

Indian Opinion

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MAHATMA GANDHI'S STATEMENT BEFORE THE COURT OF SESSIONS

THE following statement was made by Mr. Gandhi before the Court of Sessions before the sentence of six years was passed on him:—

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

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

But I was not baffled. I thought that this treatment of Indians was an excrescence upon a system that was intrinsically and mainly good. I gave the Government my voluntary and hearty co-operation, criticising it freely where I felt it was faulty but never wishing its destruction.

Consequently when the existence of the Empire was threatened in 1899 by the Boer challenge, I offered my services to it, raised a volunteer ambulance corps and served at several actions that took place for the relief of Ladysmith. Similarly in 1906 at the time of the Zulu revolt I raised a stretcher-bearer party and served till the end of the 'rebellion.' On both these occasions I received medals and was even mentioned in despatches. For my work in South Africa I was given by Lord Hardinge a Kaiser-i-Hind Gold Medal. When the war broke out in 1914 between England and Germany I raised a volunteer ambulance corps in London consisting of the then resident Indians in London, chiefly students. Its work was acknowledged by the authorities to be valuable. Lastly in India when a special appeal was made at the War Conference in Delhi in 1918 by Lord Chelmsford for recruits, I struggled at the cost of my health to raise a corps in Kheda and the response was being made when the hostilities ceased and orders were received that no more recruits were wanted. In all these efforts at service I was actuated by the belief that it was possible by

such services to gain a status of full equality in the Empire for my countrymen.

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

But all that hope was shattered. The Khilafat promise was not to be redeemed. The Punjab crime was white-washed and most culprits went not only unpunished but remained in service and some continued to draw pensions from the Indian revenue, and in some cases were even rewarded. I say too that not only did the reforms not mark a change of heart, but they were only a method of further draining India of her wealth and of prolonging her servitude.

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

masses of India are slowly sinking to lifelessness. Little do they know that their miserable comfort represents the brokerage they get for the work they do for the foreign exploiter, that the profits and the brokerage are sucked from the masses. Little do they realise that the Government established by law in British India is carried on for this exploitation of the masses. No sophistry, no jugglery in figures can explain away the evidence that the skeletons in many villages present to the naked eye. I have no doubt whatsoever that both England and the town-dwellers of India will have to answer, if there is a God above, for this crime against humanity which is perhaps unequalled in history. The law itself in this country has been used to serve the foreign exploiter. My unbiased examination of the Punjab Martial Law cases has led me to believe that at least ninety-five per cent. of convictions were wholly bad. My experience of political cases in India leads me to the conclusion that in nine out of every ten the condemned men were totally innocent. Their crime consisted in love of their country. In ninety-nine cases out of hundred justice has been denied to Indians as against Europeans in the Courts of India. This is not an exaggerated picture. It is the experience of almost every Indian who has had anything to do with such cases. In my opinion the administration of the law is thus prostituted consciously or unconsciously for the benefit of the exploiter.

The greatest misfortune is that Englishmen and their Indian associates in the administration of the country do not know that they are engaged in the crime I have attempted to describe. I am satisfied that many English and Indian officials honestly believe that they are administering one of the best systems devised in the world and that India is making steady though slow progress. They do not know that a subtle but effective system of terrorism and an organised display of force on the one hand and the deprivation of all powers of retaliation or self-defence on the other have emasculated the people and induced in them the habit of stimulation. The awful habit was added to the ignorance and the self-deception of the administrators, Section 124 (a) under which I am happily charged is perhaps the prince among the political sections of the Indian Penal Code designed to suppress the liberty of the citizen. Affection cannot be manufactured or regulated by law. If one has no affection for a person or thing one should be free to give the fullest expression to his disaffection so long as he does not contemplate, promote or incite to violence. But the section under which Mr. Banker and I are charged is one under which mere promotion of disaffection is a crime. I have studied some of the cases tried under it, and I know that some of the most loved of India's patriots have been convicted under it. I consider it a privilege therefore, to be charged under it. I have endeavoured to give in their briefest outline the reasons for my disaffection. I have no personal ill-will against any single administrator, much less can I have any

disaffection towards the King's person. But I hold it to be a virtue to be disaffected towards a Government which in its totality has done more harm to India than any previous system. India is less manly under the British rule than she ever was before. Holding such a belief, I consider it to be a sin to have affection for the system. And it has been a precious privilege for me to be able to write what I have in the various articles tendered in evidence against me.

