabin. Savarkar said it was 6-15 and returned to his bed. Parker remained half awake. About a quarter of an hour later Savarkar said he wanted to go to the water closet. Parker unlocked the cabin door and took him in the direction of the lavatory. The two head Constables Siddick and Sing were standing near the kit boxes which were kept in the passage about 12 feet beyond the entrance to the lavatory. Parker beckoned to them. They both approached him at a quick pace buttoning their coats as they came along. Savarkar and Parker entered the lavatory and were followed immediately by the two Head Constables. Parker allowed Savarkar to enter 'one of the water closets the door of which was open. It was the second one from the end, opposite the urinals. Savarkar closed the door. Parker stepped on the platform of the urinal and could see Savarkar on the seat through the opening over the door which was about 18 inches wide. Parker noticed that the port hole in the W. C. in which Savarkar was seated, was shut. All the port holes were closed owing to the steamer having coaled during the night. Parker then directed Sing to stand up on the platform and keep an eye on Savarkar from there. Siddick was standing at the door of the W. C. between Sing and Savarkar. Parker returned to the cabin to dress himself.

There was an opening of about three inches at the top and bottom of all the closet doors. Sing peeped under the door and saw two slippers as if the person who wore them was seated. Sing concluded it was Savarkar, but to make sure he stood on a urinal and peeped through the opening over the door. He saw Savarkar's body half through the port hole. He shouted at him and tried to force the door open but it would not yield. Two panes of glass broke in the door. Simultaneous with Sing's attempt to force the door, Savarkar disappeared through the port hole. Sing immediately raised an alarm and ran on deck to secure Savarkar. Head Constable Siddick also went with him. They ran on the quay. Savarkar landed on the quay as these two appeared on the deck. The side of the ship was about 10 to 12 feet from the quay. Savarkar had to swim that distance to reach land. As soon as he landed on the quay he commenced to run. Mahomed Siddick and Sing ran after him shouting "Catch him", "Catch him". Some of the ship's crew joined in the chase. Savarkar ran for about 200 yards and then stopped partly from exhaustion and partly owing to his progress being blocked by a number of Frenchmen who were employees of the dock. A gendarme on the quay also joined in the pursuit. They all came

up together. Sing seized Savarkar by the back of the neck, the second Saloon Head Steward of the " Morea " seized his right wrist and the gendarme his left wrist. Savarkar said to the gendarme " Take me into your custody. Assist me. Take me before a Magistrate ". The gendarme did not understand English and none of the others could speak French. They took him back on board the Morea and went straight to Power's cabin. The door of the cabin was closed. Some one knocked at the door. Mr. Parker opened it and found Savarkar standing outside the cabin door guarded by a gendarme, the two head constables and some of the Ship's Stewards. Savarkar's clothes were quite wet. Head Constable Sing reported what had happened to Power in Hindustani. Mr. Power informed Parker that Savarkar had escaped through the port hole of the W. C. and had been captured on the quay. Parker afterwards was informed by the French Police Officer who accompanied Savarkar on board, that he had seen Savarkar running along the quay and had stopped him and brought him back to the ship. Later in the day Commissaire M. Le Blais came and saw both Mr. Power and Parker, inspected the W. C. from which Savarkar had escaped and said he would have to report the matter to the French authorities. The ship remained at Marseilles until 11 a.m. the next day when she sailed for Port Said. Between the second visit of Mr. M. Le Blais and the departure of the ship nothing transpired. No other French official came to make any enquiries about the matter. After Savarkar was brought on board. Parker telegraphed to Superintendent Quinn, New Scotland Yard as follows : " Prisoner attempted escape. Recaptured. Report follows. "

Savarkar was then securely handcuffed and kept under very strict guard. As all through the period of this episode Mr. Power was sleeping in the Cabin without any knowledge of what had happened, he was called upon by Government to state what measures he took for the security of the prisoner generally and what special measures he prescribed while the " Morea " was in port.

In reply, Power supplied Government all the details of Savarkar's life on board the ship.

#### SHOULD SAVARKAR'S TRIAL BE SUSPENDED ?

Regarding Savarkar's trial *Government of India* sent a telegram to London as under on 3rd August 1910 : —

"Could approximate date decision Savarkar be assigned? Arrangements here much affected. Presume Lammirande Case Canada 1866 strictly analogous but more in our favour has been considered."

*The Secretary of State* sent reply to the above on 4th August 1910 : —

"Your telegram of the 3rd August. We must consult Law Officers, but the particulars asked for below must be communicated to us before this can be done. It is now stated by the French Government that Savarkar's escort, on his attempting to escape at Marseilles, pursued him for about 400 metres on land and helped his capture, the French policeman, to take him back to the ship, although he was not actually arrested by them. A minute discription is urgently required of their action from the time when the attempt became known to them until the completion of the recapture. I shall be glad to receive immediately by telegram a full narrative of events with all possible detail."

*Government of Bombay* sent a detailed telegram on 5th August describing the escape episode. The details in the telegram were similar to facts detailed above. The telegram added :—

" Regarding Magesterial Proceedings, now in abeyance, is there any objection to continuing investigations ? Proceeding can be stopped short of committal pending conclusion negotiations which would not be prejudicial. If Savarkar not surrendered, High Court can proceed with case jointly with that of other accused.. If investigation postponed inconvenience and delay will be serious."

*Secretary of State* sent a reply to the above telegram on 12th August as under : —

" Savarkar. Your telegram of 5th August. Case is about to be submitted to Law Officers. Investigation by Magistrate must, therefore, be suspended for the present."

After a few exchanges of telegrams seeking to find out whether it was the French Gendarme who first caught Savarkar or it was the Indian Constable who did it, the *Secretary of State* telegraphed to Bombay on 31st August 1910, as under : —

"No application by the executive for further adjournment in the case of Savarkar is necessary, as French Government will be told that proceedings in Court cannot be stopped but that, if the conclusion arrived at on the international issue should require it, we shall still be able to restore him to their jurisdiction after judgment has been pronounced."

THE CONSPIRACY CASE  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.  
CRIMINAL JURISDICTION.

*Joint Charges against :—*

1. Shankar Balwant Vaidya.
2. Damodar Mahadeo Chandratre.
3. Purushottam Laxman Dandekar.
4. Vinayak Kashinath Gaidhani.
5. Vishnu Ganesh Kelkar.
6. Narayan Damodar Savarkar.
7. Kashinath Daji Tonpe.
8. Ramchandra Babaji Kathe.
9. Gopal Krishna Patankar.
10. Vinayak Sadashiv Barve.
11. Gopal Govind Dharap.
12. Sakharam Dadaji Gorhe.
13. Vinayak Vasudev Manohar.
14. Govind Sadashiv Bapat.
15. Vishnu Mahadeo Bhatt.
16. Trimbak Gangadhar Marathe.
17. Purashuram Waman Gokhale.
18. Keshav Shripat Chandavadkar.
19. Vinayak Kashinath Phulambrikar.
20. Shridhar Vasudeo Shidhaye.
21. Hari Anant Thatte.
22. Krishnaji Gopal Khare.
23. Trimbak Vinayak Jog.
24. Vinayak Govind Tikhe.
25. Vyankatesh Parsuram Nagpurkar.
26. Gangaram Rupchand.
27. Vaman Kashinath Palande.
28. Damodar Chintaman Paranjape.
29. Raghunath Vidyadhar Bhawe.
30. Shankar Pandurang Mahajan.
31. Anant Vishnu Konkar.
32. Raghunath Chintaman Ambdekar

33. Vishwas Balwant Davr.
34. Mukund Pandurang Moghe.
35. Keshav Ganesh Paranjape.
36. Balvant Ramchandra Barve.
37. Sakharam Rangnath Kashikar.
38. Vinayak Damodar Savarkar.

These persons were charged for attempting to wage war, collect arms etc. and hatching a plot for the conspiracy. Besides the common charges levelled against the 38 persons including V. D. Savarkar. the latter was charged separately under articles 121, 121-A as also that " at London during the year 1909 you aided and abetted the murder of Mr. A. M. T. Jackson which was committed at Nasik on 24th "December 1909 and thereby committed an offence punishable under sections 302 and 109 of the Indian Penal Code and within the cognisance of the High Court of Bombay."

The Magistrate directed on 10th September 1910 that Savarkar be tried by the Special Tribunal of the High Court of Judicature at Bombay.

#### SECOND TRIAL SHOULD NOT BE DEFERRED

Government of India sent the following telegram to Government of Bombay on 6th December 1910 :—

"Your telegram of November 28th. Savarkar. I agree that charge of conspiracy is rightly being tried first, but I cannot admit expediency of deferring separate charge of abetment of murder until decision of Hague Tribunal is known. Delay may be used against us in the course of the arbitration proceedings and may raise troublesome question of political crime which British care seeks to avoid by giving prominence to Savarkar's Complicity in Mr. Jackson's murder. It may also be argued that suspension by the intervention of Government until the decision of Hague Tribunal is known of a charge which was placed before the Court by the order of commitment, is inconsistent with our previous refusal to postpone proceedings before Nasik Magistrate on the ground that executive Government has no power to interfere with the proceedings in Court. I, therefore, am clear that you should proceed in ordinary course with the separate charge of abetment of murder as soon as conspiracy trial is over. The Arbitration tribunal does not meet till February 12th and must give its decision within thirty days from that date."