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

HOW MR. GANDHI WAS ARRESTED

SCENES AT THE ASHRAM

The following description of how Mr. Gandhi and Mr. Shankerlal Banker were arrested has been given by Mr. Benarasi Das Chaturvedi from Satyagrah Ashram, Sabarmati, the place where the arrest took place. We reproduce it below from the *Bombay Chronicle* dated March 14th :—

The air in the Ashram had been thick, for the last five days, with the rumour about the arrest of Mahatma Gandhi. The Ashram people were hearing about it again and again. Then came a telegram from Mr. Chhotani requesting Gandhiji to go to Ajmer. He went to Ajmer on Wednesday and returned from that place on Friday afternoon. As usual we had our evening prayers together with Mahatmaji. When the prayer was over he informed us why he had gone to Ajmer and told us about the rumour of his arrest. He said that he was expecting it that very night. He advised us to go on working steadily with redoubled energy after his arrest. After prayer time he went to his room, where some people had come from the city to enquire whether there was any truth in the rumour of Gandhiji's arrest. Notable among these were Shrimati Anusuya Bai—the popular worker for the mill labourers—and Shrijut Shankerlal Banker—the printer of *Young India*. Mahatmaji laughed when he heard of Anusuya Bai's arrival and he said to her smilingly "What brings you here at this hour?" She replied that the rumour about his arrest had brought her there. Mahatmaji then dictated the answers to some of the letters received by him. He was not at all excited and

was doing all his work with his usual calmness. Some of the Ashram people asked him certain questions about his arrest, which he answered. Then he gave instructions to his assistant Babu Krishna Das about the editing of his paper *Young India* after the arrest.

It was nearly 10 o'clock and Mahatmaji said to all of us "Now you must retire. I shall go to bed." Maulana Hasrat Mohani came just at that time and Mahatmaji was glad to see him.

Anusuya Bai and Shankerlal Banker started in their motor car from the Ashram. They had not gone far when they met the Superintendent of Police on the way to the Ashram in his car. He informed Shrijute Shankerlal that he should consider himself under arrest. Mr. Shankerlal then returned with the Superintendent to the Ashram. The Superintendent did not enter the Ashram himself but sent word to Mahatma Gandhi through Anusuya Bai about his arrest. The Superintendent was courteous enough to request Anusuya Bai to tell Mahatmaji that he could take as much time as he wanted. Mahatmaji was, of course, quite ready for his arrest. He took some books with him. In the meanwhile, the ladies and the girls of the Ashram came to his room. He gave his advice to all and had a word for each of them. Then he asked the ladies to sing the hymn which he likes most.

It is noteworthy that during the South-African struggle, when the first batch including Mrs. Gandhi went to jail from the Phoenix Ashram, this beautiful song of Narsih Mehta was sung by them at the time of their departure. Some of the ladies, who were singing this time in Satyagrah-Ashram had themselves sanctified the jails in South-Africa.

Mahatmaji then went to the motor-car of the Superintendent, which started under the shouts of "Siyavar Ram Chandra ki Jail" and "Bande Mataram." Mrs. Gandhi and a few others accompanied Mahatmaji up to the Sabarmati Jail, which is only a mile from the Ashram.

Ba (Mrs. Gandhi is known by this name here—meaning mother in Gujarati) returned from there at 11-30. It was an inspiration to see her calm and dignified face at that time, when she told us in her mother-like natural way "everything will turn out for good, if people remain quiet" all of us felt in our hearts that truer words were never uttered with greater simplicity.

THE TRIAL

Mahatma Gandhi and Sgt. Shankarlal Ghelabhil Banker were taken on Saturday morning by special train from Sabarmati for trial at the District Magistrate's Court at Ahmedabad. The trial began at about 12 noon. The Court room was crowded. Among those present to hear the proceedings were Messrs. Vallabhji J. Patel, Ambalal Sarabhai, Principal Gidwani, Mulana Hasrat Mohani, Dr. N. S. Hardikar, & Shwaib Qureshi, and Mrs. Gandhi, Srimati Anasuyabai Sarabhai and Mrs. Ambalal Sarabhai. About two hours and a half after the trial began Mrs. Sarojini Naidu entered the Court. She had just arrived from Bombay.

The trial was conducted by Mr. Allan Brown, I.C.S., First Class Magistrate. Mr. Girdharlal U. Parekh, Government Pleader, opened the prosecution. Mr. Healey, the Dist. Superintendent of Police, Ahmedabad, the official who was entrusted with the arrests, read out the warrant of arrest. It was dated 6th March 1922 and issued under the signature of Mr. Chatfield, the Dist. Magistrate. It was sent to the Police Superintendent of Ajmer for execution during Mahatmaji's visit to that place on the 9th inst., but it was returned unexecuted to Ahmedabad. The warrant had been made out against both Mahatma Gandhi and Sgt. S. G. Banker as Editor and Printer respectively of the *Young India* and issued under Section 124 (a) of the Indian Penal Code in respect of the following articles published in that paper:—

(1) DISAFFECTION A VIRTUE: dated 15th June 1921 initialled.