Government of Bombay replied by telegram, on 9th December 1910 as under : —

" Your telegram December 6th. Savarkar. It should be clearly understood that there is chance of acquittal on charge of abetment of murder whereas in all probability sentence on conspiracy charge will be transportation for life which would be probable maximum on conviction on the other charge. If such a sentence now given effect might naturally be to induce leniency at a second trial. Political effect of second trial would be most unfortunate as virt-dictiveness of Government would be alleged. In any case owing to dislocation and heavy arrears of ordinary work of High Court through three judges having been engaged on conspiracy case continuously for 3 months, it seems most probable that High "Court will refuse to hear charge at once and may fix date coinciding with or subsequent to arbitration. We urge that decision as regards second trial may be postponed till present trial has ended."

Government of India replied to the above on 13th December 1910 as under:—

"Your telegram of the 9th instant. Savarkar. After careful consideration I cannot accept your reasons for postponing trial for abetment of murder and in view of political crimes involved I must ask you to take steps to place the case before the court at the earliest moment and to leave to the court the responsibility of dealing with it judicially. You will no doubt inform Chief Justice importance attached by His Majesty's Government to not prejudicing case before Hague Tribunal and giving ground for importation of bad faith on our part."

Bombay Government replied to the above on 15th December 1910 as under : —

" Your telegram of 13th instant. Savarkar. Your instructions will be carried out. Please instruct Wallinger in England not to leave but await letter reaching 31st December."

## THE SENTENCE PASSED IN THE CONSPIRACY CASE

The Special Bench of the High Court which tried the Nasik Conspiracy Case consisted of—

1. The Hon. The Chief Justice.
2. The Hon. Sir N. G. Chandavarkar.
3. The Hon. Justice Heaton.

The Special Tribunal tried the case and gave the judgment on 24th December 1910. The following sentences were passed on the accused : —

1. Vinayak Kashinath Gaidhani	
2. Ramchandra Babaji Kathe	
3. Govind Sadashiv Bapat	
4. Hari Anant Thatte	
5. Shankar Pandurang Mahajan	Acquitted and discharged.
6. Mukund Pandurang Moghe	
7. Keshav Ganesh Paranjape	
8. Trimbak Vinayak Jog	
9. Vinayak Damodar Savarkar	Transportation for life.
10. Keshav Shripat Chandwakdar	Transportation for 15 years.
11. Gopal Krishna Patankar	R. I. for 10 years.
12. Krishnaji Gopal Khare	R. I. for 10 years.
13. Trimbak Gangadhar Marathe	R. I. for 10 years.
14. Vyankatesh Parshram Nagpurkar.	R. I. for 7 years.
15. Vishnu Mahadeo Bhat	R. I. for 5 years
16. Purushottam Laxman Dandekar	R. I. for 5 years
17. Damodar Mahadeo Chandratre	R. I. for 5 years
18. Sakharam Dadaji Gorhe	R. I. for 5 years
19. Gopal Govind Dharap	R. I. for 5 years.
20. Shidhar Vasudeo Shidhye	R. I. for 4 years.
21. Raghunath Vidyadhar Bhave	R. I. for 4 years.
22. Damodar Chintaman Paranjape	R. I. for 4 years.
23. Vaman Kashinath Palande	R. I. for 4 years.
24. Vishnu Ganesh Kelkar	R. I. for 3 years.
25. Kashinath Daji Tonpe	R. I. for 3 years.

26.	Parashram Vaman Gokhale	R. I. for 3 years
27.	Anant Vishnu Konkar	R. I. for 3 years
28.	Vishwas Balwant Davre	R. I. for 3 years
29.	Vinayak Govind Tikhe	R. I. for 2 years.
30.	Balwant Ramchandra Barve	R. I. for 2 years.
31.	Sakharam Rangnath Kashikar	R. I. for 2 years.
32.	Narayan Damodar Savarkar	R. I. for 6 months
33.	Vinayak Vasudeo Manohar	R. I. for 6 months
34.	Gangaram Rupchand Marwari	R. I. for 6 months
35.	Raghunath Chintaman Ambdekar.	R. I. for 6 months
36.	Shankar Balwant Vaidya	Acquitted.
37.	Vinayak Barve	Acquitted.
38.	Vinayak Kashinath Phulambrikar.	Acquitted.

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#### SENTENCE UNDER CHARGE OF ABETMENT OF MURDER

The second case against V. D. Savarkar was heard by the special bench of the High Court and he was sentenced to another transportation for life. The following is the judgment given by the special bench: —

(EXTRACT FROM SECRET ABSTRACTS, 1911, PAGES 219 TO 223,  
C. I. D., BOMBAY.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

SPECIAL BENCH CASE No. 1 OF 1911.

Emperor *versus* Vinayak Damodar Sawarkar

(Charge of Abetment of Murder)

*Judgment.*—On the 10th of September 1910 Vinayak Damodar Sawarkar was committed for trial before a Special Tribunal upon charges framed by the Magistrate under sections 121 and 121-A of the Indian Penal Code and also on a charge of abetment of murder under sections 109-and 302.

Upon the charges under sections 121 and 121-A the accused was tried by this Tribunal jointly with a number of other persons in a trial which concluded last month and resulted, so far as Sawarkar is concerned, in a conviction under both sections 121 and 121-A. One of the chief matters investigated in that trial was the despatch from London by Sawarkar of parcel of twenty Browning pistols with ammunition for the same and their reception, distribution and use in India, it being incidentally proved that one of the pistols was used in the murder of Mr. Jackson at Nasik on the 21st of December 1908.

As the charge in the present trial is based upon the fact of the despatch of the pistols by Vinayak and their use in the murder of Mr. Jackson, the first point considered by us at the outset of the case was whether the trial on the present charge was not barred by the provisions of section 403 of the Criminal Procedure Code. For the reasons stated in an interlocutory judgment we came to the conclusion which we see no reason to doubt was correct that if the circumstances above referred to brought the case within the scope of any of the sections specially mentioned in section 403 (1) and (2) they fell within section 235 (1) and that therefore section 403 was no bar to the trial.

The charge of abetment of murder framed by the Magistrate has been amended and expanded by the Clerk of the Crown into two charges, putting the case for the prosecution in an alternative form. The first charge is that the accused in London and elsewhere outside British India engaged with certain specified persons and others not specified in a conspiracy for *inter alia* the murder of officials of the Government in India and in pursuance of such conspiracy and in order to the commission of such murders, sent out twenty Browning pistols from London to Bombay about February 1909 in consequence of which Anant Laxman Kanhere murdered an official of the Government in India, namely, Mr. Jackson in December 1909.

The second charge is that the accused conspired with the specified persons and others to overawe by means of criminal force and show of criminal force the Government of India and for that purpose sent out the twenty Browning pistols and that as a probable consequence of the conspiracy and the sending of the pistols, Anant Laxman Kanhere murdered Mr. Jackson.

Either of these charges, if made out, would involve the finding that the accused is guilty of abetment of murder.

The evidence recorded divides itself naturally into two parts : First, that which deals with the early history of Sawarkar in India, his

doings in London and Paris, the despatch of the pistols, their reception in India and the manner in which five of them found their way to Nasik into the hands of Krishna Gopal Karve and his associates, secondly, that which sets forth preparations for and the details of the murder of Mr. Jackson by Anant Laxman Kanhere for the purpose of proving conclusively that one of these pistols was used for committing the murder.

The first branch of the evidence covers much the same ground and leads to the same conclusion in regard to Sawarkar as was arrived at in the conspiracy case above referred to.

The second branch of the evidence covers the same ground as was traversed in the murder case before the Special Tribunal in which Anant Laxman Kanhere and six other persons were tried for the murder of Mr. Jackson with the result that three were condemned to death and three were sentenced to transportation for life.

The evidence shows that prior to 1906 there existed in Nasik under the leadership of Ganesh and Vinayak Sawarkar, an association of young men known first as the Mitra Mela and subsequently as the Abhinav Bharat (or New India) whose objects were revolutionary and aimed at achieving the independence of India and the termination of the British domination. Their chief heroes were Shivaji and Mazzini. For the purpose of spreading their ideas the lives of patriots were read at the meetings of the Society and inflammatory speeches were delivered from time to time by Sawarkar and others. Discussions took place as to how arms could be procured for the purpose of rebellion and certain publications prepared at the expense of the Society were sold, some of which amounted to direct incitement to rebellion.

About the middle of 1906, Vinayak Sawarkar left for England being the recipient of a scholarship given by Shamji Krishna Varma, the founder of the India House at Highgate. Before he left, a party was given in his honour at Nasik at which he made a speech describing his country as steeped in the mire of dependence and stating that his real object in going to a foreign country was to repay the obligations of Hindustan wherein he was born and to be discharged of the debt due to her.

Earlier in the year he had made two violent speeches, one in February at Poona, in which he advised his hearers to follow the dictates of Ramdas and quoted a well known verse of that poet to the effect that they should gather many persons, fill their hearts with one

thought and then together fall on Mlenchas or foreigners. He is reported to have stopped before uttering the last word as he noticed that detectives were present. In the other speech which was delivered at Nasik on the 22nd of April he called attention to a picture of the god Maruti holding a mace in his hand with demon under his feet, whose complexion was white or red (obviously a reference to the colour of the English), and he exhorted his hearers to take up gymnastic exercises of which the god Maruti was the presiding deity.

Shortly after he arrived in England, he completed and despatched to India for publication there a Marathi translation of the life of Mazzini with an introduction in which he pointed out how Mazzini relied upon the youth of the country to obtain independence, and described Mazzini's programme of instruction and war.

In London he took up his residence at the India House and from 1907 to 1909 was a very active member of the group of the Indian revolutionists residing there. He was for a considerable time the manager of the India House.

In May 1908 Sawarkar organised at the India House a meeting in celebration of those who fell on the rebel side in Indian Mutiny. He had mutiny badges prepared and distributed among those present and despatched with the assistance of one Chaturbhuj to India a number of copies of a pamphlet called " Oh Martyrs ", in honour of rebels who fell in the Mutiny. In the same year with the assistance of residents in the India House, he manifolded in type a number of copies of a work describing minutely the manner of preparing explosives and bombs and had them despatched to India by post to various addresses. Early in 1909, he took advantage of the departure of Chaturbhuj Amin for India to conceal in a false bottomed box and despatched with Chaturbhuj a parcel of twenty Browning pistols with ammunition for the same to be delivered to one or other of two addresses in Bombay, one of whom was V. M. Bhat, an original member of the Mitra Mela and a close friend of the Sawarkars. These pistols were of two sizes, the larger size being about the length of a man's hand and the smaller size very much less.

Having regard to the size and nature of these weapons, it is not credible that they were despatched for use in actual warfare. The alternative is that they were despatched for another unlawful purpose, namely murder. This alternative is quite in accordance with the known fact, for before this time Indian revolutionists had resorted to political assassinations; Khudiram Bose and Profula had already committed murder at Muzafferpur in attempting the assassination of

an official and these men were the objects of admiration among members of the Abhinav Bharat Society. This is clear from a composite photograph styled the Rashtrapurush found in the possession of Kashikar, one of the members of the Abhinav Bharat Society, in March 1909, in which Khudiram and Profula and the Chapekar brothers who murdered Messrs. Rand and Ayerst in 1897 are grouped together under the title of Patriots. It is also noteworthy that one of the residents at the India House at this time was Dhingra, who in June 1909 assassinated Sir Curzon Wylie with a Browning pistol. It is proved that Dhingra was a friend of Vinayak Sawarkar at the India House and that subsequent to his execution Sawarkar was pushing the sale of photographs of Dhingra in the form of picture postcards.

Among the collection of English cuttings found in the possession of Sawarkar at the time of his arrest, was one headed, " Ireland honours Madan Lal Dhingra who was proud to lay down his life for the sake of his country " and there were two copies of an article published in the Evening Standard dated the 25th February 1909 containing extracts from a pamphlet in praise of Profula and Khudiram. The accused when asked if he could explain why he had in his possession two copies of this article said that he was concerned with all the calumnies going about him and that one cutting might have come to him from the cutting agency and the other might have been a cutting made by himself. The inference we think is clear that the accused early in 1909 was in warm sympathy with these assassins. Nor is there any reason for thinking that he ever changed his views. For it is proved that early in 1910, he tried to induce Changeri Rao to take with him to India a parcel of 25 Browning pistols and on his refusal persuaded him to take one of these weapons. This parcel was packed in the false bottom of a box brought out to India by Changeri Rao. It also contained a number of copies of the Indian War of Independence which was originally written by Sawarkar in Marathi and translated into English by other residents at the India House. Those copies are mentioned as having been handed to Changeri Rao in a list describing the distribution of this work which was found in Sawarkar's possession at the time of his arrest. Together with this pistol and these copies of the Indian War of Independence, were found several copies of a pamphlet styled " Bande Mataram" in praise of Dhingra in which many passages refer in the clearest language to a conspiracy of Young Indians for the murder of officials. It was apparently written soon after the execution of Dhingra which took place in August 1909 and clearly before the murder of Mr. Jackson to which there is no allusion, although several other political murders in India of recent years are referred to.

One of the earliest passages is, " Young India has once more shown her hand and the world is lost in wonder and admiration. The scene of action is transferred from Bengal to England. Once more the heroism of Young India has struck terror into the heart of Britain".

Among other passages are the following, " Our policy of laying them (the tools of British Government) low with the bomb, the revolver or the dagger ". " Terrorise the Officials English and Indian, and the collapse of the whole machinery of oppression is not far. The initial stage of the revolution is marked by the policy of separate assassination ".

As this pamphlet was found with the other articles proved to have been entrusted by Sawarkar to Changeri Rao for secret conveyance to India we feel no doubt that the copies of the pamphlet came from the same source and represented views with which Sawarkar was in accord. The subsequent history of the pistols so far as it is relevant to this case can be given very shortly. Ganesh Sawarkar at the end of February was aware that the pistols were about to arrive with Chaturbhuj. He communicated this to Patankar, who was one of the associates of Bhat. Chaturbhuj as directed by the accused delivered the letter entrusted to him to Bhat and at a subsequent interview Bhat despatched Patankar with Chaturbhuj to take delivery of the pistols. This was a few days after the arrest of Ganesh Sawarkar, and Patankar, in order to avoid detection, transferred the pistols to Pen where a relation of his took charge of them. Soon afterwards he says that he had a conversation with Kurve, who was a friend with whom he used to talk upon ' national' topics and ' naturally' mentioned to him that a friend had pistols to dispose of. This led to Kurve take over from Patankar first five and afterwards two more of the pistols imported by Chaturbhuj with ammunition for the same. The five pistols first taken over consisted of two large and three small Brownings. They were sent up to Nasik by Kurve and distributed among his associates from time to time and eventually when the murder of Mr. Jackson had been decided upon by his gang principally, it would appear, because he had committed Ganesh Sawarkar for trial, one of the large Brownings was given to Anant Laxman Kanhere, the person selected for doing the deed, and with that pistol Mr. Jackson was murdered by Kanhere in the presence of two of his associates Kurve and Deshpande in a theatre at Nasik on the evening of the 21st of December 1909. All these events from the time of the receipt of the pistols by Kurve are most conclusively proved by the evidence of Ganu Vaidya and the full confession of Kurve and Deshpande corroborated in many details by the evidence of witnesses who are above suspicion.

The view that we take of the action of the accused in sending out the pistols by Chaturbhuj is that he was, to use the words of the *Bande Mataram* pamphlet, taking part " in the initial stage of the revolution " by providing instruments which were suitable for carrying out "the policy of separate assassinations". He sent out the pistols with ammunition with the intention that they should be used for assassination. The result of his action was precisely what he intended and what was naturally to be expected.

In addressing the court at the close of the trial the accused has contended that there was no evidence to establish a conspiracy to murder officials, although he concedes that there is much evidence of a conspiracy to overawe the Government by force, but in the particular circumstances of this case it is established that the conspiracy to overawe included the idea of assassination of officials : as we said in our judgment in the conspiracy case, assassination of officials was a method of attack upon the Government which was rendered possible by Vinayak Sawarkar and the murder of oppressive officers is proved to have been one of the objects of Kurve's gang and of Anant Kanhere, the murderer. We have no doubt that Patankar, who according to his own story, offered some of the Browning pistols to Kurve " naturally" as they used " to talk on national subjects", was fully aware of the purpose for which they had been sent out and the purpose for which they were wanted by Kurve.

The fact that at the time of the despatch of the pistols Mr. Jackson had not committed Ganesh Sawarkar for trial and thus specially incurred the enmity of the assassins or of Vinayak Sawarkar, does not make the accused any the less an abettor of his murder. A man who provided weapons for the murder of any 20 persons answering to a particular description cannot escape punishment for murder, if only one of such persons is murdered with the weapons provided. The action of the accused falls within the provisions of the Penal Code Sections 107 (secondly) and 109. These sections are as follows : —

*Section 107—(Secondly).—*A person abets the doing of a thing who engages with one more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of such conspiracy and in order to the doing of that thing.

*Section 109.—*Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this code for the punishment of such abetment, be punished for the punishment provided for the offence.

The accused engaged with various persons in a conspiracy, having murder of officials as one of its objects in pursuance of which various acts took place, notably the despatch of the pistols, and the murder of Mr. Jackson took place in consequence of the abetment. The accused is therefore guilty of abetment of murder and liable to be punished with punishment provided for the offence.

The fact relied upon by the accused that he did not know Anant Kanhere or any of Kurve's gang who engaged in the conspiracy of murder is no defence, for section 108, Explanation 5, provides as follows : —"It is not necessary to the commission of abetment by conspiracy that the abettor should concert the offence with the person who commits it. It is sufficient if he engages in the conspiracy in pursuance of which the offence is committed.

True Copy.

(Signed) M. R. JARDINE,  
Clerk of the Crown,  
High Court, Bombay,  
3rd February 1911.

The third day of February 1911.

E. P. WHITE,  
Acting Personal Assistant  
to the Deputy Inspector-General of Police.  
Criminal Investigation Department.

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#### NO REMISSION OF SENTENCE FOR SAVARKAR BROTHERS

[FROM H. D. SPECIAL VOLUME NO 60-D (a) OF 1919.]

The Government of India wrote a letter dated 28th February 1919 to the Superintendent Port Blair of their desire to extend clemency to prisoners on the day of the Signature of Peace, after the termination of the first world war.