(2) TAMPERING WITH LOYALTY dated 29 September 1921 initialled M. K. G.

(3) A PUZZLE AND ITS SOLUTION dated 15th December 1921 by M. K. Gandhi.

(4) SHAKING THE MANES dated 23rd February 1922 by M. K. Gandhi.

Witnesses were examined for the prosecution, viz., Mr. Healey, the Police Superintendent, Mr. Dinshaw Gharda, Registrar, Appellate Side, High Court, Bombay, Mr. Chatfield, the District Magistrate, Police Sub-Inspector Pathak of the C. I. D. and a C. I. D. subordinate. As each witness gave his evidence the Court asked both Mahatmaji and Mr. Banker whether they desired to cross-examine him, but they declined to do so.

The Police Superintendent was the first witness to be examined. He said that only formal evidence was necessary in each issue of *Young India* the names of the Editor and the Printer were stated. At the instance of the Government Pleader he read out to the Court the four articles in respect of which the prosecution had taken place as also the article *IF I AM ARRESTED* appearing in the *Young India* of 27th March 1922.

Mr. Gharda, the second witness, next read out the correspondence that had passed between the Chief Justice and Mahatma Gandhi in 1919 and 1920 in connection with the Satyagraha movement started in Ahmedabad and the case against the Satyagrahi lawyers in the Ahmedabad District Court.

Mr. Chatfield was examined by the Court in connection with his having dispensed with security for the *Young India* at the time of transfer of its place of publication from Bombay to Ahmedabad. Then followed the examination of the Police Sub-Inspector and the C.I.D. subordinate, which was merely formal.

In the course of the trial the Government Pleader also pointed out certain articles and notes in the *Young India* other than those quoted above, to prove the writer's intention in publishing them. The articles and notes referred to are:—

- (1) Issue of 25th May 1921—"Lala Lajpat Rai" under "Notes" over the initials M. K. G.
- (2) Issue of 25th May 1921—"Repression in C. P. V."
- (3) " " 8th June 1921—"Unacceptable" under "Notes" over the initials M. K. G.
- (4) " " 28th July 1921—"Fishing for Apologies" under "Notes" initialled M. K. G.,
- (5) " " 29th September 1921—"Punjab Prosecutions" under "Notes."
- (6) " " 1st September 1921—"An Open Letter to the Mussulmans of India."

The Police Superintendent read out to the Court the above articles and notes also.

In the course of questions put by the Magistrate Mahatma Gandhi stated his occupation as Farmer and Weaver.

On the Court asking whether he wished to make any remarks on the evidence given by the witnesses, Mahatmaji replied that he simply wished to say that when the proper time came he would plead guilty so far as spreading of disaffection towards the present Government was concerned.

To a further question Mahatmaji replied that it was true that he was the Editor of *Young India* and that the articles under reference were written by him and the Proprietor and Publisher had given him direct control of the policy of the paper.

Mr. Banker, replying to a question from the Court, stated that he too did not wish to make any remarks on the evidence but when the proper time came he would plead guilty of having printed the articles referred to.

The Magistrate then framed charges against Mahatma Gandhi and Mr. Banker under Section 124 of the Indian Penal Code and committed them for trial at the Sessions Court.

Asked whether they had any objection to the trial at the Sessions Court being held at once or whether they wanted time, Mahatmaji and Mr. Banker replied that they wanted no time and had no objection to the case being taken up by the Sessions Court at once.

The Magistrate then declared the proceedings in his Court as closed.

It is expected that the trial at the Sessions Court of Ahmedabad will be held on Saturday the 18th inst., at about 11-30 a.m. and that it will be finished the same day.

NOTES

FROM the very few leaders left outside to carry on the National movement in India the Indian Government have now set their hands on Maulana Hazrat Mohani who has been arrested at Cawnpore on a charge of sedition. Hazrat Mohani is a staunch Khilafatist and believes in getting the Khilafat wrong redressed even by violence. Notwithstanding, however, he has accepted, as the brave Ali Brothers have, the principle of non-violent non-cooperation and has strictly adhered to it. At the last Congress the Maulana tried his utmost to have the Congress creed changed to "complete independence free from foreign control." But, whether fortunately or unfortunately for India, the motion was defeated and Maulana Hazrat Mohani accepted the defeat as bravely as he fought for its success. When Mr. Gandhi was arrested at his institution at Sabarmati, Ahmedabad, Maulana Hazrat Mohani was present at the last moment to meet him and the promise he made to Mr. Gandhi was that though there was difference of opinion between them, in his absence he would endeavour to carry out successfully the programme laid out by Mr. Gandhi.

Though the loss of the leadership of Hazrat Mohani will be keenly felt especially by the Mussulmans of India, yet, we believe that the people of India are so imbued with the spirit of non-cooperation that even a leaderless India will see through the fight which is a fight to the finish as Mr. Gandhi has said.