The Chief Commissioner, Andaman and Nicobar Islands and Superintendent Port Blair, sent in reply to the above the following case history of the Savarkar brothers.

## I

Serial No.	Convict No.	Names.	Offence.
1	32778	Vinayak Damodar Savarkar	121, 121A, 109, 302.
2	31011	Ganesh Damodar Savarkar	124A, 121.

## II

No.	Name.	Conduct in jail.	Present attitude.
31911	Ganesh	His behaviour until 1914 was bad and he was frequently punished chiefly for refusal to work and for possession of forbidden articles. For the last 5 years his conduct has been very good, his only offence having been a minor one in November 1917 for which he was warned.	His present attitude is one of submission to authority but he has never shown any disposition to help in the work of the Jail in the way that the three Bengalees have done. He does the light work of rope making assigned to him and spends the rest of his time in reading. He is not communicative and I have therefore no knowledge as to whether he has renounced his former political views.
22778	Vinayak Damodar Savarkar.	Punished 8 times during 1912, 1913 and 1914 for refusing to work and possession of forbidden articles. For the last 5 years his behaviour has been very good.	He is always suave and polite but like his brother, he has never shown any disposition to actively assist government. It is impossible to say what his real political views are at the present time.

In a third chart are given the details of the physical appearance and other information about the two brothers. Important points in these are :—

*Vinayak Damodar—*

Sentenced on 24th December 1910. Transportation for life (25 years).

(2) Sentenced on 30th January 1911. Transportation for life (25 years).

*Sentencing Court.*—Special Tribunal, High Court, Bombay. Age when convicted 26 years. Height 5' 2<sup>1</sup>/<sub>2</sub>.

*Ganesh Damodar*—

Sentenced on 8th June 1909.

(1) Transportation for life, (2) two years R. I. (Concurrent) by Sessions Judge, Nasik. Age 29, Height 5'-2 <sup>3</sup>/<sub>4</sub>

#### NOTE ON THE SAVARKAR BROTHERS

The following note by the Judicial Department gives important information about Savarkar Brothers : —

"Vinayak Damodar Savarkar and his brother Garesh Damodar Savarkar were the leaders of the secret society founded in Nasik known as Mitra Mela which subsequently developed into the Abhinav Bharat or Young India Society. The Society had branches at Poona, Pen, Bombay, Yeola and Aurangabad. The object and methods of this society have been described in the judgments of the special Branch of the Bombay High Court on the cases known as the Nasik Conspiracy case and the Nasik abetment of murder case. Briefly, the object of the society was to overthrow the present British Government in India. The methods adopted were political assassination, the dissemination of seditious and revolutionary ideas by means of lectures and pamphlets, and the secret collection of arms to be used when opportunity arose.

2. Vinayak, the more dangerous of the two brothers, went to England about the middle of 1906 as the recipient of a scholarship given by Shamji Krishna Varma, the founder of the India House at High Gate. Before he left India he made an inflammatory speech at Nasik at which he described his country as steeped in mire of dependence. In London he took up his residence at the India House. and from 1907 to 1909 was a very active member of the group of the Indian revolutionists residing there. For a considerable time he translated into Marathi the life of Mazzini with an introduction in which he pointed out how Mazzini relied upon the Youth of the country to obtain independence and described Mazzini's programme of instruction of war. He was author of the revolutionary book called the Indian War of Independence in which he described the Indian Mutiny. He also wrote a pamphlet called "Oh Martyrs" in praise of rebels who fell in the Mutiny and distributed copies of it at a meeting organized by him at the India House in celebration

of the rebels. It was he who despatched to India a parcel containing 20 Browning automatic pistols, one of which was used by the murderer of Mr. Jackson, the Collector of Nasik. He was friend of Dhingra, the murderer of Sir Curzon Wylie, and subsequent to the execution of Dhingra he was preaching the sale of photographs of Dhingra in the form of picture postcards. He was prosecuted under sections 121 and 121A, Indian Penal Code, for attempting to wage war and for conspiring with others to overawe by criminal force or the show of criminal force the Government of India and the Local Government, and convicted under both these sections and sentenced to transportation for life. He was also prosecuted under sections 302 and 109, Indian Penal Code, for abetting the murder of Mr. Jackson and sentenced to another term of transportation for life.

3. Ganesh Savarkar, as has been said above, was one of the leaders of the secret society at Nasik and carried on active propaganda of disseminating sedition by means of inflammatory pamphlets. Books dealing with military topics, bomb making and explosives were found in his house when searches were made in 1908 and 1909. He knew the despatch by his brother Vinayak of the Browning Pistols which have been referred to above and had made arrangements for their reception in India, but before their arrival, he was prosecuted in connection with two of the most inflammatory pamphlets of the secret society for attempting to wage war against the King and for sedition, under sections 121 and 124A, I.P.C.. and was sentenced to transportation for life (*vide* judgment at p. 207 of C 1329/09) under section 121 and to 2 years' rigorous imprisonment under section 124A, both sentences to run concurrently. The latter sentence has already expired. As to his former sentence his case falls under clause (ii) of paragraph 4 of the Government of India's letter, and the balance of his sentence can be suspended, if the Bombay Government are disposed to recommend this course, on the condition that he pledges himself to abstain from political agitation or conspiracy in future.

4. The petition submitted by Ganesh Damodar Savarkar to the Bombay Government in 1910 was rejected by Government letter No. 1152, dated 26th February 1910. Similarly the petitions submitted by the wives of the two convicts to the Government of India in 1915 on behalf of their husbands were rejected by the Government of India's letters No. 2328, dated 28th July 1915 and No. 3452, dated 11th October 1915. Another petition to the Bombay Government in 1919 from the wife of Ganesh Damodar Savarkar was also rejected by Government memorandum No. 1028, dated 8th February 1919.

5. In 1911, Vinayak D. Savarkar applied to the Bombay Government for certain concessions in connection with his sentences. By Government letter No. 2022, dated 4th April 1911, his Application was rejected and he was informed that the question of remitting the second sentence of transportation for life would be considered in due course on the expiry of the first sentence of transportation for life.

#### NO REMISSION

The Bombay Government sent the following telegram to the Superintendent, Port Blair on 4th June 1919 : —

' Your 232 of 20th May. Bombay Government do not recommend any remission of the sentences passed upon Ganesh Damodar Savarkar and Vinayak Damodar Savarkar.' "

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#### SAVARKAR BROTHERS EXCLUDED FROM ROYAL AMNESTY

[FROM H. D. SPECIAL VOLUME NO. 60-D (b) OF 1919-1920.]

#### *India Government on proposed Royal Clemency*

The Government of India sent to Bombay Government a telegram No. 2545, dated 4th December 1919. The important portion of the telegram is as under :—

"The Secretary of State proposes that the passing of the Government of India Bill should be accompanied by a Royal Message to the people of India and that the occasion should be marked by an act of Royal clemency to political prisoners and by removal of all restrictions now imposed under the Press Act, the Defence of India Act, the Seditious meetings Act Regulation III and other similar enactments and ordinances ; the intention is that whatever exceptions are made they should be as few as possible. The power of Government under the legislation would continue unaffected for use in case of necessity.

By the term ' other similar enactments and ordinances' the Government of India understand Ingress into India Ordinance, Madras Regulation II of 1819 and Bombay Regulation XXV of 1827, but not the Foreigners Act or our Foreigners Ordinance.

Will you please inform the Government of India of local Government's views immediately ? Matter very urgent. We have promised reply to Secretary of State 9th. The hope underlying the suggested policy is that frank manifestation of clemency and trust may disarm hostility and promote success of Reforms. Government of India feel sure that local Government will give full weight to such consideration and at the same time take full account of danger of disorders".

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The Bombay Government sent telegram No. 1413, dated 8th December 1919 in reply to the above telegram : —

" Government of Bombay are unable to entertain any sanguine anticipation of substantial results from proposed Act of clemency in present political situation. Public feeling aroused as a result of proceedings of Hunter Committee, return of Tilak and announcement by him of policy of intensive agitation. Whatever concessions may be made, postponement of Turkish settlement and other circumstances have created political atmosphere unfavourable to success of proposal. Government of Bombay are, however, prepared to accept general policy of Amnesty subject to following remarks.

Political Prisoners as defined in your telegram. Government agrees to grant of free pardon to all such prisoners for crimes committed in jurisdiction of Bombay Government, with exception of Savarkar Brothers who were both leaders of the Nasik Revolutionary Society and determined and dangerous conspirators .....The view of the Honourable Sir Ibrahim Rahimtoola is that having regard to the fact that the act of clemency is to be that of His Majesty and the object is to produce a favourable atmosphere for the introduction of the Reforms it is necessary from the Oriental point of view that the Amnesty should be on a most generous scale especially in regard to convicted persons during the recent disturbance".

Government of Bombay sent another telegram No. 1439, S/D, dated 18th December 1919 :

—  
" The following persons will be affected by Government of India's recommendation regarding proposed amnesty.

Persons imprisoned for offences against State :—

*Admitted* : (1) K. S. Chandwadkar,  
(2) H. D. Mariwala,  
(3) Durgadas B. Advani,  
(5) Jethmal Parsram.

*Excluded* : (1) Ganesh Damodar Savarkar.

For reasons already explained Government of Bombay regards following as excluded *ipso facto* by terms of amnesty apart from special reasons. Vinayak Damodar Savarkar. Also all persons convicted by Ahmedabad, Kaira and Akola Tribunals."

Government of India sent the following reply to the above on 30th December 1919 : —

Government of India agree that the Savarkar brothers should not be released under the Royal Amnesty. This is in reply to your telegram No. 1413, S. D. of 8th December 1919.

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#### THE ROYAL PROCLAMATION OF DECEMBER 1919

In Bombay Government Gazette Extra-ordinary, dated 24th December 1919, we get a Royal Proclamation by the King Emperor George V. The following is the summary of the proclamation : —

*Paragraph 1.*—Reference to Acts of 1773, 1784, 1833, 1858, 1861 and 1909—The Act of 1919 entrusts the elected representatives of the people with a definite share in Government and points the way to full responsible Government hereafter.

*Paragraph 2.*—Mention of what Queen Victoria, King Edward VII and he himself declared between 1858 and 1910.

*Paragraph 3.*—Britain's desire to make it possible for India to take the control of her domestic affairs on her own shoulders.

*Paragraph 4.*—Recognition of the political awakening and political aspirations of the people of the country.

*Paragraph 5.*—Hope that the new legislatures shall succeed.

*Paragraph 6.*—An appeal to forgive and forget for removing all bitterness and creating an atmosphere of goodwill for the

success of the reforms. Declaration of Royal clemency to political offenders.

*Paragraph 7.—Reference to Chamber of Princes.*

*Paragraph 8.—Intention of sending Prince of Wales to visit India to further cordiality of relations between the King and his subjects.*

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#### REACTION OF THE PRESS

The following is an extract from the Report on Indian Papers published in the Bombay Presidency for the week ending 24th . January 1920 : —

*Comments on effect given to the Royal Clemency*

*(Maharatta, 25th January 1920.)*

"From the information supplied to us by Dr. N. D. Savarkar it seems that a cruel wrong has been done to the Savarkar brothers in the Andamans by their being excluded from those who have received the benefit of the Royal Amnesty .....Dr. Savarkar informs us that his brothers had petitioned the Government of India once in 1915 and at another time in 1918, clearly stating to Government that (we quote the words from the Barrister's letter). ' If the reforms are effected and if at least the Viceregal Councils are made to represent the voice of the people, then there would be no hesitation on my part to make the beginning of such a constitutional development a success, to stand by law and order which is the very foundation and basis of Society in general and of Hindu policy in particular.' What more did the Government want than this clear and definite assurance ? It (the Royal Proclamation) gave the Viceroy a definite mandate to release those who are, willing to respect law in the future. Of course it left the Viceroy discretion enough to keep dangerous men in jail for public safety. But we are sure that men like the Savarkar brothers who are willing to respect law cannot be a danger' to the public, end the terms of the Royal Proclamation, therefore, clearly applied to their case. It left no choice to the Viceroy so far as the brothers were concerned and we think that in excluding the Savarkar brothers from the benefit of the Royal amnesty, the Viceroy has acted against the Royal Mandate. We are also informed that the brothers are not keeping good health and are losing in weight considerably. Considerations of health also thus demanded their

release. It is, therefore, obvious that justice, mercy, expediency and health demanded the release of these unfortunate brothers."

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#### QUESTIONS IN THE BOMBAY COUNCIL

Mr. D. V. Belvi, LL.B., asked question No. 15 in the Legislative Council regarding the above paragraph in the Maratha. The Government replied that "no such representations as are referred to in the article have reached this Government" and that the Bombay Government did not recommend either of the Savarkar brothers for clemency in view of the recent Royal Proclamation.

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#### COULD GANESH SAVARKAR ALONE BE GIVEN AMNESTY ?

The Government of India, on representation made by Mr Khapar-de with regard to the case of the Savarkar Brothers, asked the Bombay Government by their letter No. 516, dated 24th February 1920, whether G. D. Savarkar should be released or at least be transferred to a jail in India. The letter concludes, as under : —

" 4. I am to enquire whether His Excellency the Governor in Council considers that there is sufficient ground for discrimination between the two cases, and if so, whether he would recommend that Ganesh Damodar Savarkar should be released and on what conditions.

(Signed) MACPHERSON."

The Government of Bombay sent their firm " No " to the above letter.

The Government of India then again wrote letter No. 1193, dated 20th May 1920 to the Government of Bombay, stating that " a petition has recently been received from Vinayak Damodar Savarkar praying for the release of himself and his brother. I am to enclose a copy of this and ask that the Government of India may be favoured with the opinion of His Excellency the Governor in Council thereon, especially in regard to the suggestion of conditional release, mentioned in paragraph 7 of the petition.....

"In conclusion there has been considerable agitation for the release of at least one of the Savarkars and from the information on record, it seems that the Government of India contemplated the possibility of their release on such occasion as the amnesty.

It may be observed that if Ganesh is released and Vinayak retained in custody, the latter will become in some measure a hostage for the former, who will see that his own misconduct does not jeopardize his brother's chances of release at some future date.

"I am accordingly to request that the case of Ganesh may be re-examined in the light of the observations now made and that the Government of India may be informed whether His Excellency the Governor in Council would recommend his release, and if so, on what conditions."

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VINAYAK SAVARKAR'S PETITION

The petition of V. D. Savarkar referred to in the above letter is as under:—

CELLULAR JAIL,  
PORT BLAIR :  
30th March 1920.

To

THE CHIEF COMMISSIONER OF THE ANDAMANS.

Sir,

In view of the recent statement of the Honourable Member for Home Department to the Government of India, to the effect that " the Government was willing to consider the papers of any individual, and give them their best consideration if they were brought before them" and that " as soon as it appeared to the Government that an individual could be released without danger to the State, the Government would extend the Royal Clemency to that person"; the undersigned most humbly begs that he should be given a *last chance* to submit his case before it is too late. You, Sir, at any rate would not grudge me this last favour of forwarding this petition to His Excellency the Viceroy of India especially and if only to give me the satisfaction of being heard, whatever the Government decisions may be.

I. The Royal proclamation most magnanimously states that, " Royal clemency should be extended to all those who were found guilty of breaking the law, through their eagerness for Political progress ". The case of me and my brother are pre-eminently of this type. Neither I nor any of my family members had anything to complain against the Government for any personal wrong done to us nor for any personal favour desired. I had brilliant career

open to me and nothing to gain and everything to lose individually by treading such dangerous paths. Suffice it to say that no less a personage than one of the Honourable Members of the Home Department had said, in 1913 to me personally ..... "Such Education, so much reading; ..... You could have held the highest posts under our Government". If in spite of this testimony any doubt as to my motive does lurk in any one, then to him I beg to point out, that there had been no prosecution against any member of my family till this year 1909 ; while almost all of my activities which constituted the basis for the case have been in the years preceding that of the prosecution, the judges and the Rowlatt Report have all admitted that since the year 1899 to the year 1909 had been written the life of Mazzini and other books, as well as organized the various societies and even the parcel of arms had been sent before the arrest of any of my brothers or before I had any personal grievance to complain of (*vide* Rowlatt Report, pages 6 etc). But does any one else take the same view of our cases ? Well, the monster petition that the Indian public had sent to His Majesty and that had been signed by no less than 5,000 signatories had made a special mention of one in it. I had been denied a jury in the trial : now the jury of a whole nation has opined that only the eagerness for political progress had been the motive of all my actions and that led me to the regrettable breaking of the laws.

II. Nor can this second case of abetting murder throw me beyond the reach of the Royal clemency. For (a) the Proclamation does not make any distinction of the nature of the offence or of a section or of the Court of Justice, beyond the motive of the offence. It concerns entirely with the motive and requires that it should be political and not personal (b) secondly the Government too has already interpreted it in the same spirit and has released Barin and Hemu and others. These men had confessed that one of the objects of their conspiracy was " the murders of prominent Government officials" and on their own confessions had been guilty of sending the boys to murder magistrates, etc. This magistrate had among others prosecuted Barin's brother Arabind in the first " Bande Mataram" newspaper case. And yet Barin was not looked upon, and rightly so, as a non-political murderer. In my respect the objection is immensely weaker. For it was justly admitted by the Prosecution that I was in England, had no knowledge of the particular plot or idea of murdering Mr. Jackson and had sent the parcels of arms before the arrest of my brother and so could not have the slightest

personal grudge against any particular individual officer. But Hemu had actually prepared the very Bomb that killed Kennedy and with a full knowledge of its destination (Rowlatt Report, page 33). Yet Hemu had not been thrown out of the scope of the clemency on that ground. If Barin and others were not separately charged for specific abetting it was only because they had already been sentenced to capital punishment in the Conspiracy Case, and I was specifically charged because I was not and again the international facilities to have me extradited in case France got me back. Therefore I humbly submit that the Government be pleased to extend the clemency to me as they had done it to Barin and Hemu whose complicity in abetting the murders of officers etc., was confessed and much deeper. For surely a section does not matter more than the crime it contemplates. In the case of my brother this question does not arise as his case has nothing to do with any murders, etc.