Pandit Bhawani Dayal wishes to express, through these columns, his heartfelt thanks to the numerous friends who have kindly shown either personally or by letters and telegrams their sympathy in the recent loss sustained by him.

Next Sunday is the Natal Indian Congress election meeting which will be held at Rawats Bio Hall at 8-30 p. m. In our last week's issue we tried to show the importance of the existence of a strong and active political body that could look after our interests in this country. In order that such a body may live we also drew the attention of our readers to the necessity of the whole-hearted support of the community. We have no doubt that Indians in Natal realize, more than any other Province, their responsibility that lies on their shoulders; for, at present it is they who are having to suffer the most. Let it not be

forgotten that the Hulett's Township's Ordinance, and the Rural Districts Licensing Ordinance are both still hanging over us—leaving aside, of course, the Durban Tramways, and the Durban Licensing Ordinances which have already been passed. And now the Durban Town Council is seeking to have an Ordinance passed which will deprive Indians of the existing right to purchase or own landed properties, and which will establish the principle of segregation. If the Town Council succeeds in obtaining the arbitrary powers it is seeking our position will be no better than our brethren in East Africa. We have little hopes that the powers sought for will be granted. Nevertheless, it is the duty of the Indian community to be wide awake. We hope, therefore, that our brethren will not show the least bit of negligence in their work for the Congress. Those that have not yet enrolled themselves as members should lose no time in doing so. In wishing the Sunday's meeting a success we once more hope that the new election will be such that the community may not have cause to repent later on.

THE LATE MR. S. D. SHANKER

The death of Mr. S. D. Shanker took place at his residence on Wednesday evening the 12th instant at 10.30 p.m. after a short illness at the early age of 26 years. The funeral left his residence at 8 a. m. on Friday proceeding to the crematorium, Umgeni, and was followed by a large and representative gathering of Indians, showing the respect and esteem in which the deceased gentleman was held. Arriving at the crematorium grounds, the cremation ceremony was proceeded with and the last rites were performed by Pundit Bhawani Dayal according to the Vedic Rites. At this stage a fair sprinkling of Europeans were present. Wreathes and expressions of sympathy were sent from the following institutions and persons viz:—Natal Indian Congress, Durban District Indian Football Association, Arya Yuvak Sabha, Clar: Estate, Mr. & Mrs. & Miss Harvey, Ixopo; Mr. & Mrs. Meghraj, Messrs S. R. Carey, A. Dookan, Sorabjee Rustomjee, S. Ramkelawan etc.

The late Mr. Shanker was a colonial-born Indian, and was connected with many sporting, political, social, and religious institutions. He was Secretary for the following institutions for various periods, namely, D.D.I.F.A., N.I.F.A., D.D.I.C.U., Arya Yuvak Sabha, Aryan Benevolent Home, etc. He was an energetic committee-member of the Natal Indian Congress. For the betterment of his fellow men, he worked arduously, and was always willing and obliging even at a sacrifice of himself. He leaves a widow and a child, two brothers and a mother to mourn his loss, and the sympathy of the Indian community are due to them.

Special mention of the untiring efforts of Mr. Sorabjee Rustomjee towards the deceased during his illness should be made.—Contributed.

BOOK REVIEW

THE INDIAN PROBLEM—By Mr. C. F. Andrews, (Messrs. G. A. Natesan and Co., Madras. Rs. 1.)—

Mr. C. F. Andrews is one of the few Englishmen who realizing more than Indians themselves the evils of foreign rule, have dedicated their life to the service of India. It is, indeed, commendable that Messrs. G. A.

Natesan & Co., of Madras have published in a handy form under the title. "The Indian Problem" some of the recent notable speeches and articles of Mr. Andrews. They reveal political insight and moral fervour of a high order.

These articles were published in the Indian Press just before the Congress at Ahm-dabad. In these articles Mr. Andrews has quoted Sir John Seeley's book called 'The Expansion of England' in which Sir John Seeley has regarded India as an instrument in the expansion of England. Sir John has further stated that the fact that English are able to make their Empire in India possible is that there is no Indian nationality, and once a common nationality began to exist that it would be impossible to hold India for one minute. Though this book by Sir John Seeley, was written for the benefit of the rulers of India Mr. Andrews has shewn how it serves as an eye-opener to the Indian people. One of the maxims of Sir John Seeley which Mr. Andrews quotes is as follows:—

"Subjection for a long time to foreign yoke is one of the most potent causes of national deterioration." The recent National awakening in India, Mr. Andrews, therefore, considers, as a good sign for the future of India and exhorts the Indians to be wide awake to be free from the foreign yoke. This little booklet should be carefully read and studied by every patriotic Indian.

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