III. Thus interpreting the proclamation as the Government had already done in the cases of Barin, Hemu etc., I and my brother are fully entitled to the Royal Clemency " in the fullest measure". But is it compatible with Public Safety ? I submit it is entirely so. For (a) I most emphatically declare that we are amongst " the microzymes of anarchism " referred to by the Home Secretary. So far from believing in the militant school of the Bukanin type that I do not contribute even to the peaceful and philosophical anarchism of a Kropotkin or a Tolstoy. And as to my Revolutionary tendencies of the past : it is not only now for the object of sharing the clemency but years before this I have informed of and written to the Government in my petitions (1918, 1914) about my firm intention to abide by the constitution and stand by it as soon as a beginning was made to prove it by Mr. Montague. Since that the Reforms and then the Proclamation have only confirmed me in my views and recently I have publicly avowed my faith in and readiness to stand by the side of orderly and constitutional development. The danger that is threatening our country from the North at the hands of the fanatic hordes of Asia who had been the curse of India in the past when they came as foes, and who are more likely to be so in the future now that they want to come as friends, makes me convinced that every intelligent lover of India would heartily and loyally co-operate with the British people in the interests of India herself. That is why I offered myself as a volunteer in 1914 to Government when the War broke out and German-Turko-Afghan invasion of India became imminent. Whether you believe it or not, I am

sincere in expressing my earnest intention of treading the constitutional path and trying my humble best to render the hands of the British Dominions a Bond of Love and Respect and of Mutual help and such an empire as is foreshadowed in the Proclamation with my hearty adherence. For verily I hate no race or creed or people simply because they are not Indians, (b) but if Government wants a further security from me then I and my brother are perfectly willing to give a pledge of not participating in politics for a definite and reasonable period that the Government would indicate. For even without such a pledge my i'ailing health and the sweet blessings of Home that have been denied to me by myself make me so desirous of leading a quiet and retired life for years to come that nothing would induce me to dabble in active politics now. (c) This or any pledge e.g., of remaining in particular province or reporting our movements to the police for a definite period after our release—any such reasonable conditions meant genuinely to ensure the safety of the State would be gladly accepted by me and my brother. Ultimately I submit that the overwhelming majority of the very people who constitute the State which is to be kept safe from us have from Surendranath the venerable and veteran moderate leader to the man in the street the Press and the Platform, the Hindus and the Muhamedans, from the Punjab to Madras, been clearly and persistently asking for an immediate and complete release declaring it was compatible with their safety—nay more, declaring it was a factor in removing the very " sense of bitterness " which the Proclamation aims to allay.

IV. Therefore the very object of the Proclamation would not be fulfilled and the sense of bitterness removed from the public mind, until we two and those who yet remain have been made to share the magnanimous clemency.

V. Moreover all the objects of a sentence have been satisfied in our case. For (a) we have put 10 to 11 years in jail; while Mr. Sanyal who too was a lifer was released in 4 years and the riot case lifers within a year ; (b) we have done hard work in mills, oil mills and everything else that was given to us in India and here ; (c) our prison behaviour is in no way more objectionable than of those already released ; they had, even in Port Blair, been suspected of a serious plot and locked up in jail again. We two on the contrary have to this day been under extra rigorous discipline and restraint and yet during the last six years or so there is not a single case even on ordinary disciplinary grounds against us.

VI. In the end I beg to express my gratefulness for the release of hundreds of Political Prisoners including those who have been released from the Andamans, and for this partially granting my petitions of 1914 and 1918. It is not therefore too much to hope that His Excellency would release the remaining prisoners too, as they are placed on the same footing, including me and my brother. Especially so as the political situation in Maharashtra has singularly been free from any outrageous disturbances for so many years in the past. Here, however, I beg to submit that our release should not be made conditional on the behaviour of those released or of anybody else ; for it would be preposterous to deny us the clemency and punish us for the fault of someone else.

VII. On all these grounds I believe that the Government hearing my readiness to enter into any sensible pledge and the fact that the Reforms, present and promised, joined to the Common danger from the North of Turko-Afghan fanatics have made me a sincere advocate of loyal co-operation in the interests of both our nations, would release me and win my personal gratitude. The brilliant prospects of my early life all but too soon blighted. have constituted so painful a source of regret to me that a release ' would be a new birth and would touch my heart, sensitive and submissive to kindness so deeply as to render me personally attached and politically useful in future. For often magnanimity wins where might fails.

Hoping that the Chief Commissioner, remembering the personal regard I ever had shown to him throughout his term and how often I had to face keen disappointment through that time, will not grudge me this last favour of allowing this most harmless vent to my Despair and will be pleased to forward this petition, may I hope with his own recommendations, to His Excellency the Viceroy of India.

I beg to remain.  
Sir,  
Your most obedient servant,  
(Signed) V. D. SAVARKAR,  
Convict No. 32778."

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#### BOMBAY GOVERNMENT AGAINST THEIR RELEASE

After receipt of the copy of the above petition, together with Mr. MacPherson's demi-official letter No. 1193 of 20th May 1920,

Government of Bombay sent a reply on 19th June 1920. The following are pertinent extracts from this letter :—

*Paragraph 1.*—Acknowledges receipt of Government of India's letter and copy of Savarkars' petition.

*Paragraph 2.*—Restatement of Bombay Government's decision of excluding Savarkar brothers from the Clemency.

*Paragraph 3.*—" Government have now re-examined his (Ganesh) case in the light of the observations made in your letter of the 20th May 1920 and Vinayak's petition dated 30th March, 1920, but they are constrained to say that they are unable to change their former opinion which was arrived at after very careful consideration. In the first place Government are unable to accept the argument that because Barindra Kumar Ghose and his two confederates have been released in Bengal, therefore the Bombay Government should release Ganesh Savarkar ..... The most recent secret reports on the activities of Barindra do not encourage this Government to believe that the extension of the amnesty to criminals of this type has been in any way useful.

4. " As for release on adequate guarantee, Government think that conditions in such cases are useless.

5. " In deference, however, to the wishes of the Government of India, the Bombay Government will be ready to consider the case in a year's time.....".

Government of India ultimately wrote to the Chief Commissioner Andaman and Nicobar Islands their letter No. 2845, dated 12th July 1920, as under :—

" In reply to your letter No. 67, dated 9th April 1920, forwarding a petition from V. D. Savarkar praying for the release under the amnesty of himself and his brother, I am directed to say that His Excellency the Viceroy is not prepared at present to extend to them the benefit of the amnesty, and to request that the petitioner may be informed accordingly."

#### NOT EVEN TRANSFER TO A BOMBAY JAIL

The Government of Bombay by their letter No. 1106/36, Home Department, dated 29th February 1921, informed the Government of India that the Governor in Council was not in favour of the

transfer of the Savarkar brothers from Andamans to a jail in the Bombay Presidency, as that would lead to a recrudescence of agitation in their favour.

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JAIL HISTORY TICKET OF V D. SAVARKAR

(FROM H. D. SPECIAL VOLUME NO. 60 (D) F, PAGE 27.)

*History Ticket.*

Convict No. 32778	No. of Corridor—Top.
Class 3 C.	
No. of Block 2.	
Date.	Entry.
30th August 1911	6 months solitary confinement until further orders.
14th August 1911	Letter from Secretary to Government Educational Department to the effect that the Degree of B.A., conferred on him has been cancelled.
30th August 1911	Petition for clemency.
3rd September 1911.	Petition rejected.
15th January 1912	Removed from Solitary Confinement.
11th June 1912	One month's separate confinement for writing letters to others without sanction.
11th July 1912	Removed from separate confinement.
10th September 1912.	Seven days standing handcuffs for having in possession a letter written to another convict.
29th October 1912	Petitioner to be released from Cellular Jail because he has been in 16 months and that his conduct has been better.
4th November 1912.	Petition rejected.

23rd November 1912	One month's separate confinement for being in possession of a note written by another convict.
18th December 1912	Informed of his brother's address: 98, Premchand Burat Street, Bow Bazar, Calcutta.
23rd December 1912	Removed from separate confinement.
30th December 1912	Refused to eat his food all day.
1st January 1913	Do.
2nd January 1913	Ate his food this morning.
14th November 1913	Permitted by the Hon. Member of Home Department to write a petition : Petition made and sent to Medical Superintendent.
16th December 1913	Absolutely refusing to work.
17th December 1913	One month's separate confinement without work or books.
17th January 1914	Removed from S. C, Rope making.
8th June 1914	Absolutely refusing to work. Seven days standing handcuffs imposed.
15th June 1914	Completed S. H, cuffs.
16th June 1914	Absolutely refusing to work. Four months chain gaug imposed.
18th June 1914	Absolutely refusing to work. Ten days cross bar fetters imposed.
19th June 1914	Asks for work put in rope making.
29th June 1914	Removed fetters.
16th July 1914	Convalescent gaug.
10th September 1914	Asks to make out a petition to C.—C. granted.

14th September 1914	Petition forwarded through Medical Superintendent.
16th October 1914	Chain gaug fetters removed.
1st December 1914	Government rejected prisoner's proposals in the petition.
18th May 1915	Convalescent gaug (Discharged on 11th June 1916 on admission to hospital).
5th July 1916	Brother's address : N. D. Savarkar, Goregaonkar's 1st Chawl, ground floor, Girgaum, Bombay.
28th October 1916	Promoted to 2nd class with effect from 2nd November 1916.
2nd October 1917	May write a petition to Government of India.
1st February 1918	Informed that Secretary has placed his petition (in which he prays that a general amnesty be given to all political prisoners) with the Government of India.
1st January 1919	To continue as a hospital patient for purposes of diet and treatment.
30th May 1919	Interview with wife and brother Dr. Savarkar one hour.
31st May 1919	Interview with wife and brother Dr. Savarkar 1¼ hours.
24th January 1920	Petition to Jails Committee.
6th April 1920	Petition to Government of India forwarded to C. C. for disposal, forwarded to Government of India.
14th July 1920	May do some clerical work in his Varandah.
19th August 1920	Reply received from Government of India " The Viceroy is not prepared at present to extend to him the benefit of amnesty."

28th September 1920	Savarkar desires either to be made a foreman or to be given definite clerical work. The former is at present not possible. The latter should be granted as far as possible.
4th November 1920.	Appointed a foreman on probation in charge of oil godown.
10th February 1921	Recommended to be made pucca.
2nd May 1921	Embarked on s.s. Maharaja for transfer to join Bombay Presidency.

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**TERRORISM IN BOMBAY**

[FROM H. D. SPECIAL FILE NO. 673-A (2)—PERIOD 1897 TO 1932.]

Extracts from a note prepared by the Director of the Intelligence Bureau, Home Department, Government of India, with a notice by the Bombay Government : —

**BOMBAY**

1. Terrorism in this Presidency has been spasmodic only. As far back as 1895, two Brahmins formed in Poona a society for physical and military training which they called the " Society for the removal of obstacles to the Hindu Religion." Its real object appears to have been the removal by any means of the British. On June 22, 1897, when celebrations in connection with the 60th anniversary of the coronation of Queen Victoria were taking place, these two Brahmins murdered Mr. Rand who had been on duty in connection with antiplague measures, and Lieutenant Ayerst; the latter was possibly murdered by accident. One of the Brahmins was convicted for these murders. In February 1899 two other members of the abovementioned Association made two unsuccessful attempts on the life of a Chief Constable in Poona and afterwards murdered two men who had given information leading to the conviction of one of the founders of the Association. Four members of the Association were hanged and another was sentenced to imprisonment.

2. The next people who resorted to terrorism in this Presidency were the Savarkar brothers. In June 1909, Ganesh Savarkar was sentenced to transportation on a charge of abetment of waging war against the King. Within a few days his brother, Vinayak Savarkar, made a most seditious speech at the India House in London ; this speech was followed within 12 days by the murder of Colonel Sir William Curzon Wyllie, Political A.D.C., at the India Office, at a gathering at the Imperial Institute in London. In December of the same year, Mr. Jackson, the District Magistrate of Nasik, who had committed Ganesh Savarkar for trial, was shot dead at a farewell party given in his honour. The police investigation disclosed a conspiracy which had not come to light during the proceedings against Ganesh Savarkar. For the murder of Mr. Jackson, seven men, all Chitpavan Brahmins, the same caste as the two founders of the Association mentioned above, were brought to justice and three of them were hanged. In the subsequent Nasik Conspiracy Case, 27 men were sentenced to imprisonment. It was ascertained that the Savarkar brothers had formed a terrorist association called the

" Abhinav Bharat," or " Young India " Society, which had members in various parts of Western India. Evidence regarding this Society was followed up with the result that 22 members of the Society and 19 other Brahmins were prosecuted by the Gwalior State, many of whom were sent to prison. In the same year, two coco-nut bombs were thrown at the carriage in which Lord and Lady Minto were travelling in Ahmedabad; after the carriage had passed one of the bombs exploded.

3. In 1910, it was discovered that a secret society, a branch of the Abhinav Bharat Society, existed in the Satara district and three Brahmin youths were convicted.

4. Nothing more in the terrorist line was noticed in this Presidency after the above events till September 1914, when a printing press was discovered on which a quantity of seditious pamphlets had been printed including a formula for the preparation of bombs.

5. The attached list shows that no terrorist crime occurred between- 1912 and 1927. In 1928, a packet of bombs exploded in a train near Manmad. These bombs were being taken by terrorists from the United Provinces in the hope that they might be used against members of the Simon Commission. In 1929, absconders from the Punjab and the United Provinces opened fire on the police at Bhusaval Railway Station when they were challenged. They had revolvers and bombs with them. During their trial one of these men managed to secure a revolver and had shots at an approver in the case and at a sub-inspector of police and wounded both.

6. In October 1930, a police sergeant and his wife, when motoring with friends along Lamington Road, Bombay, were fired at by a gang which was subsequently found to consist partly of up-country absconders and partly of Bombay men. The acquittal which followed the prosecution came as a great surprise to all.

7. The next terrorist outrage was an attempt on the life of the officiating Governor, Sir Ernest Hotson, in July 1931, at Poona, A young Brahmin student at the Fergusson College fired two shots at His Excellency who had a miraculous escape. This youth had two revolvers on him which he had bought in Hyderabad State. The young offender stated that he had tried to kill Sir Ernest Hotson because an Indian had not been appointed Governor of Bombay. In his room in the college were found photographs of various terrorists who had previously been hanged.

A month before the attempt on the Governor, the Kolhapur state, police had arrested a boy from Poona who made a confession regarding the theft of a gun. The investigations which followed showed that a number of school-boys had been collecting arms for the murder of Europeans. Two rifles and a gun were recovered by the police. It was ascertained also that these youngsters had been experimenting with chloroform, potash, etc., obviously wishing to learn how to make bombs. This little conspiracy appeared very puerile, but it is fortunate that it was nipped in the bud.

8. It is natural that Sind should not have entirely escaped infection from the neighbouring province of Punjab, and in 1931 and 1932, it was discovered that the Hindustan Socialist Republican Army had made attempts to extend their operations to this area. A notorious absconder from the Second Lahore Conspiracy Case was arrested in Sind and the arrest of four members of the Karachi group of the Hindustan Socialist Republican Army in Jodhpur in March 1932 with a revolver and ammunition resulted in these activities being checked. Intentions of this gang had included the robbery of a Customs cashier, the blowing up of the train of the Indian States Enquiry Committee at Jodhpur, the murder of police officials in Jodhpur and the robbery of a wealthy contractor.

9. Recently it had been ascertained that one of the men acquitted in the Lamington Road Shooting Case has been responsible for forming a small terrorist group in Bombay City. Some of the members of this group robbed a school-master of the pay of his staff in Bombay on the 7th April last. There was also good reason to believe from the statement of one of the accused made in the course of the police investigations into that case that three members of the party abetted the manufacture of the crude bombs which were thrown in the Empire Theatre, Bombay, on two occasions in March and in April 1933. They were accordingly charged but were acquitted.

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#### NOTE BY THE GOVERNMENT OF BOMBAY

1. Following the discovery and the breaking up of the organisations which were responsible for the political murders of 1897 and 1909, terrorist activity in this Presidency has had a precarious existence and the rarity of attempted outrages must be taken in the circumstances as an indication of some fairly strong natural resistance in this part of India to purely terrorist propaganda. As was to be expected, the prevalence of anarchist crimes in other parts of India, the persistent advertisement and laudation of political assassins both in the press and on the platform, the dissemination of revolutionary pamphlets,

combined with the campaign aiming at the subversion of organized government since 1930, have all had, their repercussions in this Presidency and have undoubtedly contributed towards the creation of a fertile field for terrorist propaganda and recruitment, particularly among the student community. But although political conditions have recently been favourable to the development of initiative efforts by isolated hands of youths, the instances of attempted outrages are too few and isolated to indicate the presence of any definite terrorist organization. That the various subversive movements which encourage secret cooperation for illegal objects should occasionally produce results of this kind is only to be expected, but the Bombay Government are of opinion that there is as yet no definite development which is inconsistent with the conclusions of the police officer placed on special duty in 1930-31 to enquire into the extent to which revolutionary doctrines had taken root in this Presidency, who found that there was no organized party in existence for the purpose of committing political outrages or connected with revolutionary movements in other provinces.

2. It seems that in this Presidency the attack is being made more widely through the medium of communism and that organizations such as the Hindustan Socialist Republican Association, which have one leg in the terrorist and the other in the communist camp, work in this Presidency through the latter type of propaganda. On the whole therefore, the Bombay Government consider that at present there is no separate terrorist party in the Presidency and that such signs of it as come to the surface are either an offshoot of communism or merely independent imitative efforts.

3. The effective control over the press provided by the provisions of the Indian Press (Emergency Powers) Act, XXIII of 1931, which was primarily designed to deal with this growing menace, has been a powerful factor in preventing any marked tendency to incitement and encouragement of murder or violence by means of writings. It may be added also that a special staff of watchers has been employed under the local C. I. D. s for the purpose of maintaining a close supervision over the movements of known and potential revolutionaries and assassins.

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#### SUMMARY OF TERRORIST ACTION IN BOMBAY PRESIDENCY, 1909 TO 1933

[The following analysis extends over the period 1909 to 1933. The period 1921 to 1933 pertains to the Third period of the Freedom

Struggle. The portion, however, is included in this volume for the 2nd period as breaking up the summary would not fit in with the continuity of the analysis.]

No.	Date	Place of occurrence	Brief Account
<b>1909</b>			
1	January 15th.	Poona	A coconut bomb was found in Canaught Road by a Muham-madan, it exploded, blowing off one of his hands.
2	November 13th	Ahmedabad	Two bombs which did not explode were thrown at the Viceroy's carriage.
3	December 21st	Nasik	Mr. Jackson, the District Magis-trate was shot dead by Anant Lakshman Kanhere.
<b>1911</b>			
4	May 18th	Satara	Two coconut bombs, 37 revolver cartridges and six Manlicher cartridges were found in the verandah of the house of Gangadhar Kulkarni of village Kanheri.
<b>1912 to 1927</b>			
<i>Nil.</i>			
<b>1928</b>			
5	October 7th	Near Manmad	An explosion occurred in a 3rd class compartment in No. 198 up train near Manmad. Investigation revealed that the bombs were being taken to Bombay by members of the U. P. revolutionary party in order to make an attempt on the lives of members of the Simon Commission. The explosion resulted in the killing of one suspect and the serious wounding of another.

No.	Date	Place of occurrence	Brief Account
<b>1929</b>			
6	11th September 1929.	Bhusaval	Two persons, named Bhagwandas Tulsidas Mahur and Sadashiv Ragunath Malkapurkar, who alighted at Bhusaval Railway Station from Allahabad-Bombay Express were detained by the Excise Head Constable for inspection of their luggage. When one of the passengers after much argument opened his trunk, the Excise Head Constable saw inside a pistol and some cartridges. The two passengers were therefore taken to the Excise officer for a thorough examination of their luggage by the Railway Police, and whilst this was about to be done in the presence of a Panch Bhagwandas whipped out a pistol, fired at the Police Head Constable, missed and ran from the platform followed by his companion but they were chased and secured by the Excise and Police constables. During the chase, Bhagwandas fired at his pursuers three times but missed again. Two automatic pistols with ammunition, two live bombs, one empty bomb shell and a quantity of chemicals and explosives used in the manufacture of bombs were found in the possession of the two passengers who were subsequently identified as absconders in the Lahore Conspiracy Case.

No.	Date	Place of occurrence	Brief Account
7	30th September 1929.	Poona	In the early morning a raid was made by the Police on a house in Poona City and Shivram Hari Raj guru, an absconder in the Lahore Conspiracy Case, and another were arrested. A revolver and 13 rounds of ammunition were found in their flat. The garage of one D. B. Karandikar was also searched a little later and in the pocket of Karandikar, who was sleeping there, a 6.35 bore automatic pistol fully loaded with 6 cartridges and 20 copies of a revolutionary leaflet were discovered. Subsequently Karandikar's father's house was also searched and in a small leather attache case (the key of which was produced by Karandikar) a revolver was found and in another wooden box 15 Eley's 6.35 bore automatic pistol cartridges. Karandikar stated that the arms were given to him by Raj guru for repairs.
8	February 21st	Jalgaon	An attempt was made with a revolver, smuggled from outside, by one Bhagwan Das, an undertrial prisoner in Bhusawal Bomb Case, to murder the approver Jai Gopal. Jai Gopal and Sub-Inspector of Police were wounded.
9.	10th/12th April 1930	Bombay	When the G. I. P. Railwaymen's strike was in progress, certain strikeis and others entered into a conspiracy to blow up railway lines, stations and

No.	Date	Place of occurrence	Brief Account
9— <i>contd.</i>			bridges with a view to furthering the cause of the strikers. With this object they manufactured bombs and exploded one of the railway lines between Parel and Dadar Stations on the night of the 10th April 1930. No damage was done to the line. Dissatisfied with this result, two of the conspirators exploded a bomb each, one on Masjid Station and the other on Byculla Station on the morning of the 12th April 1930. As a result of the Masjid Station explosion a milkman was injured on his back and three glass windows of a local train were damaged. In the Byculla Station explosion, only the culprit responsible for it was injured as the bomb slipped from his hand and exploded as he was about to lay it in the 3rd Class waiting room. On the arrest of the conspirators, a large quantity of explosives was recovered from them.
10	September 15th	Karachi	A crude bomb was thrown at the City Police Station. The bomb exploded but caused no damage.
11	September 29th	Karachi	A bomb exploded in Rewachand's Building.
12	October 9th	Bombay	A shooting outrage near the Lamington Road Police Station took place, in which Sergeant Taylor and his wife were injured.

No.	Date	Place of occurrence	Brief Account
13	November 25th	Karachi	A practically completed bomb and bomb making materials were recovered from the house of one Tek Chand.
14	November 28th	Hyderabad (Sind).	A crude bomb exploded in the compound of the bungalow of the Deputy Superintendent of Police.
15	December 28th	Ahmedabad	A bomb exploded in the house of a tailor, in which he and a friend of his, both low class Congress workers, were seriously injured. The bomb was intended to be used for killing local police officers.
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16	January 12th	Maharbadvi, Bombay City.	A crude coconut-shell bomb exploded while the police were dispersing a large crowd which had collected near the Maharbadvi Police Station. No damage was done.
17	January 13th	Ahmednagar	A bomb was thrown into the compound of the sub-jail. It fell near the guard and exploded without causing damage.
18	June 12th and 18th.	Bombay	Bombs exploded in Gunpowder Street.
19	July	Poona	Information was received that two thefts of arms had occurred in Poona on 28th May and 10th June, when two rifles and one gun were stolen by some youths who were arrested. The arms were to be utilized in murdering certain British Officers.

No.	Date	Place of occurrence	Brief Account
20	July 22nd	Poona	An attempt was made on the life of the Acting Governor (Sir Ernest Hotson), by a student while H. E. was on a visit to the Fergusson College, Poona. The assailant fired point blank at H. E. who had a miraculous escape, the bullet striking a metal button on his pocket book. Two revolvers and a dagger were recovered. The assailant was convicted.
21	July 23rd	Muhtio village, Nithi Taluqa (Sind), Thar Parkar Distt.	An armed dacoity was committed in which Rs. 4,697 were looted. The object was to collect money for the purpose of avenging the death of Bhagat Singh, one of the murderers of Mr. Saunders.
22	June 3rd	Hyderabad (Sind).	Hans Raj <i>alias</i> Wireless, a very important member of the Hindustan Socialists Republican Association and an absconder in the 2nd Lahore Conspiracy Case was arrested. At the time of his arrest a loaded automatic pistol was found under his pillow and a country-made pistol and an air-pistol were also recovered, together with a certain amount of ammunition and two bomb-shells which proved to be empty. In addition some counterfeit rupees and dies for making them were found.
23	October 19th	Panvel	An attempt was made on the life of Sub-Divisional Magistrate, Northern Division, Kolaba, at Panvel. The S. D. M. returned to his

No.	Date.	Place of occurrence	Brief Account
23— <i>contd.</i>			bungalow after nightfall and was accosted by a man who pointed a revolver at him. The revolver was not fired. A peon immediately grappled with the man and managed to wrest the revolver from him, although the man himself succeeded in escaping.
24	October 30th	Bombay	On the arrival of s. s. " Hirawati " from Goa on the 30th October 1932, a passenger was noticed suspiciously thrusting his bedding in a gunny bag near the Examination Hall. On a search of the bedding, 4 revolvers (one of which was loaded with 5 cartridges), and 25 cartridges were found therein, tied in a piece of cloth. The passenger was then handed over to the police, by whom he was subsequently placed before the Presidency Magistrate, along with 4 others, who as a result of police investigations into the case were suspected of complicity. The Magistrate convicted all the accused, except one who was acquitted, and sentenced them to two years' rigorous imprisonment and a fine of Rs. 1,000, or, in default, to undergo further six months' rigorous imprisonment.
25	7th April 1933	Bombay	A road robbery occurred in Bombay on the 7th April, when a school-master was relieved of the pay of his staff. The investigation of the crime disclosed the existence of the terrorist group

No.	Date	Place of occurrence	Brief Account
25— <i>contd.</i>			" Anand Mandal ", which was organised by one of the acquitted accused in the Lamington Road shooting case of 1930. The programme of his party included the commission of crime against property to acquire money for the purchase of arms. There was good reason to believe from the statement of one of the accused made in the course of the police investigation that three members of this party abetted the manufacture of the two very crude bombs which were thrown in the Empire Theatre, Bombay, on two occasions in March and in April 1933. They were charged accordingly under the Explosive Substances Act and committed to stand their trial at the Criminal Sessions of the Bombay High Court. The jury however by a majority of 7 to 2 found them not guilty and they were acquitted on the 31st August 1933.
26	21st April 1933	Ahmedabad	Following two unsuccessful attempts to set fire to two foreign cloth shops, two men suspected to be the culprits, were arrested in the early morning of the 21st April as they were proceeding in the motor car. In their possession were found a leaded revolver, explosive substances mixed with pellets and gramophone needles and four bottles of kerosene oil mixed

No.	Date	Place of occurrence	Brief Account
26— <i>contd.</i>			with petrol. On their house being searched, a quantity of chemicals, a further quantity of explosive mixed with pellets and gramophone needles and several copies of leaflet threatening foreign cloth dealers with death if they persisted in selling foreign cloth were found.
	27 June 16th	Hyderabad (Sind).	A bomb was thrown by two youths on bicycles in Hyderabad town, near two British soldiers who were walking in a street. One of the soldiers was slightly injured in the neck. The assailants made good their escape.